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# Fairfax County, Virginia Analysis of Impediments to Fair Housing Choice 2016–2020



Prepared by

**PLANNING/COMMUNICATIONS**

River Forest, Illinois

September 2017

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## Fairfax County, Virginia

### Department of Housing and Community Development Office of Human Rights and Equity Programs, Human Rights Division

Prepared by

**PLANNING/COMMUNICATIONS**

Planner/Attorney: Daniel Lauber, AICP — principal author  
Diana Lauber, Director of Research

Consultants:

RELMAN, DANE & COLFAX PLLC

Michael Allen, Partner  
Mikael Rojas, Attorney  
Jeff Schroeder, Paralegal

Consulting Planner: Stuart Meck, FAICP

Home Mortgage Disclosure Act Data Compiled By Mira Tanna

Website: <http://www.planningcommunications.com>

Email: [info@planningcommunications.com](mailto:info@planningcommunications.com)

River Forest, Illinois

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## Chapter 1

# Executive Summary

Reading an executive summary is no substitute for reading the full study. This executive summary only highlights the findings and conclusions of this Analysis of Impediments to Fair Housing Choice. To fully understand the data, findings, conclusions, impediments, and recommendations within the full context in which they are made, it is crucial that you read chapters 3 and 4 first, and then Chapter 5 in which the impediments to fair housing choice are identified and recommendations are made to mitigate them.

The recommendations in Chapter 5 are tightly focused on the county's legal responsibility to affirmatively further fair housing choice.

This Analysis of Impediments examines Fairfax County, Virginia since its previous Analysis of Impediments was published in 2011. As explained in detail in Chapter 2, it focuses on the essential goals of the Community Development Block Grant Program (CDBG) and the Fair Housing Act to achieve unstratified racial, ethnic, and economic diversity in housing throughout the county, and on the legal obligation of each recipient of U.S. Department of Housing and Urban Development (HUD) funds to affirmatively further fair housing in *all* of its housing activities and programs regardless of their funding sources.

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Fairfax County, one of the most desirable places to live in the metropolitan area, has become increasingly racially and ethnically diverse since 1980. By 2014 the proportions of Latino individuals of any race and of Asians had grown from less than four percent to 18.9 and 16.4 percent respectively. The proportion of Caucasian individuals fell from 89.2 percent to 63.2 percent in 2014. Meanwhile the proportion of "all other races" increased nearly eightfold from 1.1 to 8.2 percent.

However, the growth in the proportion of African Americans has been much more incremental, rising from 5.9 percent in 1980 to 9.6 percent in 2014, a proportion that is less than half of what would be expected in a unitary housing market in which all races and Latinos of any race who can afford Fairfax County housing participate.

Closely related to racial and ethnic demographics, is the serious shortage of Fairfax County housing affordable to households of modest means. The two concerns intersect as explained in more depth in Chapters 3 and 4.

Fairfax County sits in a metropolitan area with a dual housing market typical of most metropolitan areas in the United States: a primary market in which whites can live anywhere they can afford while people of color, especially African Americans, no matter what they can afford to pay for housing, are largely limited to a geographically-limited secondary market consisting of integrated neighborhoods and segregated minority areas. This dual housing market is the product of decades of past and present discriminatory practices and policies of the private sector as well as past and possibly present local, state, and federal government laws, policies, and practices. Even after these practices, policies, and laws are discontinued, deliberate measures are needed to overcome their vestiges.

While Fairfax County sits in a dual housing market, the data in Chapter 3 reveals that Asian and Latino households of any race as well as Caucasian households all participate in the primary, geographically-unrestricted primary market while African American households that can afford to live in Fairfax County are largely relegated to the geographically-restricted secondary market and do not live in Fairfax County in the proportions expected in a unitary housing market absent past and/or present housing discrimination.

This study uses a “Free Market Analysis™” to report the actual proportions of Caucasian, African American, Asian, and Latino households of any race that live in each Fairfax County census tract and each of the county’s 14 planning districts. It then identifies the proportions of each group that would be expected in a free housing market absent housing discrimination and the distortions it produces. The difference between the actual proportion and the proportion expected is reported as “significant” when it exceeds ten percentage points.<sup>1</sup> This approach takes into account actual household incomes and the actual cost of housing so that the proportions of households expected are households that can afford the admittedly high cost of housing in Fairfax County.

In more than 82 percent of the county’s census tracts, the proportion of African American households is significantly less than would be expected if Black households were able to live where they can afford to live in Fairfax County. In every census tract of five planning districts, the proportion of African American households is significantly less than would be expected. In three other planning districts, the proportion is significantly less in 93+ percent of the census tracts. In no Fairfax County census tract was the actual proportion of African American households significantly greater than the proportion expected.

In no census tract was the actual proportion of Asian or Latino households of any race significantly less than the proportions expected in a discrimination-free housing market — which strongly suggests that Asian and Hispanic households are participating in the county’s primary, geographically-unlimited housing market. There are, however, indications that concentrations of Asian or Hispanic households of any race are spreading and intensifying in portions of Fairfax County. These enclaves could be due, in part, to housing discrimination. How-

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1. The precise details of this methodology are presented in depth in Chapter 3. Readers would be well advised to read Chapter 3 before they dive into Chapter 5 so they can understand the factual basis upon which the impediments and recommendations in Chapter 5 are based and upon which much of this Executive Summary is grounded.



ever, it is likely that a major influence is the historic phenomenon of first and second generation immigrant households tending to cluster in enclaves throughout the nation's history.

Asian enclaves have developed in more than half the tracts in the Bull Run, Fairfax, and Jefferson planning districts. The actual proportion of Asian households is significantly greater than the proportion expected in a third or more of the census tracts in seven of the county's 14 planning districts.

The situation is similar, although less intense, for Latino households of any race. Baileys is the only planning district where the actual proportion of Hispanic households significantly exceeds the proportion expected in half or more of the census tracts. In the large Annandale and Jefferson planning districts, the actual proportion is significantly larger than the proportion expected in a third of each district's census tracts. Overall, the actual proportion of Latino households of any race is significantly larger than the proportion expected in just 34 of 247 census tracts, 13.2 percent. As with Asian households, these enclaves may be due more to the historic clustering of first and second generation immigrant households than with housing discrimination.

To help transform the dual housing market into a unitary market, the county needs to implement the two-pronged approach recommended in Chapter 5 within the county and the metropolitan area to expand the housing choices of African American households to include the housing in Fairfax County they can afford and expand the housing choices of third and subsequent immigrant generations of Asian and Hispanic households to include all of Fairfax County and the metropolitan area. Otherwise, Asian and Hispanic enclaves will become more intense and segregation will develop.

Achieving a unitary housing market in which households of all races and ethnicities are able to buy or rent the housing they can afford is critical to the county's extensive efforts to foster construction of housing affordable to households of modest means. This concern permeates the county's plans, policies, and land use controls. *But until African Americans are able to live wherever they can afford in Fairfax County, any affordable housing built through the county's Affordable Dwelling Units provisions or Workforce Housing provisions, will continue to be as unavailable to African Americans as conventional market rate housing has been.*

Fairfax County government is acutely aware of how expensive housing is in the county. As reported in the last section of Chapter 3, "Affordable Housing in Fairfax County's Comprehensive Policy Plan," the issue of affordable housing is infused throughout the county's *Comprehensive Plan, Policy Plan* in addition to the comprehensive plan's housing and land use elements. The county's plans extensively examine the question of affordable housing and offer a plethora of objectives, policies, and programs to achieve the county's affordable housing goals.

In 2010 and 2014, a median income Fairfax County household could afford the median value multifamily condominium, but could not afford a median market value single-family home, attached or detached. In other words, today more than half the county's current households cannot afford more than half of the county's ownership housing.

Housing continues to become less affordable even for current Fairfax County residents. The affordability gap is widest for detached single-family homes where the actual median value in 2014 was nearly double what a median household could afford, \$613,091 compared to \$333,237. This gap grew 44 percent from 2010.

The affordability gap for single-family attached homes was significantly less even though this gap increased by 128 percent from \$21,087 in 2010 to \$48,207 in 2014. Only median value multifamily housing—almost all condominiums—was affordable to a household at the county’s median household income, comfortably so.

The impact of these affordability gaps are greatest on African Americans, Latinos of any race, households of some other race, or two or more races due to the median household income of each group being significantly lower than the median household income needed to afford the median value single-family home in Fairfax County. But, as explained in this report, housing affordability does not explain why the actual proportions of African American households that can afford Fairfax County housing are significantly lower than the proportions expected.

More than one-fourth of Fairfax County’s homeowners with a mortgage are cost burdened, spending 30 or more percent of their monthly household income on monthly ownership costs. The proportion cost burdened in Fairfax County is less than throughout the Commonwealth of Virginia and even lower than for the nation.

More than 43 percent of tenant households are cost burdened, a significantly higher percentage than home owners with or without a mortgage.

The high housing costs in Fairfax County make it more difficult for most households in the metropolitan area to move here. The median household income for the Metropolitan Statistical Area is \$91,756, 18 percent less than the \$112,102 median household income of Fairfax County households. As shown in the table on page 240, the median income female-headed household, family or nonfamily, cannot afford median priced ownership housing of any type in Fairfax County — nor can the median income nonfamily male living alone. The median income female-headed household without a spouse and with children under 18 and female householders without a spouse cannot even afford a median-price rental unit in Fairfax County.

In fact, no median-income household of any type can afford the median value detached single-family home in Fairfax County. Married couples have the only median income high enough to afford the median value attached single-family home in the county.

Groups with lower median households incomes face the steepest affordability barriers in Fairfax County. These include Latinos of any race, African Americans, householders of two or more races, householders of “some other race,” especially female-headed households, and tenants in general. The county has identified that African Americans and the elderly are most at risk of homelessness.

To address these needs, the county has established the Affordable Dwelling Unit and Workforce Housing programs reported on in Chapter 3. However, the county has yet to meet its production goals under these two programs for a variety of reasons, some beyond the county's control, identified in Chapter 3.

The Fairfax County Redevelopment and Housing Authority administers a number of affordable housing programs including Housing Choice Vouchers, public housing, the Fairfax County Rental Program–Multifamily (FCRP), and FCRP: Senior Housing Programs. The authority also oversees the programs Bridging Affordability, First–Time Homebuyers Program (FTHB), and Home Repair for the Elderly (HREP).

To its credit, and unlike so many other jurisdictions, in Fairfax County the location of assisted housing generally has affirmatively furthered fair housing. Housing choice vouchers are being used *throughout* the county where multifamily housing exists. Nearly all the locations of public housing promote both racial and economic integration. The county has brought its public housing into compliance with federal accessibility requirements.

Some factors out of the county's direct control also contribute to the persistence of the dual housing market such as the continuing disparities in approval rates for both conventional and government–backed loans (including those issued by the Federal Housing Administration (FHA), Farm Service Agency or Rural Housing Service (FSA/FHS) and Department of Veterans Affairs (VA). African Americans and, to a lesser extent, Latinos of any race, continue to be approved for conventional and government–backed mortgage loans at lower rates than non–Hispanic whites in Fairfax County, its metropolitan region, and throughout the nation. When seeking conventional mortgages, Asians are approved at higher rates than Blacks and Hispanics of any race, but still less frequently than non–Latino whites. When seeking government–backed mortgages, Asians are approved as frequently as African Americans and almost as often as Hispanics of any race.

High–cost home loans appear to be increasingly targeted to African American and Hispanic households in Fairfax County. While county residents have a much smaller share of high–cost mortgages compared to the national average in 2013 and 2014, two to three times more African American and Hispanic county borrowers hold high–cost mortgages than non–Latino white borrowers and Asian borrowers. The data strongly suggest that conventional lenders are steering these minority applicants into high–cost mortgages rather than offering them prime mortgage products. There is particular urgency for the county to conduct further research to determine why such high proportions of Latino and Black borrowers are having difficulty securing prime loans to purchase a home in Fairfax County. The county's ability to curtail these practices is limited. However, it can remove all county funds from banks that engage in these discriminatory practices and deposit funds only in banks that do not engage in these practices.

Fairfax County has successfully eliminated the exclusionary provisions from its zoning code of 40 years ago. Today, the Fairfax County Zoning Ordinance does not contain language or development standards that, on their own, could be perceived as exclusionary. It contains residential zoning requirements that are

largely reasonable and justifiable. The ordinance itself allows for the construction of a diverse range of housing types in a range of densities.

But while the zoning code establishes zoning districts in which multifamily housing can be built, relatively little land is mapped to those districts and prospective developers need to seek rezonings to build multifamily housing. There are only 72 acres of vacant land mapped to the four zoning districts where multifamily housing is allowed — just 0.04 percent of the land in these districts. The county's unusual practice of rezoning land to a multifamily district only in response to when a specific development proposal is submitted contributes to this shortage.

The widely acknowledged diminishing supply of vacant land further complicates matters. The county's plans warn that if current trends continue the supply of land presently planned for residential development will all but be exhausted this century. This impending land shortage has implications for both the residential development pattern that may emerge and for existing residential development. The county reports that, as land values increase due to decreasing supply, the pressure to redevelop existing lower density neighborhoods, as well as nonresidential acreage, will increase — which could undermine stable neighborhoods and the provision of public services and facilities.

While the county recognizes the importance of mobile home parks, there is no undeveloped land in the R-MHP Mobile Home Park district. Manufactured housing, which can be more affordable to households of modest means, is permitted only in the R-A Rural Agricultural district with a cost-prohibitive five-acre minimum lot size. It is difficult to identify a valid reason not to allow manufactured housing in all residential districts.

The county is well positioned to refine its zoning code to continue its progress toward affirmatively furthering fair housing. The amendments to the county's zoning ordinance suggested in Chapter 3 will, if adopted, enhance the county's efforts to achieve its affordable housing goals and enable households of modest means to attain the upward mobility needed to enjoy the full benefits of the American Dream.

The county's ability to implement some of the suggestions in Chapter 3 for refining its Affordable Dwelling Units Program is constrained by Virginia's enabling legislation for the program. In fact, as detailed in Chapter 5, the statutes of the Commonwealth of Virginia complicate and can impose obstacles to localities that seek to affirmatively further fair housing.

The county's zoning treatment of community residences for people with disabilities falls short of the national requirement to make a "reasonable accommodation" for such homes. The county needs to extensively revise its zoning for community residences along the lines recommended in Chapter 5 if it is to fully comply with the nation's Fair Housing Act.

No housing discrimination lawsuits were filed against Fairfax County during the 2011–2015 study period. Seven housing discrimination complaints were filed against the Fairfax County Department of Housing and Community Development, which includes the Fairfax County Redevelopment and Public Housing Authority. The complaints involved public housing and Housing Choice Vouchers. Three were settled. Four were dismissed as "no cause," the investigation could not find a legitimate basis for the complaint.

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As outlined in Chapter 5, the county needs to incorporate fair housing into its routine planning and zoning processes, as well as its website. Information about housing discrimination needs to be incorporated into the training of the county's telephone operators and receptionists so they can consistently direct inquirers to the proper county division.

As Asian and Latino enclaves have developed in Fairfax County, it is critical that the Fairfax County Redevelopment and Housing Authority recognize the impact its developments and Housing Choice Vouchers can have on achieving and maintaining stable, integrated neighborhoods and formulate policies to deliberately affirmatively further fair housing.

Fairfax County has taken significant steps, within budgetary constraints, to address fair housing issues and affirmatively further fair housing through testing programs, education and outreach efforts, affordable housing initiatives, and fair housing investigations.

Fairfax County has voiced its commitment to affirmatively furthering fair housing through its plans and "One Fairfax" resolution. The recommendations in Chapter 5 of this study bring to Fairfax County the tools it can use to fulfill its commitment and effectively implement its plans.



## Chapter 2

# Basis of This Study

Like all jurisdictions that receive Community Development Block Grant funds from the U.S. Department of Housing and Urban Development, Fairfax County, Virginia is obligated to affirmatively further fair housing. To fulfill this long-standing obligation to foster a genuinely free market in housing that is not distorted by housing discrimination, Fairfax County has retained independent researchers to identify, analyze, and devise solutions to both private and public sector barriers to fair housing choice that may exist within its borders. As is the case throughout the nation, the impediments to fair housing choice are both local and regional in nature — and the approaches to mitigate them necessarily have local and regional components.

This Analysis of Impediments to Fair Housing Choice and the Fair Housing Action Plan based on its findings provide a framework to infuse the obligation to affirmatively further fair housing into the county's routine planning policies and practices including its comprehensive plan and its implementation tools including land-controls such as zoning and housing siting practices.<sup>1</sup>

This document presents a detailed analysis of the broad array of factors that affect fair housing choice in both the public and private sectors, identifies barriers to achieving a free market in housing without the distortion that housing discrimination produces, and offers pragmatic recommendations that address the causes of these impediments.

## Placing This Analysis of Impediments in Context

The origins of the obligation to affirmatively further fair housing and conduct an Analysis of Impediments to Fair Housing Choice are rooted in the Fair Housing Act of 1968 and the Housing and Community Development Act of 1974.

### Fair Housing Act of 1968

The substantive heart of the Fair Housing Act lies in the prohibitions stated in §3604, §3605, §3606, and §3617. It is said that the most important part of these sections is §3604(a) which makes it illegal:

To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, **or otherwise make un-**

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1. On July 16, 2015, the U.S. Department of Housing and Urban Development (HUD) issued a new final regulation governing how recipients of HUD Community Development Block Grant and similar funds must conduct an "Assessment of Fair Housing." Because the new regulation will not be applicable to Fairfax County until October 2019, this document complies with previous regulations that require preparation of an "Analysis of Impediments to Fair Housing Choice."

**available or deny**, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.<sup>2</sup>

The 1988 amendments to the Fair Housing Act added a similarly-worded provision that added discrimination on the bases of familiar status and handicap in §3604(f)(1) and required that reasonable accommodations be made “in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.”<sup>3</sup> In addition, the 1988 amendments mandate that reasonable modifications of existing housing units and common areas be allowed for people with disabilities and that renters must agree to restore the interior of their housing units and common areas to the condition it was in prior to making the modifications.<sup>4</sup> The amendments also require new multi-family construction to meet specified accessibility requirements in common areas and individual dwelling units.<sup>5</sup>

Courts have interpreted the phrase “otherwise make unavailable or deny” to include a broad range of discriminatory housing practices, such as exclusionary zoning, racial steering, block busting, exclusion of people with disabilities or families with children from upper floors of a building, blocking a housing development likely to include a large percentage of minority residents; using zoning to exclude a community residence for people with disabilities; and many more.<sup>6</sup> Another provision of the Fair Housing Act prohibits discrimination in mortgage lending, insurance and appraisals.<sup>7</sup> Yet another provision prohibits discriminatory advertising.<sup>8</sup>

### Housing and Community Development Act of 1974

The Housing and Community Development Act created Community Development Block Grants (CDBG) in 1974 by combining a slew of categorical grants into a single grant to cities, counties, and states that gives recipients substantial discretion in how they spend the funds. Passage of the Housing and Community Development Act in 1974 established that *recipients of Community Development Block Grant funds have an obligation to “affirmatively further fair housing.”*<sup>9</sup>

Since 1968, *the U.S. Department of Housing and Urban Development (HUD) has been under a duty to “affirmatively advance fair housing in the programs it administers.”*<sup>10</sup> Similarly, “HUD regulations unambiguously impose mandatory requirements on the [recipients of HUD funding] not only to certify their compli-

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2. 42 U.S.C. §3604(a). *Emphasis added.*

3. Ibid. §3604(f)(3)(B).

4. Ibid. §3604(f)(3)(A).

5. Ibid. §3604(f)(3)(C).

6. Robert Schwemm, *Housing Discrimination: Law and Litigation*, §13:4–13:16, 2007.

7. 42 U.S.C. §3605.

8. Ibid. §3604(c).

9. Public Law Number 93–383, 88 Stat. 633 (August 22, 1974). Most of this statute can be found at 42 U.S.C. §§1437 et seq. and 42 U.S.C. §§5301 et seq.

10. Office of Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide*, (Washington, DC. March 1996), Vol. 1, i.

ance with fair housing laws, but actually to comply.”<sup>11</sup>

In 1996, HUD officials very candidly reported:

However, we also know that the Department [HUD] itself has not, for a number of reasons, always been successful in ensuring results that are consistent with the Act. It should be a source of embarrassment that fair housing poster contests or other equally benign activity were ever deemed sufficient evidence of a community’s efforts to affirmatively further fair housing. The Department believes that the principles embodied in the concept of “fair housing” are fundamental to healthy communities, and that communities must be encouraged and supported to include *real, effective*, fair housing strategies in their overall planning and development process, not only because it is the law, but because it is the right thing to do.<sup>12</sup>

*As a condition of receiving these federal funds, communities are required to certify that they will affirmatively advance fair housing.* Every request for funds that a community submits to HUD “implicitly certifies” that the community is affirmatively furthering fair housing.<sup>13</sup> As HUD has clearly stated, benign activities do *not* make the cut. Seeking to comply with our nation’s laws, HUD officials have determined that “Local communities will meet this obligation by performing an analysis of the impediments to fair housing choice within their communities and developing (and implementing) strategies and actions to overcome these barriers based on their history, circumstances, and experiences.”<sup>14</sup>

While the extent of the obligation to affirmatively advance or further fair housing is not defined statutorily, HUD defines it as requiring a recipient of funds to:

- ① “Conduct an analysis to identify impediments to fair housing choice within the jurisdiction
- ② Take appropriate actions to overcome the effects of any impediments identified through the analysis, and
- ③ Maintain records reflecting the analysis and actions in this regard.”<sup>15</sup>

Within the context of “provid[ing] opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability and national origin,” HUD interprets the three broad objectives listed above to focus on:

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11. *Langlois v. Abington Housing Authority*, 234 F.Supp. 2d 33, 75 (D. Mass. 2002).
  12. Office of Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide* (Washington, DC. March 1996), Vol. 1, i. *Emphasis in original*.
  13. *U.S ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*, New York, U.S. Dist. Ct. S.D.N.Y., 06 Civ. 2860 (DLC), Feb. 24, 2009, 43.
  14. Office of Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide*, (Washington, DC. March 1996), Vol. 1, i.
  15. *Ibid.* 1–2.



- ◆ Analyzing and eliminating housing discrimination in the subject jurisdiction or jurisdictions
- ◆ Promoting fair housing choice for all persons
- ◆ Providing opportunities for racially- and ethnically-inclusive patterns of housing occupancy
- ◆ Promoting housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities
- ◆ Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.<sup>16</sup>

As much as practical under budgetary constraints, an analysis of impediments to fair housing choice should seek to determine if any of these practices are present in the subject jurisdiction. The Housing and Community Development Act of 1974 clearly states the intent of Congress is that the “primary objective” of the act and “of the community development program of each grantee is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.”<sup>17</sup>

*It is clear that one of the key underlying purposes of the Housing and Community Development Act of 1974 is to foster racial and economic integration.*<sup>18</sup> This core goal of the act is reflected in the technical language “the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income.”<sup>19</sup>

Taken as a whole the act has “the goal of open, integrated residential housing patterns and to prevent the increase of segregation, in ghettos, of racial groups.”<sup>20</sup> With such a panoptic goal, HUD is obligated to use its grant programs “to assist in ending discrimination and segregation, to the point where the supply of genuinely open housing increases.”<sup>21</sup> “Congress saw the antidiscrimination policy [embodied in the Fair Housing Act] as the means to effect the antisegregation–integration policy.”<sup>22</sup>

These purposes of the act have implications for how to properly conduct an analysis of impediments to fair housing choice. As noted earlier, every jurisdiction that accepts Community Development Block Grant funds is obligated to “affirmatively further fair housing.” A 2006 lawsuit filed under the False Claims Act alleged that Westchester County, New York had not affirmatively furthered

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16. Ibid. 1–3.

17. 42 U.S.C. §5301(c).

18. Daniel Lauber, “The Housing Act & Discrimination,” *Planning*, (February 1975), 24–25.

19. 42 U.S.C. §5301(c)(6).

20. *Otero v. New York City Housing Authority*, 484 F.2d 1122, 1134 (2d Cir. 1973).

21. *N.A.A.C.P. v. Secretary of HUD*, 817 F.2d 149, 155 (1st Cir. 1987) (Breyer, J.).

22. *United States v. Starrett City Associates*, 840 F.2d 1096, 1100 (2d Cir. 1988). The discussion in this paragraph is derived in large part from the discussion on pages 24 and 25 of the district court’s decision in *U.S. ex rel. Antidiscrimination Center of Metro New York, Inc. v. Westchester County, New York*, 495 F.Supp.2d 375, 385–386 (S.D.N.Y. 2007).

fair housing with the \$52 million in federal funds it had received from 2000 to 2006. These included funds the county received under a quartet of federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program, Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDs (HOPWA) — all of which require recipient jurisdictions to affirmatively further fair housing choice. The federal district court in the Southern District of New York ruled “a local government entity that certifies to the federal government that it will affirmatively further fair housing as a condition to its receipt of federal funds must consider the existence and impact of race discrimination on housing opportunities and choice in its jurisdiction.”<sup>23</sup> The court concluded “an analysis of impediments that purposefully and explicitly, “as a matter of policy,” avoids consideration of race in analyzing fair housing needs fails to satisfy the duty affirmatively to further fair housing.”<sup>24</sup>

In August 2009, Westchester County agreed to a \$62.5 million settlement and conducted a new analysis of impediments in 2010 that was supposed to address the issues of racial and socioeconomic segregation that it had ignored in violation of the law. As of early 2016, HUD had rejected the County’s Analysis of Impediments multiple times, and deemed it ineligible to receive HUD block grant funds until it comes into compliance.<sup>25</sup>

Since then the State of Ohio found the analyses of impediments of at least four Ohio entitlement communities to be inadequate. In California, a HUD investigation led to a settlement agreement with Marin County to meet its obligation to affirmatively further fair housing. Marin County agreed to determine whether government-assisted housing there has perpetuated racial and/or ethnic segregation, to identify the causes of lower racial and ethnic minority residency in Marin County relative to adjacent counties, to use affirmative marketing to promote residency in Marin County of under-represented racial and ethnic groups and people with disabilities, and to examine municipal resistance to affordable housing.<sup>26</sup>

In November 2011, HUD determined that the analysis of impediments the City of Houston, Texas had produced was “incomplete” because it did not identify actions known to the city that perpetuate segregation and did not identify actions to address existing segregation; failed to specify an appropriate strategy or actions to overcome the shortage of housing affordable to African Americans and Latinos; and did not identify fair housing enforcement efforts such as testing even though high levels of discrimination were identified as an impediment to fair housing choice.<sup>27</sup>

HUD has continued to accept administrative complaints and challenges to af-

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23. *U.S. ex rel. Antidiscrimination Center of Metro New York, Inc. v. Westchester County, New York*, 495 F.Supp.2d 375, at 387 (S.D.N.Y. 2007).

24. *Ibid.* 388.

25. See *County of Westchester v. U.S. Department of Housing & Urban Development*, 802 F.3d 413 (2nd Cir. 2015).

26. The full 14-page Marin County settlement agreement is available online at <http://www.hud.gov/offices/fheo/library/10-Marin-VCA-final-12-21-2010.PDF>.

27. Letter from Christina Lewis, HUD Houston Fair Housing and Equal Opportunity Director, to James D. Noteware, Director, City of Housing Housing and Community Development (Nov. 30, 2011) (on

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firmatively furthering certifications, and as determined that several communities' Analyses of Impediments are insufficient and must be revised.<sup>28</sup>

This analysis of impediments seeks to comply with the Department of Housing and Urban Development's guidelines, the purpose and spirit of the Housing and Community Development Act and the nation's Fair Housing Act as informed by the principles that the Department of Housing and Urban Development has expressed in its settlement with Marin County, the department's concerns regarding Houston and Minneapolis, and with the principles established in the Westchester County False Claims Act decisions. Every effort has been taken to conduct a fair, balanced analysis that follows sound planning, zoning, housing, and fair housing principles and practices.

This document is an analysis of "impediments" or barriers to fair housing choice. Consequently it focuses on those policies and practices that obstruct fair housing choice.

### Suggestions in This Report

#### Suggestions

In addition to identifying obstacles to fair housing choice, this analysis offers "suggestions" to address regulations, practices, and policies that are *not yet barriers* to fair housing choice, but *could develop into impediments if left intact*. Fairfax County and other government entities included in this report should consider these "suggestions" as constructive recommendations that incorporate fair housing concerns into their planning and implementation processes. They are indicated by the green tag like the one at the beginning of this paragraph.

## Limitations of This Analysis

This analysis of impediments to fair housing choice was prepared for the purposes stated in this chapter. Consequently, it seeks to identify impediments and recommend ways to overcome each impediment. However, it does *not* constitute a comprehensive planning program. This analysis must remain focused on fair housing and resist addressing other challenges the county faces. Many of the identified issues warrant additional research and analysis by Fairfax County's community development, planning, housing, human rights, and zoning staffs as well as the Fairfax County Redevelopment and Housing Authority.

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file with Planning/Communications). Disclosure: Planning/Communications produced three sections of Houston's subsequent 2015 analysis of impediments that addressed several of these cited shortcomings in the earlier analysis of impediments.

28. See, e.g., "Voluntary Compliance Agreement with City of Dubuque, Iowa" (March 31, 2014), available at <http://www.cityofdubuque.org/DocumentCenter/View/22707>; "Letter from Vincent Hom to Westchester County" (April 27, 2012), available at <http://www3.westchestergov.com/images/stories/astorino/HUD-REJECTltr20140427.pdf>.

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Tempting as it always is to lift statements from any study out of context, please don't! It is vital that this analysis of impediments be read as a whole. Conclusions and observations made throughout this study are often dependent on data and discussions presented earlier or later in the study. Readers of early drafts of every analysis we have conducted report that they were surprised to find their questions answered a few pages later. Context is vital to correctly understanding this analysis and avoid misleading or erroneous interpretations of its content.

This document does *not* constitute legal advice.

We have assumed that all direct and indirect information that Fairfax County and other government agencies supplied is accurate. Similarly, we have assumed that information provided by other sources is accurate.

### A note about language

Throughout this report, we interchangeably use “Caucasian” and “white,” “Black” and “African American,” and “Hispanic” and “Latino.” We alternate the gender of pronouns rather than use the awkward plurals “their” and “them” when referring to the singular.

### An important note about the data

We have used the most reliable data available. Like any study that uses demographics over a longitudinal period, this study is at the mercy of its data sources.

For example, the reliability of American Community Survey figures for the value of homes are highly questionable. The American Community Survey reports what those surveyed think their homes are worth, *not* the actual selling prices during the time period covered. To assure accuracy, we have used data based on the actual sale prices of homes. This issue does not exist with rental housing because tenants are not estimating the value of their homes and they tend to know exactly how much rent they pay each month.

Some data used in this study were available only from the American Community Survey which uses sampling. In some jurisdictions, the number of people or households of some minority groups is very small, resulting in sample sizes with margins of error so large as to render the data worthless for analysis purposes without corroborating data. Consequently, we generally rely on the five-year (2009–2013 or 2010–2014) American Community Survey samples instead of single year samples that have much higher margins of error.

Over the years data can be reported in different ways. Categories can be changed at the discretion of those who produce the raw data. Consequently, there are times when it is impossible to precisely match data categories from one year to another.

In Chapters 3 and 4, this study reports data on racial and ethnic composition that

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include small variations depending on the source material. Various data sources categorize their data differently. For example, some sources include “Hispanics” *within* their various racial categories. Others tally “Latinos” as a separate category in addition to African Americans, Caucasians, and Asians. Some of these sources refer to these Caucasians as “White Non-Hispanic.” And some refer to them as “Latino of any race.” We have used the *most appropriate categories* for each specific element of this study.

Because the number of Fairfax County residents who are Hawaiian/Pacific Islander or American Indian or Alaska Native is minuscule, we have excluded these categories from most tables and graphs to make them more legible and easier to read and use.

**Additional data.** There are instances in this report where summary data is presented. The raw data on which these summaries are based are available in either an Excel spreadsheet or a PDF file archived with the Fairfax County Office of Human Rights & Equity Programs. Footnotes and explanatory material below a table or figure alert readers to the availability of additional data.

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## Acknowledgments

We are very grateful for the insights, information, and data provided by the professional and support staff in the Fairfax County Department of Housing and Community Development; Department of Planning and Zoning; Office of Human Rights & Equity Programs, Human Rights Division; and the Department of Information Technology, GIS and Mapping Services; and County Attorney’s Office.

We appreciate the contributions of all those individuals at entities not named above whom we interviewed and to all of the professionals who provided insights and data.



## Chapter 3

# Overview of Fairfax County

## Demographics

As the growth of Fairfax County in Table 1 shows, Fairfax County continues to be one of the most desirable places to live in the metropolitan region around the nation's capital in addition to being one of the wealthiest counties in the nation and the second wealthiest in the Commonwealth of Virginia. Residents enjoy the county's highly-regarded public schools, extensive job opportunities, public services, high-quality housing, and extensive public transportation that connects them to employment centers throughout the county and metropolitan region. It is the home to Mount Vernon, the Central Intelligence Agency, George Mason University, eight Fortune 500 companies, and a county-wide public school district with over 185,000 students. More than 400 foreign-owned companies based in 47 nations have a presence in Fairfax County.<sup>1</sup>

Higher education plays a critical role in developing a competitive workforce in Fairfax County. The county is home to five major universities. More than 40 colleges and universities offer graduate and undergraduate programs throughout the area.<sup>2</sup> Sixty percent of county residents possess at least a Bachelor's Degree.<sup>3</sup>

English settlers had lived in what is now Fairfax County since the early 1600s. The county itself was established in 1742. Loudoun County was carved out of western Fairfax County in 1757, reducing Fairfax County's land area by 60 percent. In 1798, land in the northeastern part of the county was ceded to the new federal government to be part of our nation's capital.<sup>4</sup> Fairfax County's has a rich history associated with the beginning of the nation including the homes of founding fathers George Washington (Mount Vernon) and George Manson (Gunston Hall). The county and region also contain many important Civil War sites.<sup>5</sup>

With an estimated 1,125,400 residents in 2014, Fairfax County remains the most populous county in the Commonwealth of Virginia.<sup>6</sup> Fairfax County has two and one half times more residents than Prince William, the second largest

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1. *County of Fairfax, Virginia Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015* (Fairfax, VA: Department of Finance, 2015) XI.

2. *Ibid.* XX.

3. See <http://www.fairfaxcounty.gov/demogrph/gendemo.htm>.

4. See <http://www.fairfaxcountyped.org/history-fairfax-county-virginia>.

5. *County of Fairfax, Virginia Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015* (Fairfax, VA: Department of Finance, 2015) XVII.

6. *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, VA: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016) II-2. Available at <http://www.fairfaxcounty.gov/demogrph/demorpts.htm>. All numbers are rounded to the

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Virginia county. As seen in the table below, Fairfax County's population grew by 88.5 percent since 1980. Both the number of new residents and the rate of growth have slowed since 1990, with an increase of just four percent between 2010 and 2015 and estimated growth of another 3.3 percent by 2020.<sup>7</sup>

**Table 1: Fairfax County Population Changes: 1980–2015**

Fairfax County Population Changes: 1980–2015				
Year	Population	Change	Percent Change	Change Since 1980
1980	596,900	—	—	—
1990	818,600	221,700	37.1%	37.1%
2000	969,700	151,100	18.5%	62.5%
2010	1,081,700	112,000	11.5%	81.2%
2015	1,125,400	43,700	4.0%	88.5%

Source: *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, Virginia: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016) II–2. Available at <http://www.fairfaxcounty.gov/demogrph/demorpts.htm>. All numbers are rounded to the nearest hundred.

Meanwhile, the Commonwealth of Virginia has been experiencing net out-migration as 3,000 more households left the state in 2013 than moved in. The bulk of the out-migration has been among the 55 and over age cohort, as Virginia retirees move to Florida, California, Texas, and other warmer-weather states.<sup>8</sup>

## Poverty

While Fairfax County's median household income has been among the very highest among counties throughout the nation since at least 2000,<sup>9</sup> Fairfax County has not been immune to the vagaries of the nation's economy nor to poverty. As shown below in Table 2, poverty rates have increased since 2000 in Fairfax County and its contiguous neighbors, with the exception of the District of Columbia where poverty rates declined. Fairfax County had the third lowest poverty level of the seven counties and the District of Columbia in 2000 and the second lowest level in 2010–2014.

nearest hundred.

7. Ibid.

8. Demographics Research Group, University of Virginia, *StatChat*, September 16, 2015. Available at <http://statchatva.org/2015/09/16/virginians-are-leaving-the-commonwealth-reversing-trends>.

9. These rankings are based on the median household income among counties with populations of at least 65,000 as reported by the *American Community Survey* from 2000 through 2014. The median household income in neighboring Loudon County, Virginia overtook Fairfax County as the highest in the nation beginning in 2007.

**DRAFT****Table 2: Percentage in Poverty in Fairfax County and Major Surrounding Jurisdictions: 2000 and 2010–2014**

Percentage in Poverty in Fairfax County and Major Surrounding Jurisdictions: 2000 and 2010–2014			
Jurisdiction	2000	2010-2014	Change
Fairfax County, VA	4.5%	6.0%	+1.5%
Arlington County, VA	7.8%	8.8%	+1.0%
Loudoun County, VA	2.8%	3.8%	+1.0%
Prince William County, VA	4.4%	6.5%	+2.1%
Charles County, MD	5.5%	7.6%	+2.1%
Montgomery County, MD	5.4%	6.9%	+1.5%
Prince George's County, MD	7.7%	9.7%	+2.0%
District of Columbia	20.2%	18.2%	–2.0%

Sources: *Census 2000 Summary File 3, Table DP–3 and T2010–2014 American Community Survey 5–Year Estimates, Tables S1701 and S1702.*

While percentage of Fairfax County residents who live in poverty is among the lowest of any jurisdiction in Virginia, the actual number of people living in poverty is the highest in the state because Fairfax County is the most populous jurisdiction in Virginia.

As shown in Table 3 below, the proportion of Fairfax County's residents living below the poverty line is six percent, less than the 8.4 percent in poverty in the metropolitan statistical area in which it sits. Statewide, though, Virginia's 11.5 percent poverty rate is nearly double that of Fairfax County while nationally, 15.6 percent — nearly 48 million Americans — live below the poverty line, a rate that is 2.6 times greater than in Fairfax County.

Despite the county's wealth, more than 60,000 Fairfax County residents live in poverty.<sup>10</sup> Single mothers with related children under 18 have the highest poverty rate of nearly 23 percent. Residents who are "some other race" and Latinos have the highest poverty rates with 14.3 and 11.6 percent respectively followed by African Americans at 10.9 percent, two or more races at 7.6 percent, Asians at 6.4 percent, and whites at 4.4 percent. "Married couple families" have the lowest poverty rate across all jurisdictions with only 2.1 percent of Fairfax County married couple families below the poverty line.

10. U.S. Census, *2010–2014 American Community Survey 5–Year Estimates, Tables S1701 and S1702.*



Table 3: Percentages of Population in Poverty By Jurisdiction: 2010–2014

Percentages of Population in Poverty By Jurisdiction: 2010–2014				
Category	Fairfax County	Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area	Virginia	United States
White, not Hispanic	4.4%	5.6%	9.2%	12.8%
African American	10.9%	13.4%	20.1%	27.3%
Asian	6.4%	7.1%	8.3%	12.7%
Hispanic of any race	11.6%	12.8%	15.8%	24.3%
Some other race	14.3%	15.8%	17.2%	27.1%
Two or more races	7.6%	9.0%	13.7%	20.3%
All residents	6.0%	8.4%	11.5%	15.6%
Age 65 and over	4.9%	6.8%	7.6%	9.4%
Under 18 years old	7.8%	10.8%	15.2%	21.9%
Unrelated individuals for whom poverty status is determined	13.7%	17.1%	23.1%	26.9%
All families	3.9%	5.8%	8.2%	11.5%
Families with related children under 18 years old	6.1%	8.6%	13.0%	18.1%
Married couple families	2.1%	2.5%	3.7%	5.7%
Female-headed households, no husband present	14.6%	17.6%	25.5%	30.9%
With related children under 18	22.5%	24.0%	34.4%	40.5%

For each category, the jurisdiction with the lowest poverty rate is highlighted.

Source: 2010–2014 American Community Survey 5–Year Estimates, Tables S1701 and S1702 for each geographic area. “American Indian and Alaska Native” and “Native Hawaiian and Other Pacific Islander” were too small for reliable estimates to be made in Fairfax County and the MSA.

During 2010–2014, the American Community Survey estimated that 60,048 Fairfax County residents were impoverished. Fairfax County’s extensive research on the extent and origins of poverty in the county asserts that the increase in poverty is *not* the result of poor households moving to Fairfax County:

Migration data for Fairfax County from 2006 to 2010 do not suggest that Fairfax County is “importing” low income households from other areas. Five-year migration data suggest that approximately the same number of low-income households entered the county as moved to other locations. *The growth in low-income residents since 2007 in Fairfax County is a result of current residents losing economic ground and seeing their incomes decline.* Economic conditions caused by the recent recession along with long-term income inequality are the primary factors that have fueled the increase in low-income residents in Fairfax County and the United States as a whole. Over a much longer time span, changes in family composition have also influenced the number of children living in low income families.<sup>11</sup>

11. Anne Pickford Cahill, *Economic Need in Fairfax County* (Fairfax, VA: Fairfax County Department of

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According to the county’s research, much of the increase in poverty is due to increases in income inequality. Income inequality is steady when a jurisdiction’s median and average household incomes change at the same rate. But when average household income rises at a faster rate than median household income, income inequality is growing.

Since the terms “mean” and “median” are used throughout this report, it’s important to understand the difference between these two sometimes confusing terms.

The “**mean**” is simply an average. So the mean of 16, 11, 19, 42 and 22 is 22 — their sum, 110, divided by 5, the number of figures).

The “**median**” is the middle figure in a collection of data organized in numerical order. Half of the numbers are larger than the median and half are smaller. So the mean of 11, 16, 19, 22 and 42 is 19 — two of the numbers are larger than 19 and two are smaller.

From 2000 to 2007, prior to the Great Recession, average and median household incomes rose at about the same rate in Fairfax County, 28.9 and 28.8 percent respectively.

But since 2007, Fairfax County has experienced a resurgence in income inequality growth. Between 2007 and 2012, average household income rose 5.3 percent whereas median household income rose only 1.8 percent. The newly released household income data from the U.S. Census Bureau’s 2013 American Community Survey suggest that between 2012 and 2013 lower income households had stronger income growth than higher income households in Fairfax County. However, average weekly wage data from the Virginia Employment Commission do not show the same pattern.

*The economic recovery has yet to reach many of those living in the national capital region. Wages and employment have fallen during the recovery for workers with less than a bachelor’s degree, while they have grown significantly for those with a bachelor’s degree or higher.... Workers without a bachelor’s or an advanced degree are struggling to maintain their foothold in the national capital region economy.... What workers do affects how they have fared since the recession, as well. While some industries in the national capital region continued to grow throughout the downturn, others suffered substantial declines in employment.*

A look at Fairfax County average weekly wages and jobs by industry reveals several patterns. Overall, there were real wage declines and net

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Neighborhood and Community Services; Economic, Demographic, and Statistical Research, Sept. 2014) 3. *[Emphasis added.]*

job losses in the majority of the county's lower paying industry sectors while there were real wage increases and net job gains in the majority of the county's higher paying industry sectors since 2007. In 2013, the average weekly wage earned from a job located in Fairfax County was \$1,503. When adjusted for inflation, average weekly wages for industry sectors that pay less than \$1,503 declined by nearly \$21 per week and a net of 5,152 jobs were lost between 2007 and 2013.<sup>12</sup>

An examination of the language spoken at home by residents 18 and older suggests that in Fairfax County, unlike the rest of the Commonwealth of Virginia and the nation, poverty is significantly more concentrated among residents who speak a language other than English at home. The table that follows shows that, even among residents at or above the poverty line, the percentage of Fairfax County residents who speak only English at home is lower than for Virginia and the nation as a whole by a wide margin.

**Table 4: Language Spoken At Home By Residents 18 Years and Older By Poverty Status: 2010–2014**

Language Spoken At Home By Residents 18 Years and Older By Poverty Status: 2010–2014						
Language Spoken at Home	Fairfax County		Virginia		United States	
	Below Poverty Line	At and Above Poverty Line	Below Poverty Line	At and Above Poverty Line	Below Poverty Line	At and Above Poverty Line
English Only	41.1%	62.8%	83.3%	84.7%	71.6%	80.4%
Speaks Another Language at Home	58.9%	37.2%	16.7%	15.3%	28.4%	19.6%
Spanish	25.5%	12.3%	8.7%	6.3%	19.6%	11.3%
Other Indo-European	11.4%	9.1%	3.1%	3.8%	3.6%	3.9%
Asian and Pacific Island Languages	14.1%	12.2%	3.1%	3.9%	3.5%	3.6%
Other Languages	7.8%	3.7%	1.9%	1.4%	1.6%	0.8%

Source: Table B16009, 2010-2014 American Community Survey 5-Year Estimates.

These data likely reflect Fairfax County's status as a destination for recent immigrants. The relatively low percentage who speak only English at home suggests the presence of a significant number of immigrant households of recent vintage as well as households with older residents who continue to speak in their native tongue.

According to county research published in 2011, "The suburban poor in Fairfax County are a much more diverse population than the urban poor in Washington, DC. Persons below poverty in Fairfax County are more likely to be of races other than Black, to be Hispanic, to speak a language other than English at home, and to be foreign born."<sup>13</sup> Table 4 below, reports similar results for 2010–2014. More than three and one half times as many Fairfax residents in pov-

12. Ibid. 4–5.

13. Anne Pickford Cahill, et al. *Behind the Headline: Trends and Implications for County Residents* (Fairfax, VA: Fairfax County Department of Neighborhood and Community Services, May 2011) 4, 6.



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erty speak another language at home compared to all impoverished Virginians. More than 25 percent of Fairfax County residents who live below the poverty line speak Spanish at home, as do 14.1 percent who speak Asian and Pacific Island languages, 11.4 percent who speak other Indo-European languages, and 7.8 percent who speak other languages.

With nearly six in ten impoverished Fairfax County residents speaking a language other than English at home, the county has an important role ensuring that people with limited proficiency in English have full access to all county services. The relevant county “Limited English Proficiency” programs and policies are examined beginning on page 257.

The county’s research notes that nationally, poverty among female-headed households is four to five time greater than poverty among households of married couples. Fairfax County is not immune from this trend of female-headed households headed into poverty.

The nature of poverty in Fairfax County has implications for enabling upward mobility. Poverty in Fairfax County (and Falls Church, Virginia) is so intense for some households that “52 percent of the children live in families with incomes too low to save for emergencies, their children’s higher education and retirement.” Over a third of the children live in a family whose income isn’t high enough to meet basic daily needs without assistance.<sup>14</sup> The county found:

Two-thirds of Hispanic children, 52 percent of Black children and 35 percent of Asian and Pacific Islander children live in families with incomes insufficient to meet basic needs. Although [w]hite, not Hispanic, children have lower rates of income vulnerability, in number of children affected by income insufficiency, [w]hite children (25,383 children) comprise the second highest number of children affected with Hispanic children (37,726 children) forming the largest group. Hispanic (47 percent) and Black (39 percent) children are more than twice as likely to live in families receiving government assistance than children in other racial/ethnic groups.<sup>15</sup>

To combat poverty, Fairfax County has launched both long-term and short-term efforts to foster upward mobility out of poverty. The county’s current anti-poverty strategy is described in detail in its *Five-Year Consolidated Plan for FY 2016–2020 and Consolidated Plan One-Year Action Plan for FY 2016*.<sup>16</sup>

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14. Anne PickfordCahill, *Taking Measure of Children in Fairfax–Falls Church Families* (Fairfax, VA: Fairfax County Department of Neighborhood and Community Services; Economic, Demographic, and Statistical Research, April 2015) 16.

15. Ibid. 19.

16. See pages 184–185. This consolidated plan and previous consolidated plans are available at <http://www.fairfaxcounty.gov/rha/consolidatedplanshomepage.htm>.

## Identifying the Extent of Racial and Hispanic Stratification In and Around Fairfax County

Affirmatively furthering fair housing requires a jurisdiction to take the steps necessary to mitigate any existing and past public and private sector practices and policies that have led to racial, ethnic, and/or economic stratification within a jurisdiction. Affirmatively furthering fair housing also mandates a jurisdiction to take steps to reduce such stratification and instead foster racial, ethnic, and economic integration throughout the jurisdiction. The ultimate goal of affirmatively furthering fair housing is to transform the dual housing market into a single, unitary housing market that enables *all* households to live where they can afford to live.

More than 40 years ago, the U.S. Commission on Civil Rights described the origins of the dual housing market which were deeply rooted in the institutional and individual housing discrimination that reflected the common racial attitudes among Caucasians throughout the nation's history. The dual housing market did not come about by accident.

“It is the real estate brokers, builders and the mortgage finance institutions which translate prejudice into discriminatory action.... The housing industry, aided and abetted by government, must bear the primary responsibility for the legacy of segregated housing.”<sup>17</sup>

Throughout the nation, long-term private and public sector interaction have produced a dual housing market in which whites can live anywhere they can afford while most people of color, especially African Americans, are largely limited to integrated neighborhoods and segregated minority areas — no matter what they can afford to pay for housing.<sup>18</sup> This dual housing market has remained largely intact today throughout most of the country, although cracks in it have

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17. U.S. Commission on Civil Rights, *Understanding Fair Housing*, Clearinghouse Publication 42. (Washington, DC: U.S. Commission on Civil Rights. 1973) 3.
  18. While the dual housing market has limited the housing choices of nearly all “people of color” to “minority” and integrated neighborhoods, African Americans have faced the most extensive and rigid limitations on where they can live — a phenomenon that might be called the “classic dual housing market.” The development of, and continuing existence of enclaves of Asian households and enclaves of Latinos of any race, can also reflect a dual housing market. Caucasians, meanwhile, can live anywhere they can afford to live which gives them greater access to places of higher opportunity like most of Fairfax County. For full details on the many factors that produced and maintain the dual housing market that perpetuates racial segregation in the United States, see Daniel Lauber, *Ending American Apartheid: How Cities Achieve and Maintain Racial Diversity* (River Forest, IL: Planning/Communications, 1990). It is available as a PDF file under its original title, *Racially Diverse Communities: A National Necessity* at <http://planningcommunications.com>. Click on the “Publications” button. A condensed version is available as a chapter in two books, Philip W. Nyden and Wim Wiewel, eds., *Challenging Uneven Development: An Urban Agenda for the 1990s*, (Rutgers University Press, 1991) and Wendy Kellogg, ed., *African Americans in Urban America: Contemporary Experiences* (Kendall/Hunt Company, 1996).

been appearing.<sup>19</sup> The key to affirmatively furthering fair housing and bringing an end to housing discrimination lies in transforming this dual housing market into a single, unitary free housing market absent discrimination in which *all* home seekers can move any place they can afford.

To accomplish this in Fairfax County, it is necessary to first identify the actual extent of racial and Hispanic stratification, if any, within each of the county's 14 planning districts. This is a much more complicated and nuanced challenge than it first appears to be. It requires looking beyond the demographic patterns shown in the four maps on the following pages. It involves examining the county's racial and Hispanic demographics within the region that constitutes Fairfax County's housing market. In this chapter, the Free Market Analysis™ factors in the actual cost of housing in each census tract and planning district. It then approximates how many households of each race or Latino ethnicity of any race have enough household income to live in the units in that census tract or planning district. By controlling for ability to pay rent or a mortgage, the Free Market Analysis more accurately identifies instances of racial or ethnic disparities that may result from housing discrimination.

These income and housing cost factors are accounted for in the Free Market Analysis™ that follows the examination of the regional context. The Free Market Analysis™ seeks to provide Fairfax County with an accurate picture of the extent of any actual racial and Hispanic stratification so the county can adopt the policies and programs that remove the artificial public and private sector barriers to racial, economic, and Latino integration — at least to the extent that Virginia state statutes allow.

### How Discrimination Distorts the Free Market in Housing

Racial and ethnic or national origin discrimination badly warps the free market in housing by *artificially* creating a dual housing market that reduces demand for housing in some neighborhoods from a racial or ethnic group or groups, and *artificially* increases demand from a racial or ethnic group or groups in other neighborhoods — which helps thwart a jurisdiction's efforts to affirmatively further fair housing. The classic dual housing market separates white and African American households.<sup>20</sup> Research has found that thanks to lingering stereotypes about African Americans and to other elements of racism, Caucasians tend to

19. See Institute on Race and Poverty, *Minority Suburbanization, Stable Integration, and Economic Opportunity in Fifteen Metropolitan Regions* (Minneapolis, MN: University of Minnesota Law School, Feb. 2006). This study found that the same private and public sector practices that created and maintain the dual housing market as reported in *Ending American Apartheid...* are still occurring. Available at <http://www1.law.umn.edu/metro/metro-area-studies/integration-and-segregation.html>.

20. Prior to the growth in immigration from Asia and Latin America, the “classic” dual housing market was between Caucasian and African American households and the public and academic discussions centered on the racial segregation generated by the housing discrimination that produced the dual housing market. As noted earlier, while the dual housing market is now between Caucasians and people of color, African Americans remain far more segregated than Asians or Hispanics of any race. Much of the discussion of the dual housing market here is focused on the classic dual housing market which has generated the more extreme levels of housing segregation of the nation's Black population.

limit their home search to neighborhoods that are virtually all white and won't even look at housing in integrated neighborhoods that are more than 15 percent Black.<sup>21</sup> If whites won't even consider living in an integrated neighborhood, re-segregation to virtually all-Black becomes inevitable because, with Caucasian demand gone, nearly every new resident of the integrated neighborhood will be African American.<sup>22</sup> That attitude contributes to the existence of the classic dual housing market, a primary and geographically broad housing market in which whites participate and a separate and inherently unequal geographically limited housing market just for African Americans.<sup>23</sup> Asians and Latinos of any race straddle the two housing markets, in some regions and towns fully participating in the same primary housing market as Caucasians and in other places participating mostly in the same narrower housing market as Black households.

As the data in this chapter strongly suggest, white, Asian, and Latino households of any race participate in the broader housing market within Fairfax County in which relatively few African American households participate.

Researchers have reported that, around the country, African Americans strongly prefer living in an integrated neighborhood rather than an all-black or virtually all-white neighborhood. More than one-third of Blacks say they are willing to be the first African American family to move into an exclusively white neighborhood. But over 150 years of housing discrimination have led to self-steering, especially among African Americans who report they are apprehensive and even fearful of moving into a neighborhood where their numbers are very low.<sup>24</sup>

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21. Some of these studies are discussed in Douglas Massey and Nancy Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993) 88–96. Also see the sources cited in the paragraphs that follow the one this footnote appears.
  22. See the discussion and sources cited on pages 12–15 in Daniel Lauber, *Racially Diverse Communities: A National Necessity* (River Forest, Illinois: Planning/Communications, 1990, 2015) available at <http://www.planningcommunications.com/publications>.
  23. Today the dual housing market results in not only African American neighborhoods, but also neighborhoods in which the proportions of white, Asian, or Latino households of any race are significantly greater than the proportions expected in a free housing market, namely one not distorted by discrimination. Because the dual housing market limits African Americans of any income level more extensively than any other group, and for the sake of simplicity, this narrative focuses on the classic dual housing market even though Asians and Hispanics of any race can also face limitations on where they live. The history of recent immigrants clustering in immigrant neighborhoods, however, confounds the impacts of any housing discrimination as discussed beginning on the next page.
  24. See M. Krysan, M. Couper, R. Farley, T. Forman, “Does Race Matter in Neighborhood Preferences? Results from a Video Experiment,” in *American Journal of Sociology* (Sept 2009) 527–559; Robert Adelman, “The Roles of Race, Class, and Residential Preferences in the Neighborhood Racial Composition of Middle-Class Blacks and Whites” in *Social Science Quarterly*, (Vol. 86, No. 1, March 2005) 209–228; Anti-Discrimination Center, *They're Our Neighbors, Too: Exploding the Myth That Most Affordable Housing Seekers in Highly Segregated New York City Insist on Staying Close to Home* (New York, NY: Anti-Discrimination Center, June 2015), available to download at <http://www.antibiaslaw.com/mobility>; M. Krysan and R. Farley, “The Residential Preferences of Blacks: Do They Explain Persistent Segregation?” in *Social Forces* (Vol. 80, No. 3, March 2002), 937–980; Maria Krysan, “Community Undesirability in Black and White: Examining Racial Residential Preferences through Community Perceptions,” *Social Problems* (Vol. 49 No. 1) 521–543.

A pre-eminent study of this subject explains further:

We must strongly caution that while people of color often decide to buy or rent in segregated minority communities this should not be seen as representing a widespread African American or Latino desire to live in separate communities. Quite to the contrary, even where there is self-selection and an attraction to substantial African American or Latino communities, *it is a function of the discomfort that many minority group members have felt or believe they will feel if they move into a predominantly-white, Anglo community.* It is a result of the continued perception and experience of discriminatory behavior.<sup>25</sup>

It has been reported that many non-whites, especially African Americans, avoid living in overwhelmingly white neighborhoods because they expect discrimination of some type by whites will reduce their quality of life. These concerns have been shaped by current and past discrimination. Feelings of discomfort of living together may be fueled by a segregated society that has afforded few opportunities to do so.<sup>26</sup>

We have observed an historic pattern among immigrants of all races and ethnicities throughout the nation in which immigrants (and many of their offspring and even subsequent generations) seek to live in neighborhoods where their native tongue is widely spoken and their native culture is the norm — providing a social network that includes support for people not yet fluent in English.<sup>27</sup> In a metropolitan area that affirmatively furthers fair housing, most of these intensely concentrated immigrant neighborhoods tend to dissipate over time as subsequent generations achieve socioeconomic mobility and are assimilated into the American culture, enabling the descendants of immigrants to find greater opportunities and upward mobility. Housing discrimination, however, often contributes to the maintenance and even expansion of these enclaves long after the initial immigrants and first few generations of their offspring have passed away.<sup>28</sup>

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25. D. Coleman, M. Leachman, P. Nyden, and B. Peterman, *Black, White and Shades of Brown: Fair Housing and Economic Opportunity in the Chicago Region* (Chicago: Leadership Council for Metropolitan Open Communities, February 1998) 29.
  26. See generally Joe Feagin, *Living with Racism: The Black Middle-Class Experience* (Boston: Beacon Press, 1995) and Myron Orfield and Thomas Luce, *America's Racially Diverse Suburbs: Opportunities and Challenges* (Minneapolis, MN: Institute on Race and Poverty, University of Minnesota Law School, July 20, 2012) 34. Available at <http://www1.law.umn.edu/metro/metro-area-studies/integration-and-segregation.html>.
  27. Metropolitan Council, *Choice, Place, and Opportunity: An Equity Assessment of the Twin Cities Region* (Minneapolis, MN: March 2014) Section 4, page 7. Also see John Iceland, *Where We Live Now: Immigration and Race in the United States* (Berkeley, CA: University of California Press, 2009).
  28. Some researchers describe this phenomenon as the “three generation model” in which, over time, the children and grandchildren of immigrants have learned the language and become more acculturated. They begin moving out of immigrant enclaves to disperse geographically and assimilate into suburban communities. Frederick Boal, *Ethnicity Housing: Accommodating the Differences* (Aldershot, Hampshire: Ashgate Publishing Company, 2000). Descendents of immigrants with a higher socioeconomic status facilitates this movement out of ethnically-concentrated en-



*Racial and ethnic or national origin discrimination in housing also distorts property values.* African Americans or Hispanics, for example, who live in Black or Latino enclaves pay a substantial price over time in lost housing value and, consequently, household wealth. It is well documented that the value and appreciation of homes in segregated minority neighborhoods is generally less than in stable integrated areas and predominantly white areas.<sup>29</sup> Segregated minority neighborhoods also often lack jobs and business investment opportunities, making them economically unhealthy compared to stable integrated and predominantly white areas.<sup>30</sup>

The housing discrimination that produces racially-segregated neighborhoods trigger disinvestment in these communities with African Americans and other people of color bearing the costs. Even some of the robust middle class communities in resegregating Prince George's County, Maryland pay the price with lower property values, higher crime rates, less school funding, and higher poverty rates.<sup>31</sup>

Living in segregated minority neighborhoods denies the Black and Latino middle and upper classes, which had grown so much prior to the Great Recession, the full economic, security, and educational benefits of middle- and upper-class status enjoyed in stable integrated neighborhoods and in predominantly Caucasian areas.

## An Increasingly Diverse Fairfax County

As the table below shows, the population of Fairfax County has diversified substantially since 1980. The proportions of Latino individuals of any race and of Asians have grown from less than four percent to 18.9 and 16.4 percent in 2014 respectively. The proportion of Caucasian individuals fell from 89.2 percent to 63.2 percent in 2014.<sup>32</sup> Over this same time period, the proportion of “all other

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claves as these descendents learn English, American customs, and cultural norms and become more comfortable with them. Their higher socioeconomic status enables them to move from immigrant enclaves to areas offering higher quality housing and services. John Iceland, *Where We Live Now: Immigration and Race in the United States* (Berkeley, CA: University of California Press, 2009).

29. Analyzing the nation's 100 largest metropolitan areas in 1990, David Rusk found that the home values of African American homeowners were 18 percent lower than those of their white counterparts, controlling for income. The more segregated the metropolitan area, the wider the racial gap in home values. Rusk calls this a “segregation tax” imposes on Black homeowners. See David Rusk, *The ‘Segregation Tax’: The Cost of Racial Segregation to Black Homeowners* (Washington, DC: The Brookings Institution, Center on Urban and Metropolitan Policy Survey Series, October 2001).
30. D. Coleman, M. Leachman, P. Nyden, and B. Peterman, *Black, White and Shades of Brown: Fair Housing and Economic Opportunity in the Chicago Region* (Chicago: Leadership Council for Metropolitan Open Communities, February 1998) 28–29.
31. Sheryll Cashin, “Middle-Class Black Suburbs and the State of Integration: A Post-Integrationist Vision for Metropolitan America,” *Cornell Law Review*, Vol. 86 (2001), 729–776.
32. Unlike the other years in this table, all of which report decennial census data, the 2014 figures

reported races” increased nearly eight fold, from 1.1 to 8.2 percent.

**Table 5: Fairfax County Racial and Latino Composition: 1980–2014**

<b>Fairfax County Racial and Latino Composition: 1980–2014</b>					
<b>Year</b>	<b>White</b>	<b>African American</b>	<b>Asian</b>	<b>All Other Reported Races</b>	<b>Hispanic of Any Race</b>
<b>1980</b>	89.2%	5.9%	3.9%	1.1%	3.3%
<b>1990</b>	81.3%	7.7%	8.5%	2.5%	6.3%
<b>2000</b>	69.9%	8.6%	13.1%	8.5%	11.0%
<b>2010</b>	62.7%	9.2%	17.6%	10.6%	15.6%
<b>2014</b>	63.2%	9.6%	18.9%	8.2%	16.4%

Sources: Data for 1980 and 1990 published in *Demographic Reports 1995 Fairfax County, Virginia* (Fairfax, Virginia: Fairfax County Office of Management and Budget, 1995) II–10. Data for 2000, 2010 and 2015 published in *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, Virginia: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016) IV–5. Available at <http://www.fairfaxcounty.gov/demograph/demorpts.htm>.

However, the growth in the proportion of African Americans has been much more incremental, rising from 5.9 percent in 1980 to 9.6 percent in 2014. As this chapter reports, the actual proportion of Black households in Fairfax County is less than half of what would be expected in a unitary housing market in which all races and Latinos of any race participate. The data in this chapter show that a dual housing market still exists in Fairfax County and its immediate region.

Latinos of any race and individuals of each race are *not* distributed evenly throughout the county. As reported in this chapter, the cost of housing varies by planning district — and within planning districts. The income levels within each racial group and among Hispanics of any race vary substantially as well. Consequently, given the current housing supply, there is no rational reason to expect an even distribution of each group throughout the county even in a unitary housing market without any discrimination.

The four maps that follow provide a snapshot of where individuals in each demographic group lived in Fairfax County in 2010. But as the analysis in this chapter explains, these snapshots do not take into account household income or the cost of housing which need to be incorporated to get an accurate picture of racial or ethnic stratification in Fairfax County.

Fairfax County produced these four maps which treat Hispanics as a separate and distinct group from the three racial groupings. As will be explained later in this chapter, for purposes of this analysis of stratification, Latinos are treated as an ethnicity with each Hispanic household also belonging to a racial group in ad-

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are estimates based on a random sample taken for the *American Community Survey* which do have a margin of error and are not as precise as the decennial census.

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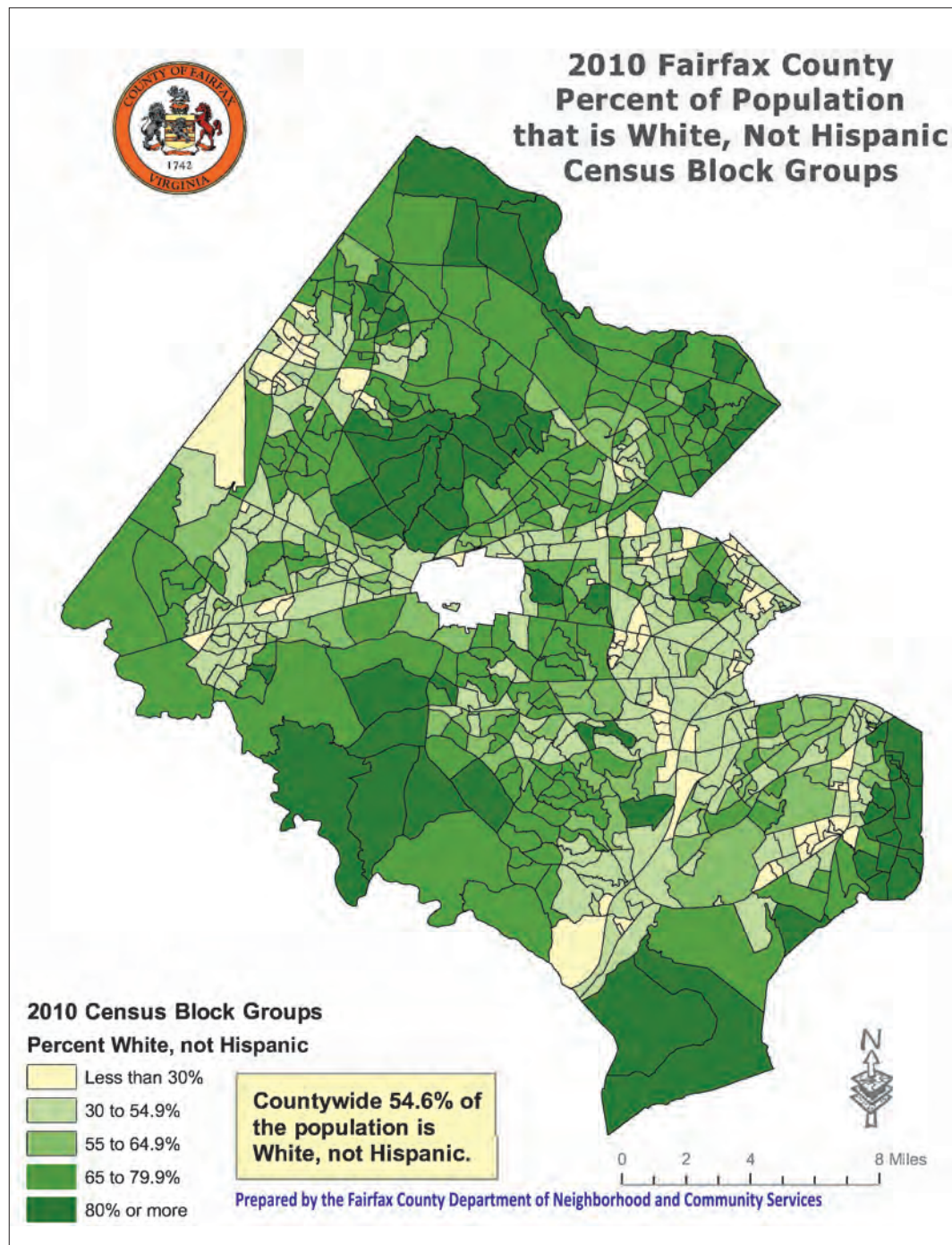
dition to their Hispanic ethnicity.

The first three maps do *not* include members of the subject racial group who are also of Latino ancestry. Consequently, their total percentages differ from those shown in the above table, “Fairfax County Racial and Latino Composition: 1980–2014.”

As the map below shows, the proportion of white individuals is 65 percent or greater in most of Fairfax County. The proportions of white individuals are particularly high in the less intensely–developed parts of the county.

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Figure 1: 2010 Fairfax County Percent of Population That Is Non-Hispanic White



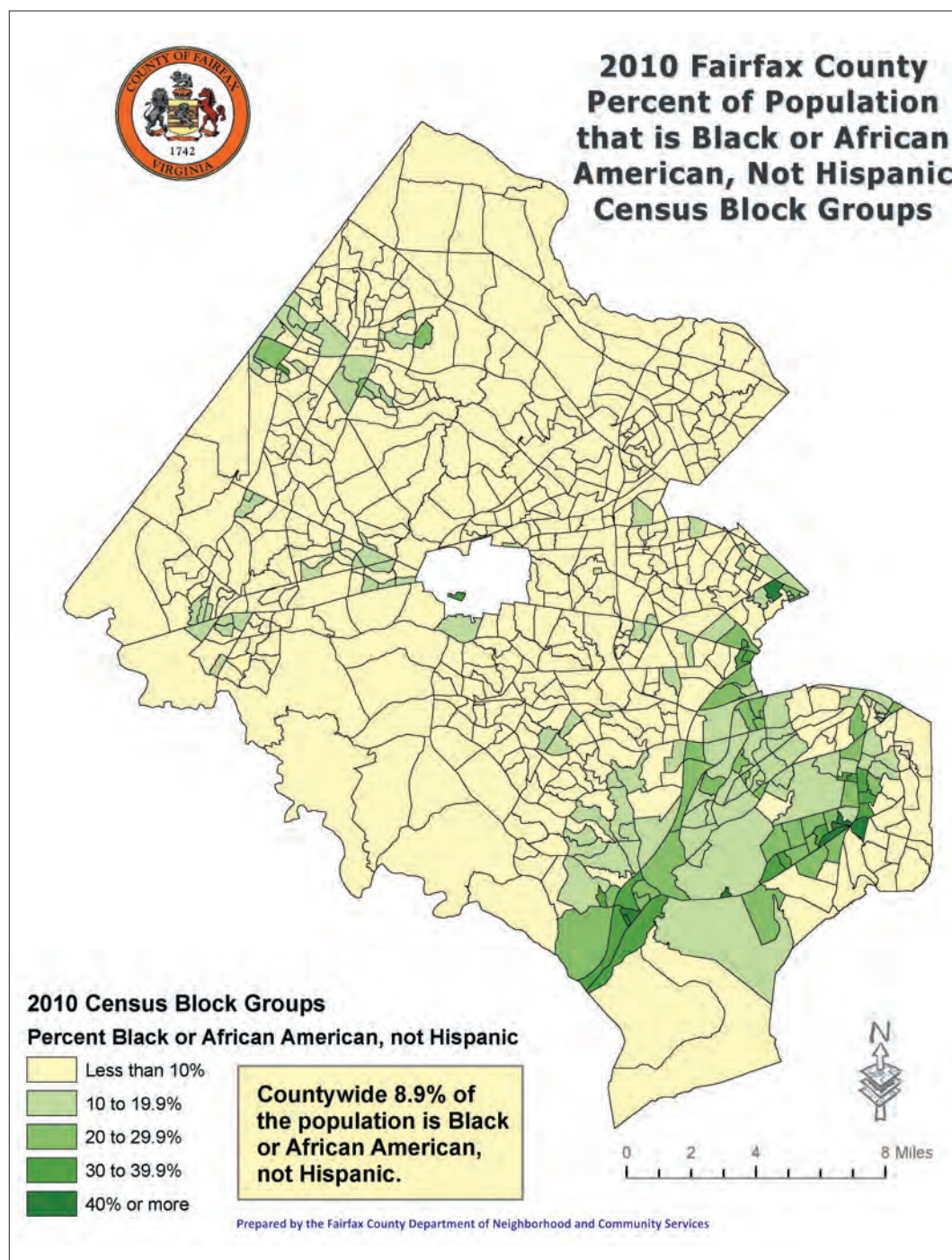
Affirmatively furthering fair housing is not limited to just minority stratification. A proportion of white households significantly greater than expected in a free housing market could suggest that white households are segregated.

The proportions of individuals who are Black are less than ten percent in the vast majority of Fairfax County. African Americans are more concentrated in a number of pockets largely in the southeast corner of Fairfax County and near Dulles Airport on the west.



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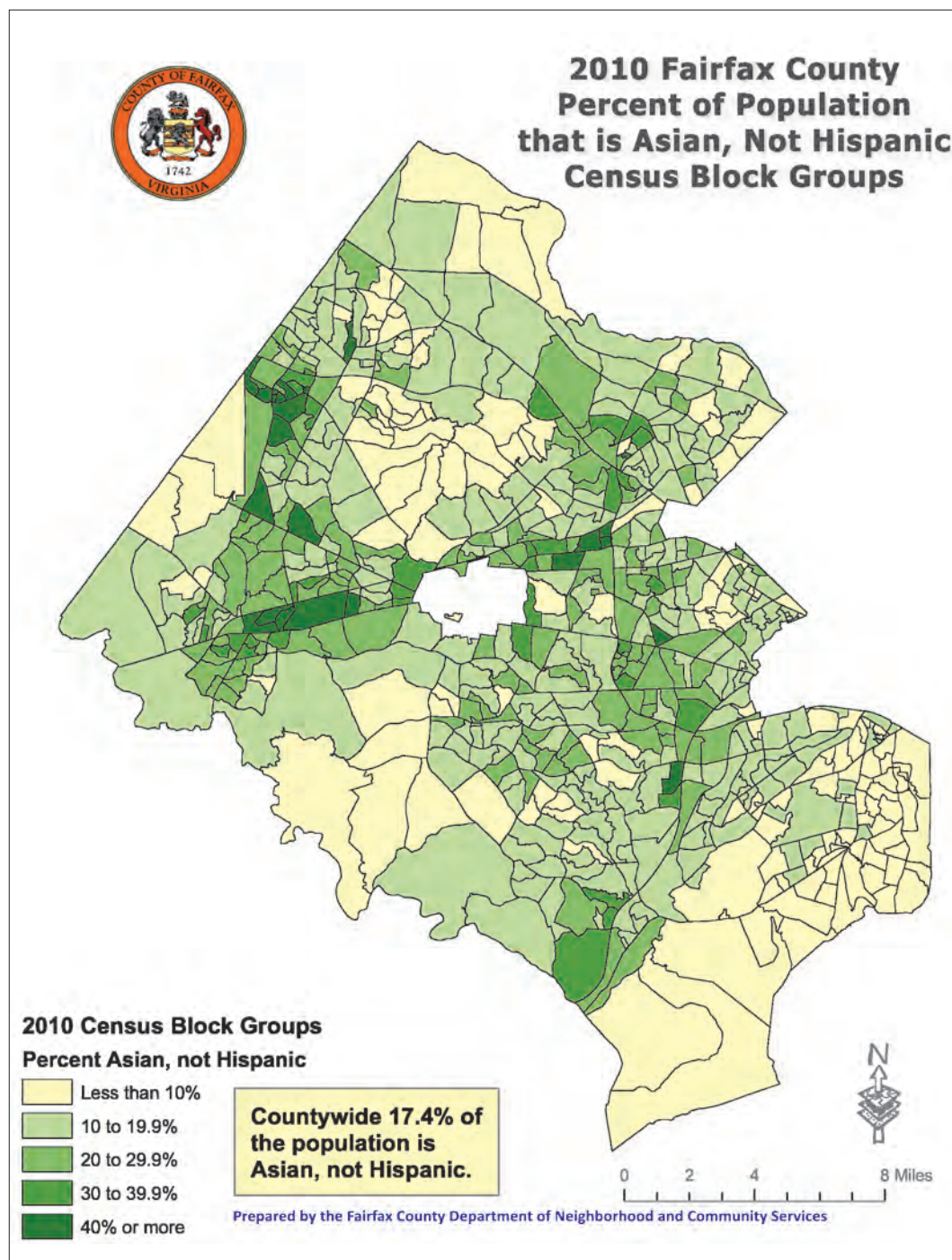
Figure 2: 2010 Fairfax County Percent of Population That Is Non-Hispanic Black



As the map that follows shows, Asian residents throughout most of Fairfax County with about a dozen areas (some very large) in which there are fairly intense concentrations of people of Asian descent.

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Figure 3: 2010 Fairfax County Percent of Population That Is Non-Hispanic Asian

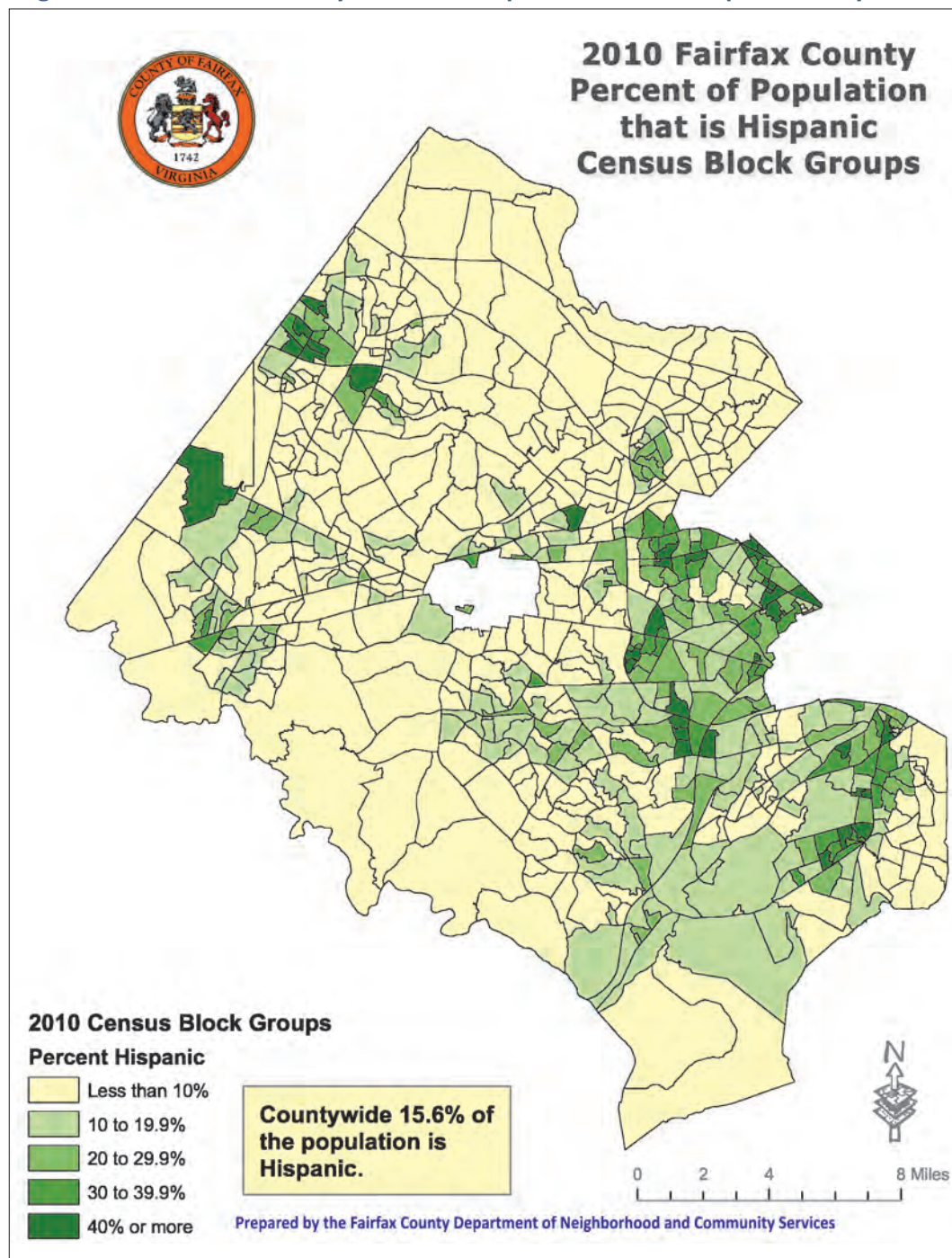


As the next map shows, Latinos of any race are more concentrated than Asians, but less concentrated than African Americans. The number of areas where the proportions of Hispanics are at least twice that of the entire county suggest, at first glance, that some significant stratification exists.



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Figure 4: 2010 Fairfax County Percent of Population That Is Hispanic of Any Race



No county, however, is an island unto itself. It is vital to place Fairfax County within the context of the metropolitan area in which it is located and then through a more thorough analysis that takes into account the cost of housing and the different income distributions of Latino households of any race and of Caucasian, African American, and Asian households.

**Fairfax County in the Historical Context of Its Metropolitan Area: 1990–2010**

Fairfax County’s racial and Hispanic composition can best be understood within the context and historical perspective of its metropolitan region that includes the District of Columbia as well as parts of Maryland, Virginia, and West Virginia.<sup>33</sup> Using different approaches, three studies covering 1990 through 2010 provide a regional perspective. These studies report on whether jurisdictions in the region became more or less integrated. The indices they use enable them to identify gross trends over the two decades studied, but *not* offer insight into what the demographic composition of the different jurisdictions would be in the absence of any housing discrimination.

A 2006 study of 15 metropolitan areas provides insights into the patterns of segregation and integration in the region in which Fairfax County sits.<sup>34</sup> A subsequent 2012 study by the same researchers updated and refined the 2006 research.<sup>35</sup> The three maps that follow trace the demographic changes within Fairfax County’s region and Fairfax County.

These maps show what the authors characterize as four suburban types:

- 💧 **Diverse** suburbs are defined as communities where non-white residents constitute from 20 to 60 percent of the population
- 💧 **Predominantly non-white** suburbs are areas where more than 60 percent of the population was non-white
- 💧 **Predominantly white** suburbs are areas that were more than 80 percent white
- 💧 **Exurb/non-residential** are areas where less than 10 percent of the land area was categorized as urban in 2000 regardless of the racial makeup<sup>36</sup>

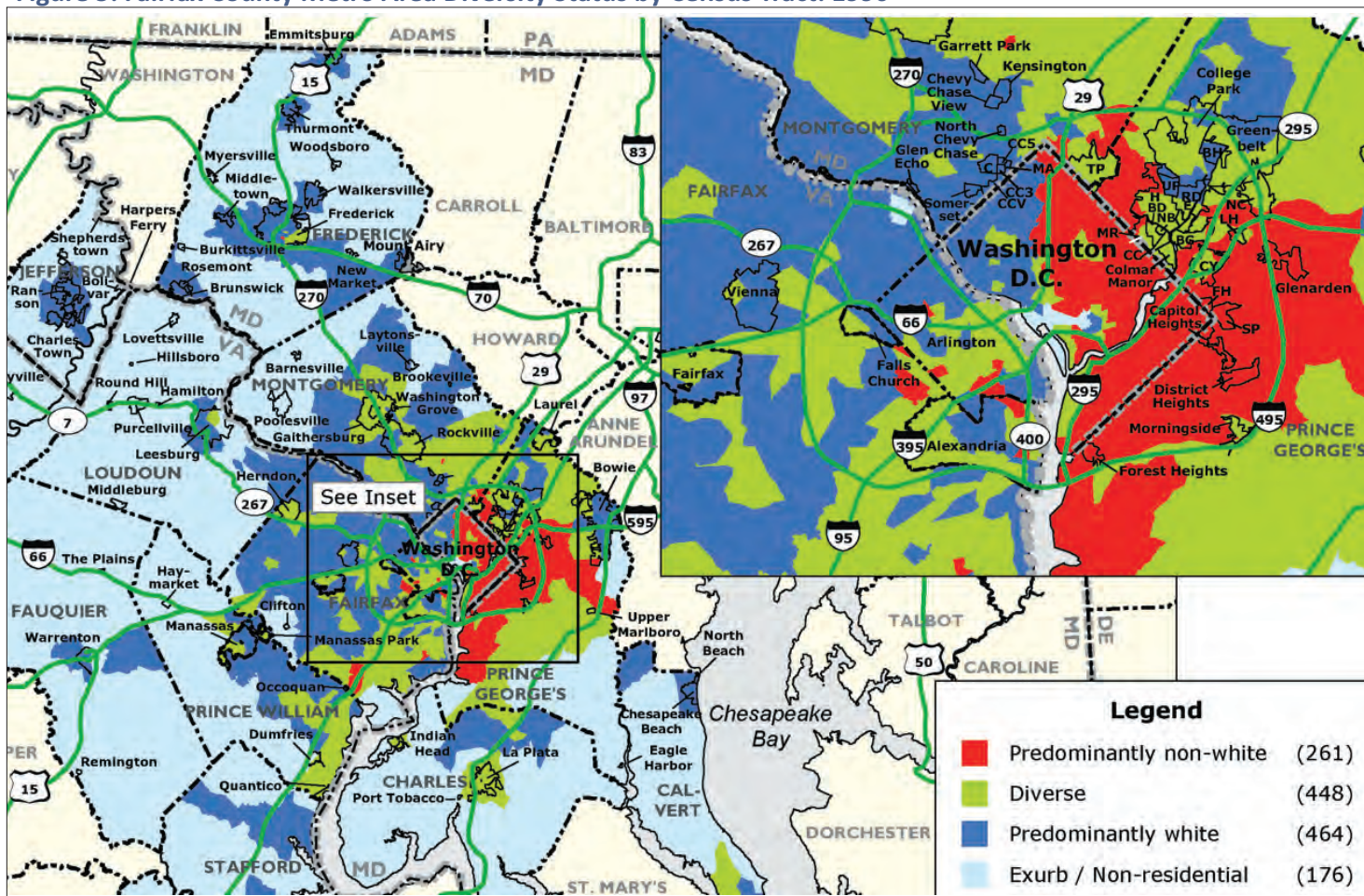
The authors defined “non-white” residents as everybody except non-Hispanic Caucasians. By not distinguishing between Asians, African Americans, and Hispanics of any race, these three maps provide a fairly broad picture of demographic patterns in contrast to the Free Market Analysis™ that starts on page 40 which reports separately on each of these classifications rather than combining them into one classification. The legend of each map shows the number of tracts in each of the four categories.

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33. The full regional housing market consists of the Washington DC–Arlington, VA–Alexandria, VA–Maryland–West Virginia Metropolitan Statistical Area.
  34. Institute on Race and Poverty, *Minority Suburbanization, Stable Integration, and Economic Opportunity in Fifteen Metropolitan Regions* (Minneapolis, MN: University of Minnesota Law School, Feb. 2006). Available at <http://www1.law.umn.edu/metro/metro-area-studies/integration-and-segregation.html>.
  35. Myron Orfield and Thomas Luce, *America’s Racially Diverse Suburbs: Opportunities and Challenges* (Minneapolis, MN: Institute on Race and Poverty, University of Minnesota Law School, July 20, 2012). Available at <http://www1.law.umn.edu/metro/metro-area-studies/integration-and-segregation.html>.
  36. While one can certainly debate the appropriateness of the percentages the researchers chose, their maps do show relative change during the two decades studied.



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Figure 5: Fairfax County Metro Area Diversity Status by Census Tract: 1990

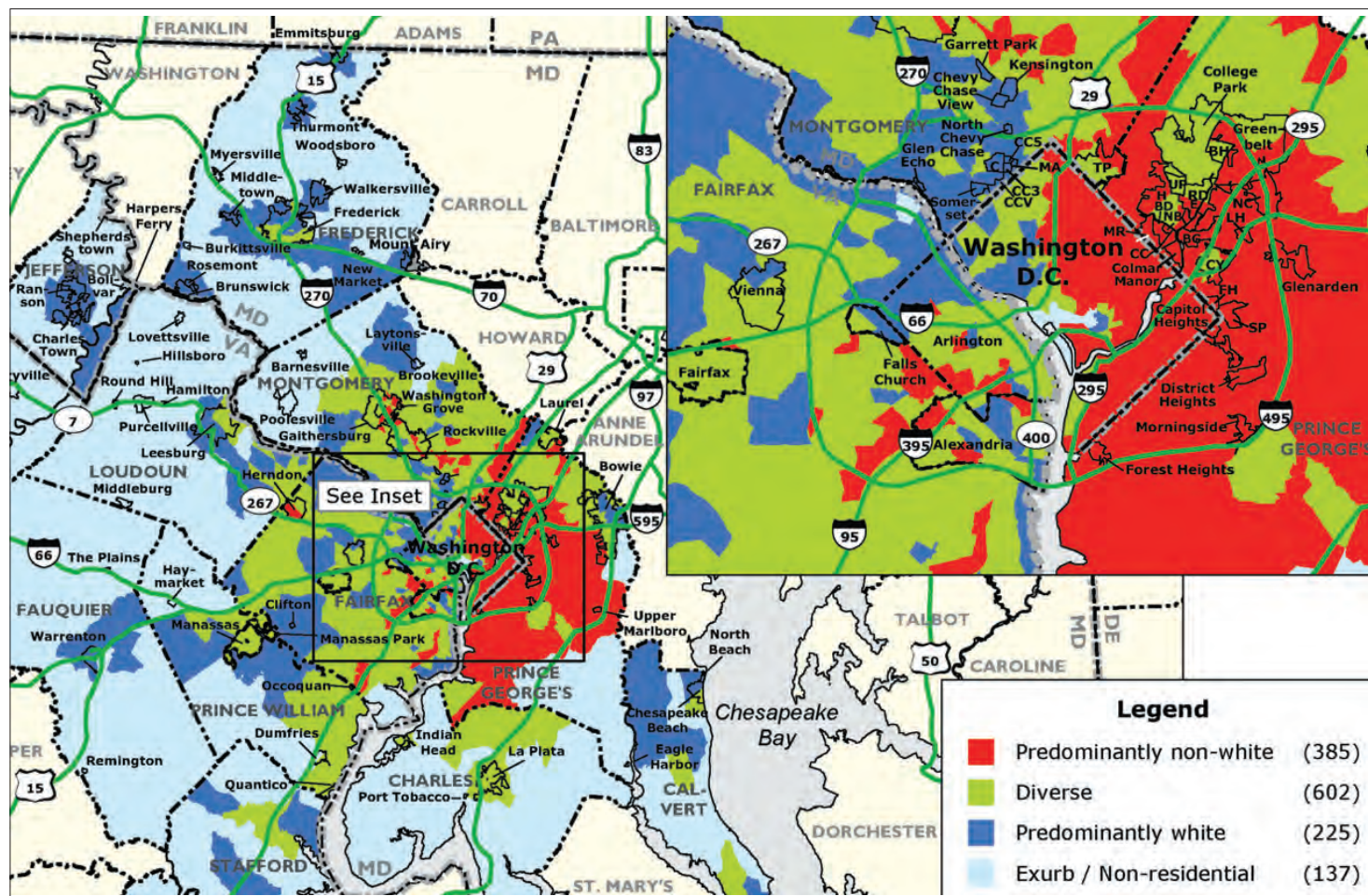


Source: Institute on Race and Poverty, University of Minnesota Law School. Available at [http://www1.law.umn.edu/metro/index/inst4.-metro/ washington-dc-dc-md-vw/dc\\_trtype90.pdf](http://www1.law.umn.edu/metro/index/inst4.-metro/ washington-dc-dc-md-vw/dc_trtype90.pdf).

If you compare the three maps, you can see a steady progression toward greater diversity in Fairfax County and most of the region from 1990 to 2010 as the blue areas (predominantly white) in the county shrink and the green areas (diverse) expand. But as will be noted on the following pages, the red areas (predominantly non-white) also expand over the 20 years studied.



Figure 6: Fairfax County Metro Area Diversity Status by Census Tract: 2000

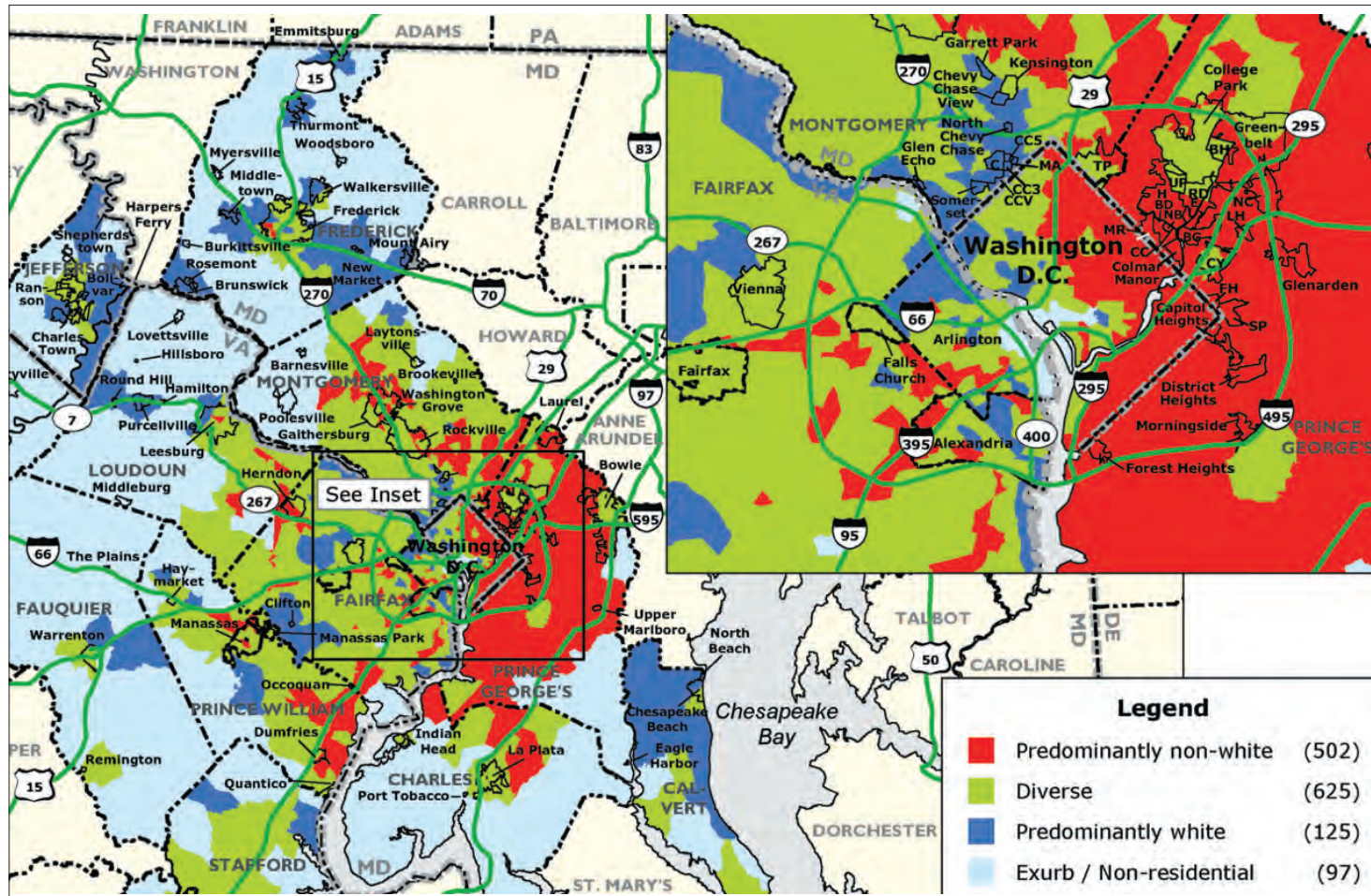


Source: Source: Institute on Race and Poverty, University of Minnesota Law School. Available at <http://www1.law.umn.edu/metro/index/inst4.-metro/washington-dc-dc-md-va-wv/dctrytype00.pdf>.

By 2000, signs of possible resegregation were appearing in Fairfax County as shown by several new red (predominantly non-white) areas. As will be discussed in a few pages, the resegregation of Prince George's County, located east and south of Fairfax County and adjacent to the District of Columbia, accelerated and appears to be expanding into adjacent Charles County, Maryland to its south.



Figure 7: Fairfax County Metro Area Diversity Status by Census Tract: 2010



Source: Source: Institute on Race and Poverty, University of Minnesota Law School. Available at <http://www1.law.umn.edu/metro/index/inst4.-metro/washington-dc-dc-md-va-wv/dctrytype10.pdf>.

During the 2000s, the number of predominantly non-white areas in Fairfax County and the region had increased while several of these areas in Fairfax County and the region expanded.

Not only did the resegregation of Prince George's County expand and intensify during the 2000s, it extended to the south into Charles County, Maryland.

Between 1990 and 2010, the number of "diverse" *census tracts* in Fairfax County's region grew by nearly 40 percent, from 448 to 625. The number of "predominantly non-white" tracts soared 131 percent, from 261 to 602. The number of "predominantly white" tracts plummeted by 73 percent, from 464 to 125. Development claimed 45 percent of the "exurb/non-residential" tracts during this period with the number falling from 176 to 97.

Among the 50 largest metropolitan areas, the number of diverse *suburbs* grew from 1,006 to 1,376 between 2000 and 2010, from 15 to 21 percent of the suburbs in these metropolitan areas. The number of predominantly non-white suburbs increased from 312 to 478 from five to seven percent of suburbs in these areas.

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The number of predominantly white suburbs fell from 2,984 to 2,478, from 46 to 38 percent of the suburbs in the 50 largest metropolitan areas.<sup>37</sup>

The key question for all these newly integrating census tracts and suburbs is whether their nascent diversity will result in long-term stable integration or just be the first stage of resegregation from virtually all-white to virtually all-Black, all-Asian, all-Latino, or virtually all-minority neighborhoods. Literally speaking, only time will tell. The core essence of affirmatively furthering fair housing is achieving stable, integrated neighborhoods with a single, unitary housing market in which all households participate.

In fact, the researchers report:

The most troubling signs for diverse communities are the clear indications that many are in the midst of racial transition. Integrated suburbs show the most rapid racial change (relative to their individual metros) of all of the community types. The non-white share of population in a typical diverse suburb increased from 65 percent of the regional average in 2000 to 78 percent in 2010.<sup>38</sup>

However, as the 2009–2013 *American Community Survey*, used in the Free Market Analysis™ suggests, it *appears* that the most of these areas in Fairfax County have *not* shown signs of resegregation. But as suggested later in this report, the county needs to continuously monitor these areas to quickly identify any discriminatory private or public sector practices or policies that may contribute to creating or maintaining the dual housing market which remains at the core of housing segregation and that practices throughout the region do affect the ability of Fairfax County — and any other local jurisdiction — to achieve stable integrated neighborhoods.

### Taking a Finer Longitudinal Look at Fairfax County: 1990–2010

A third study of the metropolitan area arrived at similar findings while employing a methodology that took a finer look at Fairfax County and the surrounding area. This 2015 study of the core (Fairfax County, Arlington County, the City of Alexandria, Prince William County, the District of Columbia, Montgomery County, and Prince George’s County) of Fairfax County’s metropolitan area concluded that *while the area had become more diverse between 1990 and 2010, it also had become more segregated*.<sup>39</sup>

Using several different indices to “measure” the degree of segregation and integration for each of the seven jurisdictions, they found that between 1990 and

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37. Myron Orfield and Thomas Luce, *America’s Racially Diverse Suburbs: Opportunities and Challenges* (Minneapolis, MN: Institute on Race and Poverty, University of Minnesota Law School, July 20, 2012) 9. Available at <http://www1.law.umn.edu/metro/metro-area-studies/integration-and-segregation.html>.

38. *Ibid.* 11.

39. Joanna Marie Pinto-Coello and Tukufu Zuberi, “Segregated Diversity” in *Sociology of Race and Ethnicity*, Vol. 1, No. 14, 2015, 475, 484. Available at [http://www.researchgate.net/publication/276125275\\_Segregated\\_Diversity](http://www.researchgate.net/publication/276125275_Segregated_Diversity).



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2010 there was a leap in the minority populations of all the jurisdictions outside the District of Columbia. The most notable increase in minority population was in Prince William County where the African American population more than doubled, the Asian population more than tripled, and the Hispanic population grew nearly eight fold.<sup>40</sup> There was a modest *increase* in the white populations of Fairfax and Prince William counties and in the District of Columbia while Montgomery County's Caucasian population declined by 20 percent. Prince George's County continued to resegregate, losing 60 percent of its white residents. The study revealed:

There were very few very racially diverse tracts in 1990. Those tracts, as well as those in close physical proximity to them, grew more diverse by 2010.... Certain areas remain more diverse than others, such as the border that Montgomery and Prince George's counties share, central Montgomery County, central D.C., south Arlington, west Alexandria, south Prince William County, and *those parts of Fairfax that are closest to the District... In fact, whites seem to have left areas that became more diverse between 1990 and 2010.*<sup>41</sup>

The researchers found that Asians, like whites, were “notably absent from tracts that are predominantly Black” and that “Latinos appear equally likely to live with whites as with Blacks, although not as often with Asians.” They observed that the residential patterns of “white, multiracial, and ‘other’ Latinos” were different than for all of the “racial groups’ residential patterns.” However, the residential patterns of Black Hispanics “more closely resembled those of non-Hispanic Blacks. This pattern has also been observed elsewhere in the nation.”<sup>42</sup>

*The researchers report, however, that “increasing racial diversity ... does not imply or necessarily coincide with racial residential integration.”* All jurisdictions in the study became more racially diverse between 1990 and 2010 except Prince George's County which continued to resegregate.<sup>43</sup> While the populations of Prince William County, closely followed by Fairfax County and Montgomery Counties experienced “the most dramatic diversification” between 1990 and 2010, the increased diversity was accompanied by increases in housing segregation, not integration.

Fairfax and Montgomery counties, for example, two of the area's rapidly diversifying counties, also experienced the most dramatic increases in their racial residential segregation between 1990 and 2010.<sup>44</sup>

*Although the area grew significantly more racially diverse between*

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40. Ibid. There were very small proportions of minority groups in Prince William County in 1990. As the table on page 51 suggests, much of the growth in minority populations occurred between 1990 and 2000.

41. Ibid. 479. *Emphasis added.*

42. Ibid. 479–481, 484.

43. Ibid. 481.

44. Ibid. 482.

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*1990 and 2010, Latinos and Asians became much more segregated during that time period, and Blacks did not become significantly more integrated — in some counties, they actually became more segregated.<sup>45</sup>*

This study very accurately reports an obvious increase in diversity except in resegregating Prince George’s County. However, its conclusions about segregation and integration (stratification) should be taken with a large grain of salt because the indices it used do *not* take into account the actual cost of housing or household income which varies considerably by race and Latino ethnicity.<sup>46</sup>

The researchers acknowledge the ongoing debate and difficulty in defining and measuring what constitutes a “racially integrated” neighborhood.<sup>47</sup> They relied on a combination of indices using data from the census tract level to make their measurements. To estimate diversity, they used the Index of Racial Diversity and Theil’s Entropy Score. To estimate segregation and integration, they used the Dissimilarity Index, Isolation Index, Interaction Index, and Theil’s Information Theory Index.<sup>48</sup>

*As discussed below, while these indices are useful for identifying relative levels of racial stratification in different jurisdictions and gross demographic patterns over the years, they do not pinpoint the intensity or location of racial and “Hispanic of any race” stratification within a jurisdiction, nor do they take into account the key variables that ultimately determine where a household can live: housing costs and household income.*

The Free Market Analysis™ that follows goes beyond the surface of these indices to more precisely identify the intensity and location of any racial or Latino stratification largely by incorporating actual housing costs and household incomes into the equation and allowing for other factors that influence housing choices.

### First Impressions Only Touch the Surface

**The *actual* extent of racial and Latino stratification in Fairfax County might *not* be what it appears to be at first glance in these three studies that use the indices noted above.** As the tables in the Free Market Analysis™ that follows show, the racial and/or Hispanic composition of many a census tract that appears to be racially segregated is actually about what would be expected in a unitary, free housing market that is not distorted by housing discrimination.

*Before arriving at any conclusions as to the degrees of segregation and integration in Fairfax County, it is essential to take into account household income and the cost of housing — which is exactly what the Free Market Analysis™ does.*

*This approach requires a more nuanced, complex, and realistic approach to iden-*

45. Ibid. 484. *Emphasis added.*

46. See the table of median household income by race and ethnicity on page 45.

47. Ibid. 478.

48. Ibid. 478, 485–486.

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*tifying housing discrimination and segregation than the indices the above studies used. Discrimination is likely a major contributing cause of an area's racial and ethnic composition when the actual racial and Latino composition differs significantly from what the makeup would be in a single, unitary free housing market not distorted by discrimination. For example, it is likely that past and/or present discrimination based on race or ethnicity significantly contributes to a census tract being 85 percent white when the tract would be expected to be 70 percent Caucasian when taking into account household income and the cost of existing housing.*

The Free Market Analysis™ does not produce indices that can be compared between jurisdictions. Instead it pinpoints the geographic areas within a jurisdiction where stratification exists, identifies the direction in which the demographic composition of the geographic area has been moving since the turn of the century, and shows what the demographic composition of the area would be in the absence of individual or institutional housing discrimination. It is a much more practical tool to help a jurisdiction affirmatively further fair housing choice.

The approach used in this analysis compares the actual racial and Hispanic composition of a census tract with what the *approximate* racial and Latino composition would be in a unitary free housing market *not distorted* by practices such as racial steering; racial or national origin discrimination in showing, renting, or selling dwellings; mortgage lending discrimination; discriminatory advertising; discriminatory rental policies; mortgage or home insurance redlining; or discriminatory appraisals.<sup>49</sup>

For 2009–2013, the tables in the analysis that follows show (1) the actual racial and Hispanic composition of households and (2) the approximate racial composition if household income and housing costs were the predominant determinants of residency in a genuine unitary free market *without* the distortions that discriminatory practices generate. To provide a point of comparison, the actual proportions as reported in the 2000 decennial census are shown in the tables for Fairfax County's planning districts.<sup>50</sup> By using both sets of years, the tables show whether the first 13 years of the twenty-first century have resulted in movement toward or away from stable racial and Hispanic integration. *When the actual proportions of minorities are significantly less than the proportions that would exist in a free housing market, it is very likely that factors other than income, social class, or personal choice are influencing who lives in the community.* Researchers have concluded “that race and ethnicity (not just social class) remain major factors in steering minority families away

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49. These discriminatory practices are far from eliminated. For example, researchers continue to find that “significant levels of steering still occur in metropolitan housing markets and are likely increasing.” Minorities, especially African Americans, are denied mortgages at rates greater than other groups. They and Hispanics tend to receive subprime loans at a much higher rate than other groups. Myron Orfield and Thomas Luce, *America's Racially Diverse Suburbs: Opportunities and Challenges* (Minneapolis, MN: Institute on Race and Poverty, University of Minnesota Law School, July 20, 2012) 30–31. Available at <http://www1.law.umn.edu/metro/metro-area-studies/integration-and-segregation.html>. An analysis of mortgage lending for homes in Fairfax County and the region, begins on page 197 of this analysis of impediments.
50. The table “Longitudinal Free Market Analyses™ of Fairfax County and Neighboring Jurisdictions: 2000 Through 2013” that begins on page 50, however includes both actual and expected racial and Latino composition in 2000 as well as in 2009–2013.

from some communities and toward others.”<sup>51</sup>

All too often, analyses of the degree of segregation and integration in a jurisdiction are confounded by the rather significant differences in median household income between different racial and ethnic groups. Many people mistakenly assume that housing stratification is due primarily to different income levels and self-steering, assumptions *not* borne out by data or well-informed research and analysis. *Analyses that do not control for differences in household income and the cost of rental and ownership housing are unable to accurately determine the extent of racial and Latino stratification in a jurisdiction.* And that is why we suggest that the analysis of segregation in the two longitudinal studies discussed above should be taken with a grain of salt.

For example, the Dissimilarity Index does *not* control for these differences in household income or take into account housing costs.<sup>52</sup> The basic premise of the Dissimilarity Index measures the percentage of households of each race and Latino ethnicity that would need to move to produce an even distribution of each throughout the subject jurisdiction. That may be a convenient way to measure relative levels of segregation and racial and Latino isolation between different jurisdictions, but it is *not a realistic tool for identifying real world segregation or integration.*

The Free Market Analysis™ that follows avoids these pitfalls by taking household income and the cost of housing into account. The differences it finds between the racial and Latino composition expected in a free housing market undistorted by housing discrimination and the actual demographic composition likely reflect past and/or current discriminatory private and/or public sector practices that distort the free housing market and divide into two or more separate housing markets based on race and/or ethnicity.

Frustratingly, nobody has been able to design a Free Market Analysis™ that takes into account household wealth. A household’s wealth can affect its ability to purchase a home. Like median income, median household wealth varies by race and Latino national origin. Minority households, regardless of race or national origin, that own in predominantly minority neighborhoods generally experience significantly lower appreciation in property values than households of any race or ethnicity that live in stable, integrated neighborhoods or in predominantly white neighborhoods where the entire spectrum of home buyers compete for housing. In predominantly minority neighborhoods, only a subset of the general population competes for housing, which likely explains the lower appreciation in property values and therefore less wealth creation. Such households derive less equity from the homes they own and have less

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51. *Black, White and Shades of Brown: Fair Housing and Economic Opportunity in the Chicago Region*, v. The methodology, first developed by Harvard economist John Kain, is explained in detail beginning on page 17 of the study cited immediately above. You can download the study at [http://www.planningcommunications.com/black\\_white\\_and\\_shades\\_of\\_brown.pdf](http://www.planningcommunications.com/black_white_and_shades_of_brown.pdf).

52. Unlike the Free Market Analysis,™ the Dissimilarity Index does not take into account any of the other factors that can affect where people can or choose to live, including housing preferences of any type and the longstanding phenomenon of first and second generation immigrants tending to live in ethnic enclaves. We are not aware of any analysis of racial or ethnic stratification that incorporates household wealth.

money available for a down payment on another home, thus restricting their housing choices even when they have the income to afford a home outside segregated Black neighborhoods. It's a never-ending vicious cycle.

So, if household wealth has a major impact on the ability to purchase a home outside a predominantly minority neighborhood, all minorities should be experiencing this problem and their housing be similarly stratified.

*But as the Free Market Analysis™ reveals, Blacks are far more stratified in Fairfax County than Asians or Hispanics of any race. The actual proportions of Asian and Hispanic households of any race are consistently much closer to the proportions expected in a free housing market absent discrimination than they are for African American households.*

Differences in household wealth likely have an even smaller effect on renters. The most likely impact is that inadequate savings would make it more difficult to pay the security deposit on an apartment — but that would affect such households no matter where they lived in the county.

Consequently, it's uncertain whether these differences in household wealth have much of an impact on the ability of African American households to move out of racial enclaves and it is unlikely that these differences have a major influence on any racial stratification that may exist in Fairfax County.

### How the Free Market Analysis™ Works and What It Shows

By taking household income into account, the analysis that follows more precisely identifies possible racial and Latino concentrations than does simply reporting the proportions of each racial or ethnic group within a planning district or census tract.<sup>53</sup> As noted above, there is a common misconception that housing is segregated largely because, as a whole, minority households earn less than white households.

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53. The Free Market Analysis™ reports the actual racial and “Latino of any race” composition of each geographic area and the composition that would be expected in a free housing market that is *not* distorted by housing discrimination — namely a housing market where household income and housing cost are the prime determinants of where a household lives. The pages that follow report these figures for each of the 14 Fairfax County planning districts and each district’s census tracts as well as for the larger jurisdictions around Fairfax County in its regional housing market.

This is a lengthy and labor intensive process. The most reliable demographic and household income data available for this analysis come from the *2009–2013 American Community Survey 5–Year Estimates*. The step-by-step procedure described here uses a census tract to illustrate this process. First we identify the number of current households in each of 16 income ranges starting with “Less than \$10,000,” “\$10,000 to \$14,999,” and “\$15,000 to \$19,999.” At the top end of the income spectrum are the highest income ranges of “\$125,000 to \$149,999,” “\$150,000 to \$199,999,” and “\$200,000 or more.” This process gives us the *actual* number of households in each income range who live in the census tract.

The next step identifies the *total* number of households in Fairfax County’s regional housing market in each of these 16 income ranges. It also reports the number of households of each race and “Hispanics of any race” in each of these income ranges. (Fairfax County’s regional housing market consists of the Washington DC–Arlington, VA–Alexandria, VA–Maryland–West Virginia Metropolitan Statistical Area). From these data, we calculate the percentage of each race and “Latinos of any race” in each of the 16 income ranges for the metropolitan statistical area. For example, in



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As the figure below shows, the median annual household income in Fairfax County varies substantially by race and Hispanic ethnicity with non-Latino Caucasians possessing the highest median household income and Asians the second highest. While the median household income in Fairfax County of African Americans, Latinos of any race, and the other categories are notably lower than whites and Asians, they are still significantly higher than for the nation as a whole.<sup>54</sup>

The lower annual median incomes of the county's African American and Hispanic households certainly contribute to the demographic patterns shown on the maps on pages 29 – 38 of this study. However, the Free Market Analysis™ that follows controls for these income differences by explicitly taking into account household income to *approximate* the racial and ethnic composition of each planning district and its census tracts if racial and ethnic discrimination were absent and household income and the cost of existing housing were the primary determinants of where a household lives in a single, unitary free housing market.

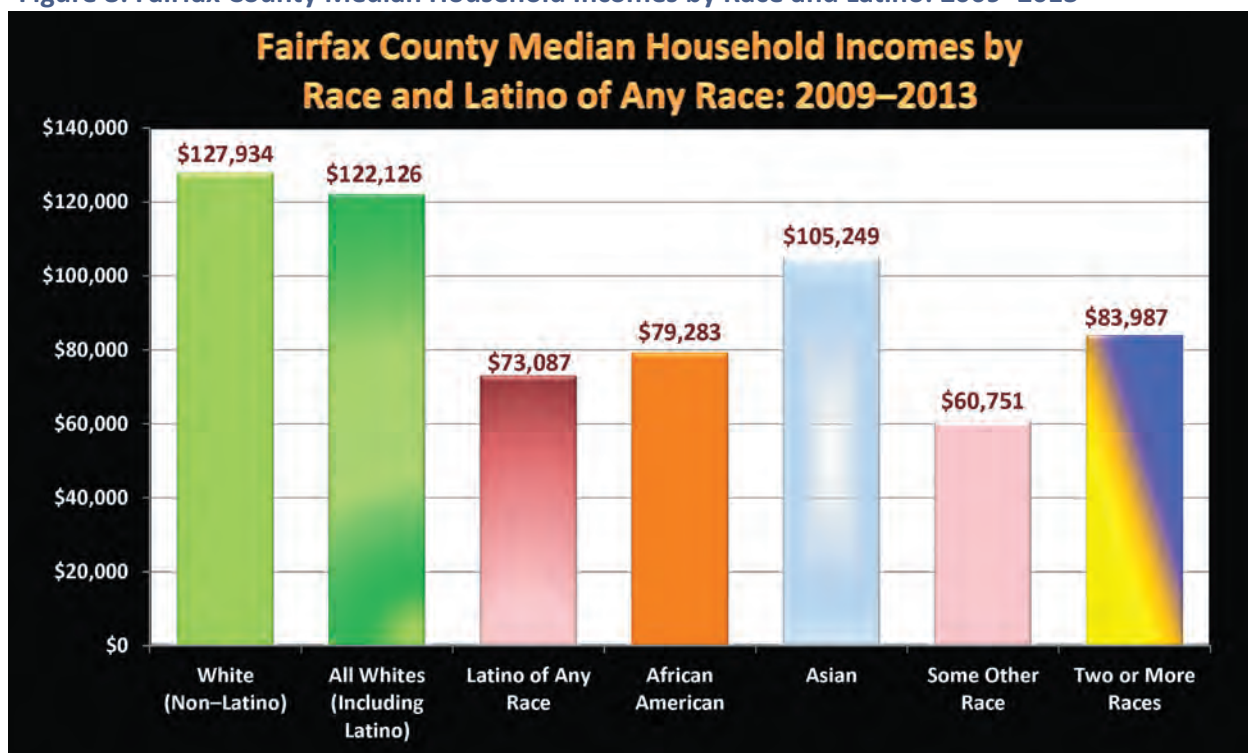
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the \$75,000 to \$99,999 annual income range for the entire metropolitan statistical area, 59.5 percent of these households (166,192) are white, 26.5 percent (73,928) are African American, 7.8 percent (21,675) are Asian, and 10.5 percent (29,355) are of Hispanic ethnicity. These add up to more than 100 percent because households of “Hispanic” ethnicity can be of any race.

For each income range, we then multiply the total number of households in the subject census tract by the percentage of each race or ethnicity in that income range for the regional housing market. The generated figures are the approximate number of each race or ethnicity that would be expected to live in the census tract given existing household income and the existing cost of housing in that tract absent housing discrimination. From those numbers, we calculate the expected proportion of each race or ethnicity. The tables in the Free Market Analysis™ show the difference between these expected proportions and the actual proportions.

54. Nationally, median household incomes were \$58,096 for white (non-Latino); \$56,300 for all whites; \$42,042 for Latinos of any race; \$35,415 for African Americans; \$72,225 for Asians; \$40,226 for “some other race;” and \$46,882 for “two or more races.” *2009–2013 American Community Survey 5–Year Estimates*, Table S1903.



**DRAFT****Figure 8: Fairfax County Median Household Incomes by Race and Latino: 2009–2013**

Source: 2009–2013 American Community Survey 5–Year Estimates, Table S1903: “Median Income in the Past 12 Months (in 2013 inflation-adjusted dollars).” American Indians and Native Alaskans, which constituted 0.03 percent of county households and Native Hawaiian and Other Pacific Islanders, which constituted 0.1 percent of county households are excluded from this graph because their numbers are so small that the margins of error were 41 percent and 30 percent respectively, which make the data less than reliable.

While the absence of housing affordable to households with modest incomes certainly contributes to minimal diversity in Fairfax County’s wealthier neighborhoods, this Free Market Analysis™ identifies the extent of racial and Latino stratification under current housing costs and household incomes that is likely due to discrimination against the households that can afford to live in each census tract and planning district, *not* due to different household income.

As the table below shows, by far the single largest proportion of households of each group is the wealthiest cohort of \$100,000 and more annual household income. The smallest proportion for each group is the lowest cohort of less than \$25,000 annual household income. The county’s median household income for this time period was \$110,292, more than double the \$53,046 national median.<sup>55</sup>

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55. Ibid.

**DRAFT****Table 6: Fairfax County Percentage of Each Race or Ethnicity By Income Range**

Fairfax County Percentage of Each Race or Ethnicity by Income Range				
Annual Household Income	Percentage of Each Group in Each Income Range			
	White	African American	Asian	Hispanic of Any Race
Up to \$24,999	6.0%	11.6%	8.8%	10.6%
\$25,000 to \$49,999	9.1%	17.7%	11.6%	21.6%
\$50,000 to \$74,999	12.0%	18.2%	13.7%	19.3%
\$75,000 to \$99,999	12.3%	16.1%	12.4%	15.1%
\$100,000 and more	60.7%	36.4%	53.6%	33.4%

Source: 2009–2013 American Community Survey 5–Year Estimates. Household Income Tables: B19001, B19001A, B19001B, B19001D, B19001I.

While 73 percent of Fairfax County’s white households and 66 percent of Asian households had the annual incomes of at least \$75,000, just 52.5 and 48.5 percent of African American and Hispanic households of any race did, respectively.

So, for example, when the actual proportions of African American or Hispanic households of any race in any portion of Fairfax County are close to zero, it is very possible that housing discrimination has been at play. And as explained below, when the actual proportion of any racial or Latino category in a planning district or census tract is 15 or more percentage points different than the proportion expected in a single, unitary free housing market, something is amiss. This study identifies these anomalies.

### Understanding the Free Market Analysis™

The tables that constitute this Free Market Analysis™ provide the following information for each Fairfax County planning district and each census tract for 2009–2013:<sup>56</sup>

- 💧 “Households Actual Proportion” = The actual proportion of households of each race and Hispanic ethnicity of any race. This information is provided for both 2009–2013 and 2000.
- 💧 “2009–2013 Households Free Market” = The approximate proportion of households of each race and Latino ethnicity of any race when income and the cost of housing are the primary determinants of residency in a unitary free housing market *not* distorted by discrimination.
- 💧 “2009–2013 Households Difference” = “Households Free Market” minus

56. Because the Decennial U.S. Census no longer asks for household income, we had to use household income from the 2013 American Community Survey Five–Year Estimates for 2009–2013. Due to their larger sample size, these are more reliable than the one–year and three–year estimates.

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“Households Actual Proportion.” For each race and Latinos, the size of this difference between the actual proportion and the proportion expected in a free housing market absent discrimination suggests whether or not past and/or current discrimination has been distorting the free market in housing.

In the tables that follow, “2009–2013 Households Difference” between actual and expected proportions that suggest distortions of the free housing market that are likely due to past and/or present racial discrimination are highlighted with a red or yellow cell.

A “Households Difference” that is 15 or more percentage points is so substantial a gap that it very likely reflects current and/or past housing discrimination that produces a dual housing market. A smaller gap of 10 to 14.9 percentage points suggests it is likely that this difference is due to current and/or past discriminatory practices that generate a dual housing market. The greater the gap, the greater the likelihood that a dual housing market exists thanks to past and/or current housing discrimination. These are the geographic areas that warrant closer scrutiny and study to determine whether past or current discrimination poses an obstacle to fair housing choice.

Other researchers have concluded that differences of just five percentage points indicate that discrimination is distorting the housing market.<sup>57</sup> This analysis uses these higher thresholds of 10 and 15 percentage points to factor in first generation immigrants and other minority households that choose to live in a predominantly minority neighborhood. It also allows for the margins of error in the household income data because it comes from the five-year estimates of the *American Community Survey*.

A high proportion of minority households in a jurisdiction or census tract is *not necessarily* a segregative concentration. For example, if a census tract’s actual proportion of Asian households is 30 percent, it is *not* a concentration when the proportion *expected* in a free housing market is anywhere from 21 to 39 percent (within ten percentage points of the actual proportion). Allowing for the factors discussed above, differences between actual and expected proportions of households that are *less than 10 percent* are close to what would be expected if household income were the predominant determinant of where households live in a single, unitary free market without housing discrimination.

This analysis allows for a higher proportion of households that prefer to live in a racially or ethnically homogeneous community than probably actually exists. According to the U.S. Census Bureau, the primary reasons households move have been for better housing or less expensive housing, for a new job or job transfer, to live closer to work and for an easier commute, change in marital status, and to live in a better neighborhood or one with less crime. The research is clear that wealthier neighborhoods tend to be safer; offer better housing, schools, and resources; and are often closer to work since the great migration of jobs to the suburbs. Consequently, these reasons for moving effectively serve as proxies for moving to neighborhoods outside racial or ethnic enclaves. Wishing to live in a

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57. See *Black, White and Shades of Brown: Fair Housing and Economic Opportunity in the Chicago Region*.

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homogeneous neighborhood did not even register in the Census Bureau's most recent survey.<sup>58</sup> More than half of African American households moved for housing-related reasons, a higher percentage than any other group.<sup>59</sup>

A jurisdiction seeking to affirmatively further fair housing cannot achieve housing integration overnight. The dynamics of the housing market do not work that way. Instead, mitigating housing segregation is a slow, incremental process. As noted above, wishing to live in a homogeneous neighborhood did not even register on the list of reasons households move. In addition, not that many households move each year, especially homeowners. Given all the higher priority reasons households move to a particular home, it would be unrealistic to expect a large proportion of households would go out of their way to make a pro-integrative move.

The concern, however, is that households (especially African American) that would like to move to higher opportunity areas do not include many high opportunity areas — which are wealthier and tend to be integrated or predominantly Caucasian thanks to racial and ethnic differences in household income — in their housing search due to implicit or explicit housing discrimination.

### Placing Fairfax County Within Its Regional Context

It is important to understand where Fairfax County stands within its region. As will be explained in detail later in this report, achieving stable racially and ethnically integrated communities requires a dual-pronged local and regional approach.

As noted earlier, Fairfax County sits in what is officially called the “Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area.”<sup>60</sup> This metropolitan statistical area — shown in the map below — constitutes the Fairfax County's regional housing market.

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58. David Ihrke, *Reason for Moving: 2012 to 2013 Population Characteristics* (Washington, DC: United States Census Bureau, June 2014).

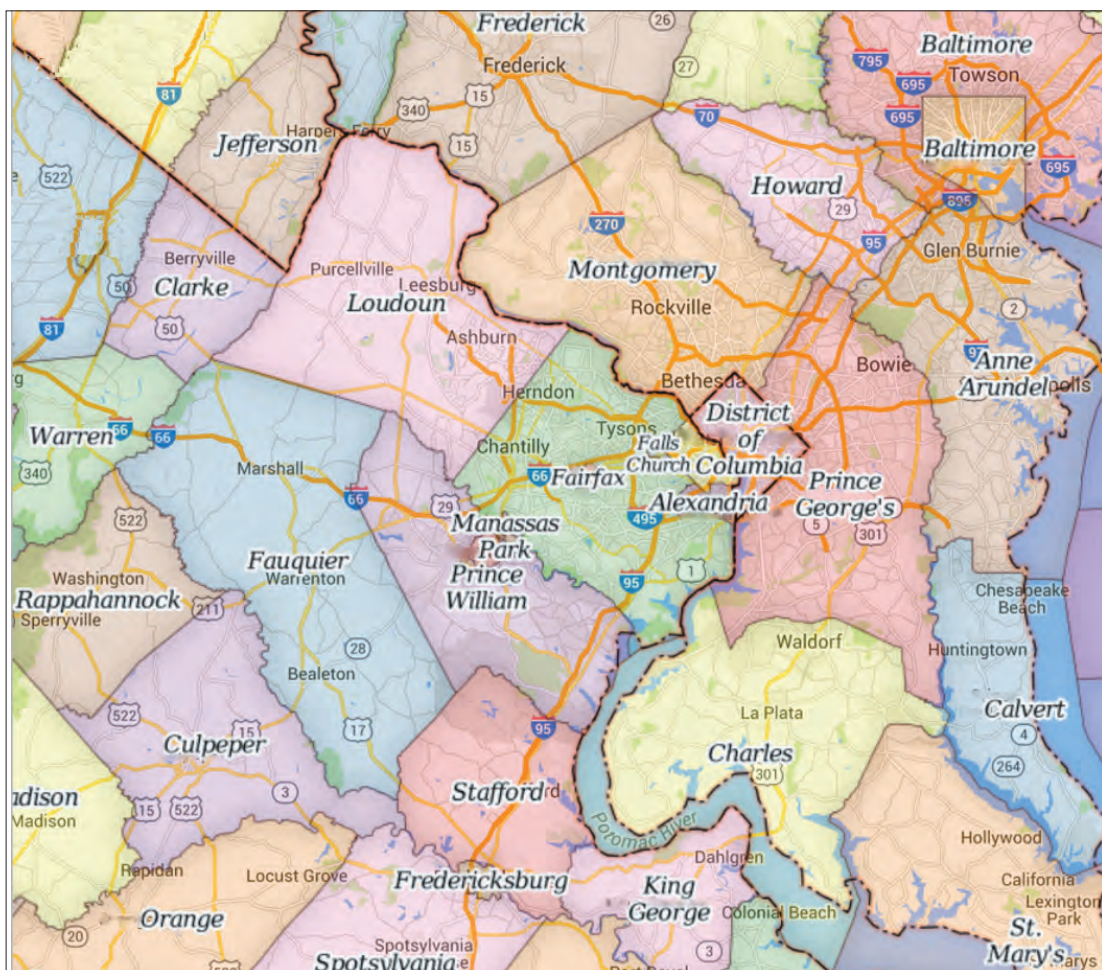
59. Ibid. 4.

60. In addition to Fairfax County, this metropolitan statistical area consists of the District of Columbia; the Virginia cities Arlington, Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park; the Virginia counties Arlington, Clarke, Culpeper, Fairfax, Fauquier, Loudoun, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren; the Maryland cities Silver Spring, Frederick, Rockville, Bethesda, and Gaithersburg; the Maryland counties Frederick, Montgomery, Calvert, Charles, and Prince George's; and Jefferson County in West Virginia.



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Figure 9: Map of Fairfax County's Metropolitan Statistical Area and Other Neighboring



The table below includes the geographic area most tightly bound with Fairfax County — the counties adjacent to Fairfax County and the District of Columbia. The table shows both the actual demographic household composition in Fairfax County and its seven major adjacent jurisdictions in 2000 and 2009–2013 as well as what would have been expected in a unitary free housing market without racial and ethnic discrimination. The differences between the actual racial composition and what would have been expected in a unitary free housing market absent discrimination are in the rows labeled “2000 Households Difference” and “2009–2013 Households Difference.”

Keep in mind that this analysis incorporates only actual household incomes and actual housing costs. The expected proportions are what would exist with the current housing stock and current households incomes. ***Consequently, it reports what racial and Hispanic compositions would be of households that can afford current housing prices in Fairfax County and the other jurisdictions.***

In the table immediately below, the data for an entire jurisdiction do not address the possible existence of racial or Latino stratification *within* the jurisdiction. It is very possible that the data for an entire county may mask the existence of racial or Hispanic enclaves as well as the exclusion of minority households that



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can afford the housing from some areas within the jurisdiction.

**Table 7: Longitudinal Free Market Analyses™ of Fairfax County and Neighboring Jurisdictions: 2000 Through 2013**

<b>Longitudinal Free Market Analyses™ of Fairfax County and Neighboring Jurisdictions: 2000 Through 2013</b>				
<b>Jurisdiction</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>Fairfax County, VA</b>				
<b>2000 Census Households Actual Proportion</b>	75.8%	8.3%	10.2%	7.4%
<b>2000 Census Households Free Market</b>	71.0%	21.0%	4.4%	4.0%
<b>2000 Households Difference</b>	4.8%	-12.7%	5.8%	3.3%
<b>2009–2013 Households Actual Proportion</b>	69.4%	9.1%	15.3%	11.3%
<b>2009–2013 Households Free Market</b>	62.8%	23.5%	8.3%	9.1%
<b>2009–2013 Households Difference</b>	6.6%	-14.3%	7.0%	2.2%
<b>District of Columbia</b>				
<b>2000 Census Households Actual Proportion</b>	36.1%	56.0%	2.6%	5.8%
<b>2000 Census Households Free Market</b>	62.5%	29.1%	4.2%	4.5%
<b>2000 Households Difference</b>	-26.3%	26.9%	-1.7%	1.3%
<b>2009–2013 Households Actual Proportion</b>	44.6%	46.9%	3.6%	7.7%
<b>2009–2013 Households Free Market</b>	56.8%	29.0%	7.8%	10.4%
<b>2009–2013 Households Difference</b>	-12.2%	17.8%	-4.3%	-2.7%
<b>Arlington County, VA</b>				
<b>2000 Census Households Actual Proportion</b>	75.3%	8.5%	7.8%	11.2%
<b>2000 Census Households Free Market</b>	67.9%	23.9%	4.3%	4.3%
<b>2000 Households Difference</b>	7.4%	-15.4%	3.8%	6.9%
<b>2009–2013 Households Actual Proportion</b>	76.4%	8.2%	8.6%	10.6%
<b>2009–2013 Households Free Market</b>	62.0%	24.3%	8.2%	9.2%
<b>2009–2013 Households Difference</b>	14.4%	-16.0%	0.4%	1.4%
<b>Charles County, MD</b>				
<b>2000 Census Households Actual Proportion</b>	70.9%	25.3%	1.0%	1.8%
<b>2000 Census Households Free Market</b>	67.2%	24.5%	4.3%	4.4%
<b>2000 Households Difference</b>	3.7%	0.8%	-3.3%	-2.7%
<b>2009–2013 Households Actual Proportion</b>	54.5%	40.4%	2.2%	3.1%
<b>2009–2013 Households Free Market</b>	60.0%	26.0%	8.1%	9.9%
<b>2009–2013 Households Difference</b>	-5.5%	14.4%	-5.9%	-6.8%

— Continued on the next page

Of the eight jurisdictions, Montgomery County and Prince William County have actual and expected proportions that are close enough to suggest both may have a single, unitary housing market in which all races and Hispanics of any race participate. It is *possible* that housing discrimination on the basis of race, ethnicity, or national origin in these two counties occurs less frequently than in the other jurisdictions examined here. But a Free Market Analysis™ at the local level would be needed to know for sure.

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Longitudinal Free Market Analyses™ of Fairfax County and Neighboring Jurisdictions: 2000 Through 2013 (Continued)				
Jurisdiction	White	Black	Asian	Hispanic of Any Race
<b>Loudoun County, VA</b>				
2000 Census Households Actual Proportion	85.5%	6.9%	4.1%	3.9%
2000 Census Households Free Market	70.9%	21.0%	4.4%	4.0%
2000 Households Difference	14.6%	-14.1%	-0.3%	-0.2%
2009–2013 Households Actual Proportion	73.8%	7.8%	13.2%	8.9%
2009–2013 Households Free Market	64.0%	22.4%	8.4%	8.7%
2009–2013 Households Difference	9.8%	-14.6%	4.8%	0.2%
<b>Montgomery County, MD</b>				
2000 Census Households Actual Proportion	69.6%	14.7%	9.4%	7.9%
2000 Census Households Free Market	69.5%	22.4%	4.3%	4.2%
2000 Households Difference	0.1%	-7.7%	5.1%	3.8%
2009–2013 Households Actual Proportion	62.8%	17.0%	12.6%	12.2%
2009–2013 Households Free Market	61.3%	24.9%	8.2%	9.6%
2009–2013 Households Difference	1.5%	-7.9%	4.5%	2.7%
<b>Prince George's County, MD</b>				
2000 Census Households Actual Proportion	29.8%	62.6%	3.0%	4.7%
2000 Census Households Free Market	66.0%	25.7%	4.2%	4.6%
2000 Households Difference	-36.1%	36.8%	-1.3%	0.1%
2009–2013 Households Actual Proportion	21.6%	68.0%	3.4%	10.1%
2009–2013 Households Free Market	57.6%	28.1%	7.8%	10.9%
2009–2013 Households Difference	-36.0%	39.9%	-4.5%	-0.8%
<b>Prince William County, VA</b>				
2000 Census Households Actual Proportion	72.3%	18.9%	2.9%	6.7%
2000 Census Households Free Market	68.3%	23.5%	4.3%	4.4%
2000 Households Difference	4.0%	-4.6%	-1.4%	2.3%
2009–2013 Households Actual Proportion	65.0%	20.9%	6.7%	15.0%
2009–2013 Households Free Market	61.2%	24.9%	8.1%	9.7%
2009–2013 Households Difference	3.9%	-4.0%	-1.5%	5.3%

In the District of Columbia and the other counties, including Fairfax, the gaps between actual proportions of Black households and expected proportions in a free housing market are large enough to suggest the presence of a dual housing market, one for African Americans and one for everybody else.

The most severe differences are in the District of Columbia, where portions of the city have been moving toward integration since at least the turn of the century, and adjacent Prince George's County, Maryland which has continued to re-segregate as African Americans within the region have concentrated there and whites have moved out.

In 2000, the actual proportion of white households in the nation's capital was about 26 percentage points less than would be expected in a unitary housing



market devoid of discrimination while the actual proportion of African American households was about 26 percentage points greater than would be expected. Since then, the gaps have shrunk to about 12 and 18 percentage points respectively. The actual proportions of Asian households and Hispanic households of any race have been what would be expected.<sup>61</sup>

In the above table, the citywide figures for the District mask the extreme intensity of racial segregation in our nation's capital. The city itself is divided into 39 neighborhoods clusters, akin to the 14 planning districts that comprise Fairfax County. While much of the District has become more diverse *and* integrated since 2000, many of its neighborhood clusters that were intensely segregated in 2000 grew even more segregated. African Americans are concentrated largely in the city's southeast quadrant where the proportion of residents who are Black was over 93 percent in both 2000 and 2010. The proportion of African Americans was over 98 percent in all but a few of these neighborhood clusters.<sup>62</sup>

The District's most recent analysis of impediments concluded that the nation's capital has become increasingly diverse over the past 30 years and that the city has a rare opportunity to "transform itself into a stable, racially, ethnically, and economically integrated city *without* displacing its most vulnerable residents" thanks in large part to regulatory tools that may not be available in other jurisdictions.<sup>63</sup>

The pace of resegregation in Prince George's County from virtually all-white to predominantly Black has slowed this century. The differences between actual and expected proportions of Caucasian and African American households are more extreme — and not improving — than in the District of Columbia. The actual and expected proportions of Asian households and Latino households of any race have been what would be expected.

Immediately south of Prince George's County is Charles County, MD, which appears to be showing early signs of resegregation. The actual proportion of African American households grew from 25.3 percent in 2000 to 40.4 percent in 2009–2013. While the actual proportion in 2000 was what would be expected in a unitary free housing market absent discrimination, the actual proportion in 2009–2013 was about 14 percentage points greater than would be expected. This significant change suggests that Charles County *could* be in the early throes of the same sort of resegregation that Prince George's County has experienced. A two-pronged local and regional effort is needed for Charles County to achieve long-term, stable integration rather than resegregating.

Since the turn of the century, the population of Loudoun County located on Fairfax County's northwest border, doubled to 338,916. The number of African American residents also doubled. This increase in raw numbers suggests a willing-

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61. Planning/Communications, *District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011* (River Forest, IL: Planning/Communications, April 2012) 21–84. The District of Columbia is the only other jurisdiction in the region for which a detailed Free Market Analysis™ has been conducted.

62. Ibid. 3.

63. Ibid. 1.

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ness among Black households to move to areas that have historically had very few African American residents. The data show, however, that the county is becoming more diverse, *except* for African Americans. The actual *proportion* of Black households barely grew and remains more than 14 percentage points lower than would be expected in a unitary free housing market without discrimination. The difference between actual and expected proportions of Caucasian households fell by about one-third to fewer than ten percentage points. The actual low proportions of Asian households and Latino households of any race tripled and more than doubled respectively this century. The county exhibits the characteristics of a dual housing market, one for African Americans and one for everybody else.

Arlington County, which sits between Fairfax County and the District of Columbia, also exhibits characteristics of a dual housing market. The actual proportion of white households increased since 2000 while the expected proportion declined. As a result, the gap between actual and expected proportions nearly doubled from 7.4 percent to 14.4 percent. The actual proportions of Hispanic households of any race and Asian households remained close to what would be expected. However, the actual proportion of African American households remained more than 15 percentage points lower than what would be expected in a unitary free housing market absent discrimination.

Like all of the surrounding counties and the District of Columbia, the actual proportions of Asian households and Latino households of any race in Fairfax County have been about what would be expected in a unitary free housing market in which they faced little discrimination. However, as the data for each of the Fairfax County's 14 planning districts beginning on page 62 and their census tracts show, the countywide data mask substantial variations throughout Fairfax County.

Similarly, the actual proportion of white households in Fairfax County continues to be about what would be expected in a unitary free housing market. However, the data for the planning districts and their census tracts reveal areas where the actual proportion is significantly greater than would be expected.

**Table 8: Fairfax County Longitudinal Free Market Analysis™: 2000 Through 2013**

Fairfax County Longitudinal Free Market Analysis™: 2000 Through 2013				
Jurisdiction	White	Black	Asian	Hispanic of Any Race
<b>Fairfax County, VA</b>				
2000 Census Households Actual Proportion	75.8%	8.3%	10.2%	7.4%
2000 Census Households Free Market	71.0%	21.0%	4.4%	4.0%
2000 Households Difference	4.8%	-12.7%	5.8%	3.3%
2009–2013 Households Actual Proportion	69.4%	9.1%	15.3%	11.3%
2009–2013 Households Free Market	62.8%	23.5%	8.3%	9.1%
2009–2013 Households Difference	6.6%	-14.3%	7.0%	2.2%

Like Loudoun and Arlington counties, the proportion of African American households in Fairfax County remains substantially lower than would be expected if Black households were participating in a unitary free housing market

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absent discrimination.<sup>64</sup> While this gap between actual and expected proportions is nearly countywide, the data beginning on page 62 reveal that this gap is even greater in some parts of the county.

The data strongly suggest that a dual housing market exists in the region in which Fairfax County is located. As discussed later in this report, overcoming this barrier to fair housing choice requires a two-pronged local and regional approach. Any efforts to mitigate it will require regional intergovernmental cooperation as a component in addition to the efforts that Fairfax County undertakes itself.

## Free Market Analysis™

To recap: For each census tract, this study identifies the actual proportions of households (“Households Actual Proportion”) of Caucasian, African American, Asian, and Hispanic of any race in 2009–2013 and the approximate proportions that would be expected in a genuinely free, unitary housing market that is not distorted by racial or ethnic discrimination (“Households Free Market”). The differences between the actual proportions and free market proportions are shown in the rows labeled “Households Difference.” A red cell highlights differences of at least 15 percentage points between actual and free market proportions. A yellow cell highlights differences of 10 to 14.9 percentage points. Differences of these magnitudes suggest segregative tendencies likely due to significant housing discrimination. Smaller differences suggest the subject census tract or planning district is essentially integrated and that the presence of current housing discrimination is not that likely.

Note that many census tracts that existed in 2000 no longer exist in 2009–2013. Some Census 2000 tracts were divided into multiple tracts for the 2010 census. Some new tracts were created by merging all or parts of several Census 2000 tracts. These are noted in the tables that start on page 62. Since the sample data for 2009–2013 (using 2010 tracts) would not be reliable enough if broken down to block groups, the tables that follow use the entire 2000 census tract or tracts for comparison to 2009–2013.

### Organization of the Planning Districts and Census Tracts

It is important to remember that the household income data for 2009–2013 is based on data collected through the *American Community Survey*, not the decennial census. While the decennial census surveys *all* households, the *American Community Survey* is based on a *sample*. Consequently, margins of error can be substantial when the number of households in a census tract is relatively small. To err on the safe side, we have excluded from this study census tracts with fewer than 20 households because data were not available for some groups (remember, this is a sample) and we concluded that such a small sample size was not reliable

64. As with the rest of this Free Market Analysis™, the proportions expected in a free housing market are based on the entire housing market which encompasses the whole Metropolitan Statistical Area in which Fairfax County is located.

65. U.S. Census Bureau, *2009–2013 American Community Survey 5–Year Estimates*, Table B03002.



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enough to use in this study.

Based on insights from Fairfax County staff, we have organized the census tracts as closely as possible by planning district. We have organized the planning districts starting at the southern end of the county, moving counterclockwise around the county.

### Why the percentages do not equal 100 percent

The percentages in the Free Market Analysis™ tables that start on page 62 rarely total 100 percent for several reasons.

The category “Hispanic of Any Race” is an ethnicity. Latinos can be of any race. Adding up all the percentages in a row in the planning district tables counts Hispanics twice. Nearly 61 percent of Fairfax County’s Latino population report themselves to be Caucasian with just 1.8 percent reporting as African American, 0.7 percent as Asian, and 1.4 percent as Native American or Alaska Native. Nearly 29 percent report themselves to be “some other race” and 6.7 percent report themselves as “two or more races.”<sup>66</sup>

The tables do not include “Native Hawaiian and Other Pacific Islander” and “American Indian and Alaska Native” because the number of households in these racial classifications is so small that they would not alter the findings and analysis and are too small to be reliable.

The tables do not include “Some other race” or “Two or more races” because they would make the tables extremely complicated, introduce double counting, and they have unacceptable margins of error. We have found in the past that including them does not alter the findings and analysis.

### How to Get the Most Out of This Analysis

As noted above, census tracts are not necessarily coterminous with the boundaries of the county’s 14 planning districts. Fairfax County staff did their best to match tracts with planning districts. We have included in each planning district table census tracts that are partially in a planning district. Each table notes when less than 25 percent of a tract is in a planning district. Each table also notes which tracts from the 2000 census are now part of a 2010 census tract. So a Census 2000 tract can be part of more than one Census 2010 tract.

The data in each table help determine whether each planning district and census tract within it is likely part of a unitary free housing market or dual housing market generated by past and/or current discrimination. The following tips will

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66. U.S. Census Bureau, *2009–2013 American Community Survey 5–Year Estimates*, Table B03002.

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help readers get the most out of the data and analysis that begin on page 62.

- 💧 Comparing the “**2000 Households Actual Proportion**” row for a planning district or census tract with its “2009–2013 Households Actual Proportion” row shows **the direction in which the district or tract has been moving** since 2000, namely whether it has been moving in an integrative (unitary housing market) or segregative (dual housing market) direction — or neither direction. *But that’s not the full picture.* It’s still necessary to take into account household incomes and the cost of housing in each census tract and planning district.
- 💧 That’s where the “**2009–2013 Households Free Market**” row comes in. This row shows what the proportion of each group would be in a unitary free housing market given actual household incomes and the actual cost of housing, but absent the distortions housing discrimination introduces to the housing market.
- 💧 The **difference between the actual and expected proportions** is shown in the “**2009–2013 Households Difference**” row. As explained earlier, a difference of more than ten percentage points suggests it is likely that housing discrimination has distorted the free housing market and a dual housing market may exist. These cells are highlighted in a cautionary yellow.
- 💧 But when the “**2009–2013 Households Difference**” for any group is 15 or more percentage points, it is very likely that the distortions discrimination introduces into the free housing market have created a dual housing market. These cells are highlighted in red. The larger the gap between actual and expected proportions of a group, the more *likely* it is that housing discrimination took place and/or is occurring in that planning district or census tract.

The data shown for each census tract give the county a baseline from which to measure progress toward affirmatively furthering fair housing over the coming years.

There are a multitude of data combinations for a planning district or census tract. Data characteristics that suggest a unitary or dual housing market exists or is developing are explained below and illustrated in the following table “Typical Characteristics of Unitary and Dual Housing Markets.” The data in the following table are hypothetical and purely illustrative.

Table 9: Typical Characteristics of Unitary and Dual Housing Markets

Typical Characteristics of Unitary and Dual Housing Markets					
Number	Year(s) and Measure	A	B	C	D
<b>1</b>	<b>Characteristics of an Established Unitary Housing Market</b>				
	2000 Households Actual Proportion	35.8%	8.4%	59.5%	35.8%
	2009–2013 Households Actual Proportion	34.0%	10.7%	59.8%	34.0%
	2009–2013 Households Free Market	29.6%	10.8%	58.7%	29.6%
	2009–2013 Households Difference	4.4%	-0.1%	1.1%	4.4%
<b>2</b>	<b>Characteristics of a Developing Unitary Housing Market</b>				
	2000 Households Actual Proportion	84.5%	18.5%	11.7%	4.8%
	2009–2013 Households Actual Proportion	75.9%	23.3%	16.5%	8.8%
	2009–2013 Households Free Market	70.7%	26.5%	22.7%	20.9%
	2009–2013 Households Difference	5.2%	-3.2%	-6.2%	-12.1%
<b>3</b>	<b>Characteristics of an Established Dual Housing Market</b>				
	2000 Households Actual Proportion	1.8%	8.4%	8.1%	90.4%
	2009–2013 Households Actual Proportion	5.8%	0.8%	7.6%	86.9%
	2009–2013 Households Free Market	26.2%	32.0%	34.2%	66.6%
	2009–2013 Households Difference	-20.3%	-31.2%	-26.6%	20.4%
<b>4</b>	<b>Characteristics of a Developing or Intensifying Dual Housing Market</b>				
	2000 Households Actual Proportion	8.0%	10.8%	1.7%	20.7%
	2009–2013 Households Actual Proportion	21.2%	36.9%	29.5%	38.9%
	2009–2013 Households Free Market	11.8%	11.8%	29.4%	30.1%
	2009–2013 Households Difference	9.4%	25.2%	0.1%	8.8%

**Scenario 1: Characteristics of an Established Unitary Housing Market.**

Scenario 1 in the above table illustrates the likely presence of an established unitary housing market. The actual proportions of the measured group in each column did not change much between 2000 and 2009–2013 and the difference between the actual proportion in 2009–2013 is close to the percentage expected in a unitary free housing market in which everybody participates.

**Scenario 2: Characteristics of a Developing Unitary Housing Market.**

Scenario 2 in the above table illustrates unitary housing markets that appear to be developing. In all four columns, the actual percentages of households have grown closer since 2000 to proportions expected in a free housing market. In addition to illustrating this stable incremental change in the actual percentage of households, cell group 2D illustrates movement toward a unitary housing market even when the difference between the actual and expected proportions in a free housing market are still substantial.

**Scenario 3: Characteristics of an Established Dual Housing Market.**

Scenario 3 illustrates likely established dual housing markets distorted by discrimination. The data in column A show some positive movement toward a unitary housing market even though the dual housing market appears to be well-established. The data in column B show a dual housing market that has become significantly more entrenched while the data in column C show a dual

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housing market that has barely wavered since the turn of the century. Column D shows an area where there has been some slight positive movement in a very entrenched dual housing market that has a long way to go before it becomes a unitary market.

**Scenario 4: Characteristics of a Developing Dual Housing Market.** The examples in Scenario 4 illustrate when it is likely that a dual housing market is forming. While the “2009–2013 Households Difference” in column A is under the ten percentage point threshold that raises concerns, the actual proportion of the subject race or ethnicity increased two and a half fold since 2000 and is now nearly double what would be expected in a free housing market absent discrimination. In column B, the actual percentage increased three and a half times since the turn of the century and is now triple the proportion that would be expected in a free housing market. At first glance it might seem that the data in column C shows movement toward integration due to the virtually identical actual percentage in 2009–2013 and the percentage expected in a free housing market. However, the very rapid change in demographic composition strongly suggests that this change is not stable and fewer members of other demographic groups include this area among their housing choices. This situation almost always leads to resegregation. Although the demographic change in the example in column D is not as extreme and the difference between actual and expected proportions in 2009–2013 are under the ten percentage point threshold for concern, the data suggest an intensifying dual housing market that could lead to resegregation if left unchecked.

These four scenarios illustrate the most common combinations of data that appear in the planning district tables that begin on page 62. The analysis that follows the description of each planning district identifies the likely current status of each census tract within that planning district and, when possible, the direction in which the census tract appears to be moving.

### How to Use This Analysis to Measure Progress

In five or ten years the data in this Free Market Analysis™ can be used to objectively measure progress toward affirmatively furthering fair housing choice by examining the gap between the actual racial and Latino compositions of a planning district or a census tract with the compositions expected in a stable, unitary free housing market. The county is achieving progress — which is inherently incremental — when the next Free Housing Market Analysis™ finds this gap shrinking along the lines of 2 to 4 percentage points after five years or about 4 to 7 percentage points after ten years.

***It is vital to remember that in any jurisdiction movement toward stable racially and ethnically integrated neighborhoods is an incremental process that will likely take decades to fully achieve — a success that requires the systematic, multi-pronged efforts described in the final chapter of this***



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**report.** As noted earlier, households have many reasons to move to another home that have nothing directly to do with racial or ethnic composition of the new neighborhood. In addition, not that many households move each year. As a result, anywhere in the nation it will take many generations to overcome the centuries of the segregation that housing discrimination has wrought to achieve integrated neighborhoods. Consequently, ***it is a positive sign when the gap between the actual proportion of a racial or ethnic group and the proportion expected in a unitary free market undistorted by housing discrimination shrinks by even five percentage points over a decade.***

Much more rapid racial or Latino change during a decade is likely to reflect re-segregation where the predominant race or ethnicity in a segregated neighborhood is replaced by a different race or ethnicity — the opposite of affirmatively furthering fair housing. Such a change is almost always the result of housing discrimination in its many forms.

The analysis of the county's 14 planning districts begins on page 62. Following the description of the planning district is an analysis of the data and any recommendations for further action specific to that planning district.

The towns of Clifton, Herndon, and Vienna appear immediately after the planning district in which each is located, which respectively are the Pohick (see page 138), Upper Potomac (see page 117), and Vienna (see page 100) planning districts.

Following the 14 planning districts is a summary and conclusions based on the data presented.

## Before You Read Any Further

Readers of long documents are often tempted to skip right to the data or to the conclusions and recommendations, sometimes leaving them wondering, "How did the authors ever arrive at that conclusion?" You can avoid this possibility if you read the introductory narrative to this Free Market Analysis™ that begins on page 40 *before* looking at any of the planning district tables that follow.

The map on the next page will help readers locate the census tracts within each of the 14 planning districts discussed on the following pages. Since it is impossible to print a map large enough to actually read the census tract numbers, readers who are viewing the PDF file of this study should simply increase the



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magnification of the next page until they can read the numbers of the census tracts.

Readers who are viewing the print version of this document can download the PDF file of this report at <http://www.fairfaxcounty.gov/ohrep/hrd> (select “Analysis of Impediments” from the Index on the left side of the page). Open the document in your computer’s PDF reader, go to this page, and magnify it to a level that makes the census tract numbers legible.

You can use whatever PDF reader you have to print a larger multiple-page version of the map that is readable. In Adobe Acrobat, this would be printing as a “Poster.”

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Figure 10: Fairfax 2010 Census Tracts



Source: Fairfax County.

**DRAFT****Lower Potomac Planning District**

Table 10: Lower Potomac Planning District

Lower Potomac Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
Total for All Census Tracts Entirely or Partially in This Planning District				
2000 Households Actual Proportion	57.5%	29.6%	5.7%	8.0%
2009–2013 Households Actual Proportion	50.0%	28.7%	14.3%	11.2%
2009–2013 Households Free Market	60.0%	25.9%	8.0%	10.3%
2009–2013 Households Difference	-10.0%	2.7%	6.3%	0.8%
2010 Census Tract: 4162				
2000 Households Actual Proportion	58.9%	33.5%	1.9%	7.8%
2009–2013 Households Actual Proportion	70.4%	16.7%	2.8%	14.8%
2009–2013 Households Free Market	57.4%	27.9%	7.8%	11.7%
2009–2013 Households Difference	13.0%	-11.3%	-5.0%	3.2%
2010 Census Tract: 4163				
2000 Households Actual Proportion	94.7%	2.5%	0.0%	2.8%
2009–2013 Households Actual Proportion	94.5%	5.5%	0.0%	5.5%
2009–2013 Households Free Market	65.2%	21.6%	8.4%	8.1%
2009–2013 Households Difference	29.3%	-16.0%	-8.4%	-2.5%
2010 Census Tract: 4219				
2000 Households Actual Proportion	59.4%	30.9%	2.0%	9.5%
2009–2013 Households Actual Proportion	57.4%	34.5%	3.0%	13.7%
2009–2013 Households Free Market	56.0%	29.4%	7.7%	11.5%
2009–2013 Households Difference	1.4%	5.0%	-4.7%	2.2%
2010 Census Tract: 4221.01 (Was tract 4221 in 2000)				
2000 Households Actual Proportion	53.4%	31.6%	7.2%	8.4%
2009–2013 Households Actual Proportion	52.5%	34.2%	12.5%	10.7%
2009–2013 Households Free Market	58.0%	27.7%	7.8%	10.8%
2009–2013 Households Difference	-5.5%	6.4%	4.7%	-0.1%
2010 Census Tract: 4221.02 (Was tract 4221 in 2000)				
2000 Households Actual Proportion	53.4%	31.6%	7.2%	8.4%
2009–2013 Households Actual Proportion	22.2%	44.6%	19.0%	11.4%
2009–2013 Households Free Market	58.7%	26.9%	7.9%	11.1%
2009–2013 Households Difference	-36.5%	17.7%	11.2%	0.3%

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Lower Potomac Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4222.01 (Was tract 4222 in 2000 with 6 households)</b>				
2000 Households Actual Proportion	N/A	N/A	N/A	N/A
2009–2013 Households Actual Proportion	49.5%	13.8%	31.3%	9.4%
2009–2013 Households Free Market	66.6%	20.2%	8.6%	7.9%
2009–2013 Households Difference	-17.1%	-6.4%	22.7%	1.4%
<b>2010 Census Tract: 4222.02 (Was tract 4222 in 2000 with 6 households)</b>				
2000 Households Actual Proportion	N/A	N/A	N/A	N/A
2009–2013 Households Actual Proportion	42.9%	27.3%	20.4%	10.9%
2009–2013 Households Free Market	61.7%	24.4%	8.2%	9.6%
2009–2013 Households Difference	-18.8%	3.0%	12.1%	1.3%

The largest single land use in the Lower Potomac Planning District is Fort Belvoir which occupies 30 percent of the district. At its north end, the planning district is generally bounded by the portion of Laurel Hill Park located southeast of the intersection of Southrun Road and Pohick Road [formerly part of the site of the District of Columbia Department of Corrections], and Fort Belvoir Main Post. The planning district is bounded on the east by the property line of Fort Belvoir Main Post, Dogue Creek and the Potomac River; on the south by the Potomac and Occoquan Rivers; and on the west by the Vulcan Quarry and Hooes Road.<sup>67</sup> The Lower Potomac Planning District consists of 45.74 square miles, approximately 11 percent of the county.



The federally-owned Fort Belvoir Main Post, located on east side of census tract 4162, is the largest single employer in Fairfax County. For the sake of perspective, it has twice as many employees as the Pentagon which is in nearby Arlington County.

67. The description of the boundaries of each planning district is adapted from the four area plans that comprise *The Comprehensive Plan for Fairfax County* (Fairfax, Virginia: Department of Planning and Zoning, Planning Division, 2013 Edition). Each area plan can be downloaded at <http://www.fairfaxcounty.gov/dpz/comprehensiveplan>. Additional data are derived from the *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, Virginia: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016) and "General Profile 6" for each planning district in *2010 Census Summaries Planning Districts* (Fairfax, Virginia: Department of Neighborhood and Community Services, Aug. 2011), available at [http://www.fairfaxcounty.gov/demograph/find\\_by\\_geo.htm](http://www.fairfaxcounty.gov/demograph/find_by_geo.htm).



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A largely suburban area, Lower Potomac is the least dense planning district in the county with just 839 residents per square mile in 2015 in part due to the presence of Fort Belvoir and park land. After a stagnant 1990s, the population of Lower Potomac grew to 38,369, a 61 percent increase from 2000 to 2015 and is expected to rise to 39,684 by 2020 with more modest growth through 2040 to 46,527.

In 2010, about 52 percent of the housing were ownership units. Only the much smaller and much denser Lincolnia Planning District has fewer dwelling units than Lower Potomac.

The \$413,316 estimated median market value of housing in 2015 ranks twelfth among the 14 planning districts and is 16 percent less than for the entire county. The median market value in 2000 was \$135,219, the lowest in the county. At the beginning of 2015, 47 percent of the dwelling units were single-family detached while 24 percent were townhouses, seven percent were multiplex, and 22 percent were multifamily in buildings up to four stories.<sup>68</sup>

Although the proportion of white households is ten percentage points less than would be expected in a unitary free housing market not distorted by past and/or present discrimination, the rest of the overall demographic composition of the Lower Potomac Planning District is roughly what would be expected in a free housing market. However, the gaps between actual and expected proportions in four of the seven census tracts are significant enough to suggest the possibility of past and/or present housing discrimination in most of the planning district.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 42.9 percent of the Lower Potomac Planning District's census tracts. This is the second smallest percentage among the county's 14 planning districts.

The two largest and most rural tracts, 4162 and 4163 constitute the southern end of Fairfax County. Just 1,363 households live in tract 4162<sup>69</sup> and 687 in tract 4163. The actual proportions of Caucasian and Black households in tract 4162 are more than ten percentage points different than what would be expected in a free housing market. However, further south in tract 4163 the proportion of white households is about 29 percentage points greater than would be expected while the proportion of African American households is 16 points less.

The proportions of each group are what would be expected in tracts 4219 (772 households), immediately north of tract 4162, and in tract 4221.01 (2,442 households) separated from tract 4219 by tract 4220 which is in the Springfield Plan-

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68. Each of the housing types not mentioned constitute less than three percent of the dwelling units in a planning district. Throughout this Free Market Analysis™, the figures regarding types of dwelling units *exclude* "group quarters," namely institutional uses such as nursing homes, dormitories, jails, fraternities, and sororities. The analysis examines only households.

69. As noted above, this Free Market Analysis™ examines only households and does *not* include group quarters like those on military bases such as Fort Belvoir which is in census tract 4162.

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ning District. The proportions are what would be expected in both of those census tracts.

The remaining three Lower Potomac census tracts — 4221.02, 4222.1, and 4222.02 — form the west end of the planning district. In all three, the proportions of white households are significantly lower than would be expected in a free housing market devoid of discrimination while the proportions of Asian households are greater, significantly greater in tract 4222.01. The proportion of African American households in tract 4221.02 is also greater than expected absent past or present housing discrimination. This is not the situation in any of the census tracts that surround these three tracts nor in any of the nearby census tracts in adjacent planning districts. Since tracts 4222.01 and 4222.02 had all of six households between them in 2000, these figures suggest that Asian and African American enclaves may be developing in both census tracts. There is a good chance of racial steering, especially of Asians, since the turn of the century.

It is possible that after South County High School opened, a significant number of households may have fallen prey to the widespread misperception that schools with a more diverse student body (Mount Vernon, Hayfield, Edison, and to a less extent, Potomac high schools) are less desirable. It is *possible* that real estate agents have engaged in steering in response to racial and ethnic stereotypes that devalue diverse student bodies when choosing where to live.

The proportion of Hispanic households of any race is what would be expected throughout the planning district.

**Suggested Further Action and Inquiry:** Fairfax County needs to identify why the actual proportions of Caucasian households are so much less than would be expected in a unitary free housing market in the cluster of tracts 4221.02, 4222.01, and 4222.02 in the planning district's northwest corner and why an enclave of Asian households has started to develop. If these tracts are a port of entry for first and second generation Asian immigrants, the county needs to identify how to expand the housing choices of subsequent generations to include areas that are outside Asian enclaves — or else these enclaves may become segregated. The reasons for the gaps between actual and expected proportions of white and African American households in tracts 4162 and 4163 should also be identified.

Real estate testing can identify whether racial steering is occurring and whether the demographic composition of the high schools is being used to steer Caucasians to the South County High School's attendance district and away from areas the other high schools serve.

Overall, the county needs to expand housing choices of those groups whose actual proportions are significantly less than would be expected in a unitary free housing market to include all of the Lower Potomac Planning District and the rest of Fairfax County — as explained in the final chapter of this report.

**DRAFT****Mount Vernon Planning District**

Table 11: Mount Vernon Planning District

Mount Vernon Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
Total for All Census Tracts Entirely or Partially in This Planning District				
2000 Households Actual Proportion	68.1%	20.1%	4.9%	9.4%
2009–2013 Households Actual Proportion	62.8%	21.1%	7.2%	16.1%
2009–2013 Households Free Market	59.3%	26.5%	8.0%	10.3%
2009–2013 Households Difference	3.4%	-5.5%	-0.8%	5.8%
2010 Census Tract: 4151				
2000 Households Actual Proportion	83.9%	9.7%	4.1%	5.6%
2009–2013 Households Actual Proportion	86.8%	4.3%	2.2%	13.5%
2009–2013 Households Free Market	63.8%	22.6%	8.4%	8.9%
2009–2013 Households Difference	23.0%	-18.3%	-6.1%	4.5%
2010 Census Tract: 4152				
2000 Households Actual Proportion	93.7%	3.1%	0.4%	4.5%
2009–2013 Households Actual Proportion	88.7%	4.2%	4.4%	2.2%
2009–2013 Households Free Market	59.1%	26.6%	8.1%	10.2%
2009–2013 Households Difference	29.6%	-22.5%	-3.7%	-7.9%
2010 Census Tract: 4153				
2000 Households Actual Proportion	75.9%	13.9%	1.5%	11.4%
2009–2013 Households Actual Proportion	69.2%	13.2%	7.0%	15.8%
2009–2013 Households Free Market	59.5%	26.4%	8.0%	10.4%
2009–2013 Households Difference	9.8%	-13.2%	-1.0%	5.4%
2010 Census Tract: 4154.01 (Was tract 4154 in 2000)				
2000 Households Actual Proportion	58.0%	26.2%	4.6%	11.5%
2009–2013 Households Actual Proportion	52.4%	35.8%	2.4%	17.2%
2009–2013 Households Free Market	56.3%	29.2%	7.7%	11.6%
2009–2013 Households Difference	-3.9%	6.7%	-5.3%	5.5%
2010 Census Tract: 4154.02 (Was tract 4154 in 2000)				
2000 Households Actual Proportion	58.0%	26.2%	4.6%	11.5%
2009–2013 Households Actual Proportion	74.4%	19.6%	3.2%	7.3%
2009–2013 Households Free Market	62.4%	24.1%	8.3%	8.5%
2009–2013 Households Difference	12.0%	-4.5%	-5.1%	-1.2%

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Mount Vernon Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4155</b>				
2000 Households Actual Proportion	74.4%	19.1%	3.9%	5.1%
2009–2013 Households Actual Proportion	74.8%	20.3%	3.5%	4.2%
2009–2013 Households Free Market	60.5%	25.7%	8.3%	8.9%
2009–2013 Households Difference	14.2%	-5.3%	-4.8%	-4.7%
<b>2010 Census Tract: 4156</b>				
2000 Households Actual Proportion	96.9%	0.7%	2.0%	1.4%
2009–2013 Households Actual Proportion	95.6%	2.6%	1.1%	3.0%
2009–2013 Households Free Market	69.7%	17.4%	8.8%	7.0%
2009–2013 Households Difference	25.9%	-14.8%	-7.6%	-4.0%
<b>2010 Census Tract: 4157</b>				
2000 Households Actual Proportion	97.4%	0.3%	1.5%	1.3%
2009–2013 Households Actual Proportion	98.1%	1.1%	0.7%	1.4%
2009–2013 Households Free Market	67.6%	19.2%	8.7%	7.5%
2009–2013 Households Difference	30.5%	-18.1%	-7.9%	-6.2%
<b>2010 Census Tract: 4158</b>				
2000 Households Actual Proportion	92.3%	4.2%	3.1%	1.1%
2009–2013 Households Actual Proportion	89.1%	1.3%	4.3%	5.5%
2009–2013 Households Free Market	68.9%	18.1%	8.9%	6.8%
2009–2013 Households Difference	20.2%	-16.8%	-4.5%	-1.3%
<b>2010 Census Tract: 4159</b>				
2000 Households Actual Proportion	95.4%	1.1%	1.2%	1.2%
2009–2013 Households Actual Proportion	81.1%	4.4%	6.5%	9.4%
2009–2013 Households Free Market	67.1%	19.6%	8.6%	7.8%
2009–2013 Households Difference	14.0%	-15.2%	-2.1%	1.7%
<b>2010 Census Tract: 4160</b>				
2000 Households Actual Proportion	70.7%	20.5%	4.6%	7.2%
2009–2013 Households Actual Proportion	64.0%	20.2%	10.1%	15.0%
2009–2013 Households Free Market	59.1%	26.8%	8.0%	10.2%
2009–2013 Households Difference	4.9%	-6.7%	2.1%	4.7%
<b>2010 Census Tract: 4161</b>				
2000 Households Actual Proportion	90.4%	3.1%	3.7%	2.0%
2009–2013 Households Actual Proportion	86.9%	4.2%	3.6%	5.4%
2009–2013 Households Free Market	66.6%	20.3%	8.6%	7.6%
2009–2013 Households Difference	20.4%	-16.1%	-5.0%	-2.2%

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Mount Vernon Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4204</b>				
2000 Households Actual Proportion	68.3%	18.8%	4.0%	11.5%
2009–2013 Households Actual Proportion	66.5%	15.8%	9.5%	13.5%
2009–2013 Households Free Market	58.0%	27.5%	7.8%	11.3%
2009–2013 Households Difference	8.4%	-11.7%	1.7%	2.3%
<b>2010 Census Tract: 4205.01 (Was tract 4205 in 2000)</b>				
2000 Households Actual Proportion	77.5%	11.7%	5.9%	8.0%
2009–2013 Households Actual Proportion	79.6%	13.7%	0.0%	6.5%
2009–2013 Households Free Market	59.4%	26.5%	8.3%	9.7%
2009–2013 Households Difference	20.3%	-12.8%	-8.3%	-3.2%
<b>2010 Census Tract: 4205.02 (Was tract 4205 in 2000)</b>				
2000 Households Actual Proportion	77.5%	11.7%	5.9%	8.0%
2009–2013 Households Actual Proportion	63.0%	17.0%	6.7%	7.6%
2009–2013 Households Free Market	59.5%	26.4%	8.1%	9.9%
2009–2013 Households Difference	3.6%	-9.4%	-1.4%	-2.3%
<b>2010 Census Tract: 4205.03 (Was tract 4205 in 2000)</b>				
2000 Households Actual Proportion	77.5%	11.7%	5.9%	8.0%
2009–2013 Households Actual Proportion	55.9%	25.0%	12.9%	12.5%
2009–2013 Households Free Market	57.9%	27.8%	7.8%	10.7%
2009–2013 Households Difference	-2.0%	-2.8%	5.1%	1.8%
<b>2010 Census Tract: 4206</b>				
2000 Households Actual Proportion	63.5%	15.6%	6.7%	18.9%
2009–2013 Households Actual Proportion	66.9%	14.7%	1.9%	23.4%
2009–2013 Households Free Market	60.0%	25.9%	8.0%	10.4%
2009–2013 Households Difference	6.9%	-11.2%	-6.1%	13.0%
<b>2010 Census Tract: 4214</b>				
2000 Households Actual Proportion	45.0%	34.8%	7.0%	14.9%
2009–2013 Households Actual Proportion	34.9%	24.8%	7.3%	37.2%
2009–2013 Households Free Market	52.6%	32.6%	7.3%	12.3%
2009–2013 Households Difference	-17.6%	-7.9%	0.0%	24.8%
<b>2010 Census Tract: 4215</b>				
2000 Households Actual Proportion	47.2%	34.0%	8.4%	18.8%
2009–2013 Households Actual Proportion	33.3%	36.8%	9.8%	23.8%
2009–2013 Households Free Market	55.4%	30.2%	7.6%	11.4%
2009–2013 Households Difference	-22.0%	6.6%	2.2%	12.4%

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Mount Vernon Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4216</b>				
2000 Households Actual Proportion	31.6%	47.7%	7.0%	20.5%
2009–2013 Households Actual Proportion	33.2%	45.5%	6.3%	28.2%
2009–2013 Households Free Market	54.5%	30.8%	7.4%	12.6%
2009–2013 Households Difference	-21.3%	14.7%	-1.0%	15.5%
<b>2010 Census Tract: 4217.01 (Was tract 4217 in 2000)</b>				
2000 Households Actual Proportion	51.4%	35.1%	6.3%	10.8%
2009–2013 Households Actual Proportion	44.5%	32.5%	5.4%	36.9%
2009–2013 Households Free Market	55.5%	30.0%	7.5%	11.8%
2009–2013 Households Difference	-10.9%	2.5%	-2.2%	25.2%
<b>2010 Census Tract: 4217.02 (Was tract 4217 in 2000)</b>				
2000 Households Actual Proportion	51.4%	35.1%	6.3%	10.8%
2009–2013 Households Actual Proportion	47.6%	34.7%	10.7%	18.5%
2009–2013 Households Free Market	60.3%	25.6%	8.2%	9.9%
2009–2013 Households Difference	-12.7%	9.1%	2.5%	8.6%
<b>2010 Census Tract: 4218</b>				
2000 Households Actual Proportion	49.3%	35.8%	4.9%	8.0%
2009–2013 Households Actual Proportion	48.1%	34.0%	4.4%	21.2%
2009–2013 Households Free Market	55.8%	29.6%	7.6%	11.8%
2009–2013 Households Difference	-7.7%	4.4%	-3.2%	9.4%

Immediately to the east of the Lower Potomac Planning District, the Mount Vernon Planning District is generally bordered by the Capital Beltway/Interstate 95/495, the City of Alexandria, the Potomac River, Fort Belvoir, Huntley Meadows Park, Harrison Lane, South Kings Highway, Furman Lane and Telegraph. At 22.5 square miles, the planning district is the fourth largest and comprises six percent of the county's land area. It contains the Huntington Transit Station Area (TSA) and the Richmond Highway Corridor Area.



With 4,393 people per square mile in 2015, Mount Vernon is the fourth densest planning district in the county. Between 2000 and 2015, the planning district's population grew almost 14 percent, from 86,944 to 98,835, and is expected to increase to 100,040 in 2020 and by another 1,000 a year until 2040. About 58 percent of Mount Vernon's 38,979 dwelling units in 2010 were ownership housing.



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The \$420,000 estimated median market value of housing at the beginning of 2015 ranks eleventh among the 14 planning districts and is 15 percent less than for the entire county. The median market value in 2000 was \$186,811, the twelfth highest in Fairfax County. At the beginning of 2015, 39 percent of the dwelling units were single-family detached while four percent were duplexes, nine percent were townhouses, five percent were multiplex, 29 percent were multifamily in buildings up to four stories, 10 percent were multifamily in buildings over eight stories, and almost three percent were mobile homes — making the housing in the Mount Vernon Planning District among the most varied in Fairfax County.

The Mount Vernon Planning District has become more diverse since 2000 with the actual proportion of white households declining 5.3 percentage points while the actual proportions of Asian and Hispanic households of any race increased 2.3 and 6.7 percentage points respectively. Overall, the actual proportions of each demographic group are what would be expected in a free housing market absent discrimination.

However, the totals for the entire Mount Vernon Planning District mask even wider differences between actual and expected proportions of households in each of the four demographic groups studied than in the Lower Potomac Planning District. Just four of the 23 census tracts actually had the demographic composition of all four groups that was expected in a free housing market: 4154.01, 4160, 4205.02, and 4205.03. Generally speaking, the four tracts became more diverse since 2000.

The actual proportion of Caucasian households is significantly greater than expected in a unitary free housing market without discrimination in nearly all of the district's eastern census tracts, ranging from 12 points more in tract 4154.02 to 30.5 points greater in tract 4157. The actual proportion of Black households was significantly lower in nearly all of these tracts, ranging from about 11 percent lower in several tracts to about 22 percent lower in tract 4152.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 52.2 percent of the Mount Vernon Planning District's census tracts. This is the third lowest percentage among the county's 14 planning districts.

The actual proportions of Asian households are what would be expected in a discrimination-free housing market throughout the Mount Vernon Planning District.

The proportions of Hispanic households of any race are what would be expected except along the western edge of the planning district where they were 13 percentage points higher in tract 4206, nearly 25 points higher in tract 4214, more than 12 points higher in tract 4215, about 15 points higher in tract 4216, and about 25 points higher in tract 4217.01. The actual proportion of Hispanic households of any race soared in tract 4214 from 14.9 percent in 2000 to 37.2 percent in 2009–2013 and in tract 4217.01 from 10.8 to 36.9 percent. In both tracts, the actual proportion of Hispanic households is now about 25 percentage points greater than would be expected in a unitary housing market. The actual proportion of all whites is less than would be expected in these same tracts. This could

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be due to many Hispanic households reporting to the census that they are “some other race” or “two or more races.”

**Suggested Further Action and Inquiry:** To achieve stable integration throughout the Mount Vernon Planning District the county needs to identify why enclaves appear to be developing and why African Americans who can afford the housing here have not moved into this planning district as would be expected in a free market absent housing discrimination. It would be prudent to conduct real estate testing in those census tracts where the actual proportion of white households is more than ten percentage points greater than would be expected in a unitary housing market and the actual proportion of African American households is ten or more percentage points lower than would be expected.

Testing is also needed to determine the extent to which the higher-than-expected proportions of Hispanic households of any race in tracts 4214 and 4217.01 are due to discriminatory real estate practices or first and second generation immigrants moving here as a port of entry. It should be a high priority for the county to determine how to expand the housing choices of subsequent generations to prevent development of a segregated Hispanic enclave.



**DRAFT****Rose Hill Planning District**

Table 12: Rose Hill Planning District

Rose Hill Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>Total for All Census Tracts Entirely or Partially in This Planning District</b>				
2000 Households Actual Proportion	75.9%	12.4%	7.0%	5.1%
2009–2013 Households Actual Proportion	71.9%	13.0%	8.8%	9.4%
2009–2013 Households Free Market	63.3%	23.0%	8.4%	8.9%
2009–2013 Households Difference	8.7%	-10.0%	0.4%	0.5%
<b>2010 Census Tract: 4202.01 (Was tract 4202 in 2000)</b>				
2000 Households Actual Proportion	74.0%	11.7%	8.6%	4.8%
2009–2013 Households Actual Proportion	62.0%	20.6%	11.6%	9.9%
2009–2013 Households Free Market	63.6%	22.7%	8.3%	9.0%
2009–2013 Households Difference	-1.6%	-2.1%	3.3%	0.9%
<b>2010 Census Tract: 4202.02 (Was tract 4202 in 2000)</b>				
2000 Households Actual Proportion	74.0%	11.7%	8.6%	4.8%
2009–2013 Households Actual Proportion	60.5%	24.0%	11.5%	10.9%
2009–2013 Households Free Market	62.0%	24.0%	8.3%	9.6%
2009–2013 Households Difference	-1.5%	0.0%	3.2%	1.3%
<b>2010 Census Tract: 4202.03 (Was tract 4202 in 2000)</b>				
2000 Households Actual Proportion	74.0%	11.7%	8.6%	4.8%
2009–2013 Households Actual Proportion	78.7%	9.6%	5.9%	8.4%
2009–2013 Households Free Market	66.8%	20.0%	8.6%	7.7%
2009–2013 Households Difference	12.0%	-10.4%	-2.7%	0.6%
<b>2010 Census Tract: 4203</b>				
2000 Households Actual Proportion	86.7%	6.1%	4.3%	8.6%
2009–2013 Households Actual Proportion	72.2%	7.4%	7.9%	15.0%
2009–2013 Households Free Market	62.3%	23.8%	8.4%	9.0%
2009–2013 Households Difference	9.9%	-16.5%	-0.5%	6.0%
<b>2010 Census Tract: 4207</b>				
2000 Households Actual Proportion	82.9%	5.1%	6.0%	6.2%
2009–2013 Households Actual Proportion	81.1%	10.4%	6.6%	10.1%
2009–2013 Households Free Market	63.0%	23.4%	8.4%	8.8%
2009–2013 Households Difference	18.1%	-13.0%	-1.8%	1.2%
<b>2010 Census Tract: 4208</b>				
2000 Households Actual Proportion	85.7%	5.4%	4.1%	10.1%
2009–2013 Households Actual Proportion	76.9%	7.2%	6.9%	15.8%
2009–2013 Households Free Market	61.2%	24.9%	8.2%	9.4%
2009–2013 Households Difference	15.7%	-17.7%	-1.3%	6.4%

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Rose Hill Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4211.02 (Was tract 4211 in 2000)</b>				
2000 Households Actual Proportion	72.8%	13.4%	8.8%	5.9%
2009–2013 Households Actual Proportion	72.9%	13.9%	7.7%	8.3%
2009–2013 Households Free Market	62.5%	23.8%	8.3%	8.8%
2009–2013 Households Difference	10.4%	-9.9%	-0.7%	-0.5%
<b>2010 Census Tract: 4211.03 (Was tract 4211 in 2000)</b>				
2000 Households Actual Proportion	72.8%	13.4%	8.8%	5.9%
2009–2013 Households Actual Proportion	73.6%	14.6%	7.2%	2.4%
2009–2013 Households Free Market	66.5%	20.1%	8.7%	7.8%
2009–2013 Households Difference	7.0%	-5.5%	-1.5%	-5.4%
<b>2010 Census Tract: 4212</b>				
2000 Households Actual Proportion	87.1%	4.8%	0.7%	2.3%
2009–2013 Households Actual Proportion	83.1%	8.8%	4.4%	3.4%
2009–2013 Households Free Market	65.6%	20.9%	8.6%	8.1%
2009–2013 Households Difference	17.4%	-12.1%	-4.2%	-4.8%
<b>2010 Census Tract: 4213</b>				
2000 Households Actual Proportion	78.4%	12.6%	5.2%	4.1%
2009–2013 Households Actual Proportion	74.5%	10.4%	10.8%	5.8%
2009–2013 Households Free Market	63.3%	23.0%	8.5%	8.6%
2009–2013 Households Difference	11.2%	-12.7%	2.3%	-2.8%
<b>2010 Census Tract: 4223.01 (Was tract 4223 in 2000)</b>				
2000 Households Actual Proportion	75.1%	12.8%	8.6%	4.9%
2009–2013 Households Actual Proportion	66.1%	15.4%	14.3%	9.6%
2009–2013 Households Free Market	62.2%	23.9%	8.2%	9.6%
2009–2013 Households Difference	3.8%	-8.4%	6.1%	0.0%
<b>2010 Census Tract: 4223.02 (Was tract 4223 in 2000)</b>				
2000 Households Actual Proportion	75.1%	12.8%	8.6%	4.9%
2009–2013 Households Actual Proportion	71.1%	11.2%	11.5%	10.9%
2009–2013 Households Free Market	62.4%	23.6%	8.3%	9.6%
2009–2013 Households Difference	8.6%	-12.4%	3.2%	1.4%
<b>2010 Census Tract: 4224.01 (Was tract 4224 in 2000)</b>				
2000 Households Actual Proportion	75.8%	14.9%	4.8%	3.9%
2009–2013 Households Actual Proportion	67.1%	16.4%	7.2%	10.9%
2009–2013 Households Free Market	60.5%	25.5%	8.1%	9.9%
2009–2013 Households Difference	6.6%	-9.0%	-0.9%	0.9%

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Rose Hill Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4224.02 (Was tract 4224 in 2000)</b>				
2000 Households Actual Proportion	75.8%	14.9%	4.8%	3.9%
2009–2013 Households Actual Proportion	66.3%	15.6%	9.0%	9.8%
2009–2013 Households Free Market	63.5%	22.7%	8.4%	9.1%
2009–2013 Households Difference	2.7%	-7.1%	0.7%	0.8%
<b>2010 Census Tract: 4224.03 (Was tract 4224 in 2000)</b>				
2000 Households Actual Proportion	75.8%	14.9%	4.8%	3.9%
2009–2013 Households Actual Proportion	83.2%	10.5%	3.5%	7.0%
2009–2013 Households Free Market	64.4%	22.0%	8.6%	8.4%
2009–2013 Households Difference	18.9%	-11.5%	-5.1%	-1.4%

The Rose Hill Planning District is just north of Lower Potomac and immediately west of Mount Vernon. The planning district is generally bounded on the north by the CSX right-of-way and the City of Alexandria; on the east by Telegraph Road, South Kings Highway, and the eastern boundary of Huntley Meadows Park; on the south by the southern boundary of Huntley Meadows Park and Telegraph Road; and on the west by Beulah Street. It contains the Kingstowne Community Business Center (CBC) and the Van Dorn Transit Station Area (TSA).



At 14.25 square miles, Rose Hill comprises about 4 percent of the county. It is the eighth densest district with 3,652 residents per square mile. After growing by nearly a third in the 1990s, Rose Hill's population rose nearly 14 percent from 45,646 in 2000 to 51,048 in 2015. It is expected to remain stable in 2020 at about 52,300 and grow modestly to about 57,370 in 2040.

In 2010, about 72 percent of the planning district's 50,111 housing units were ownership dwellings. The median market value in 2000 was \$196,802, the tenth highest in the county. At the beginning of 2015, the estimated median value of housing was \$441,628, the eighth highest among the county's 14 planning districts and about 10 percent below the entire county's median.

At the beginning of 2015, about 44 percent of the dwelling units were single-family detached while a third were townhouses and 22 percent were in multifamily buildings of up to four stories.

The composition of the Rose Hill Planning District has been very stable since 2000. *Overall*, the actual proportions of the each group is roughly what would be expected in a free market absent housing discrimination except for the ten per-

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centage point difference between the actual and expected proportions of African American households which warrants attention.

Six of the planning district's 15 census tracts have the proportions of each group that would be expected in a free housing market. They are surrounded by eight tracts where the actual proportion of Black households is less than expected in a unitary housing market — generally by fewer than 15 percentage points. Meanwhile, the actual proportion of white households is greater than expected in seven census tracts — mostly on the east side of the planning district and generally by more than 15 percentage points.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 53.3 percent of the Rose Hill Planning District's census tracts. This is the fourth smallest percentage among the county's 14 planning districts.

The actual proportions of Asian and Hispanic households of any race are what would be expected in a discrimination-free housing market throughout the Rose Hill Planning District.

**Suggested Further Action and Inquiry:** It would behoove the county to determine why the difference between the actual proportion of African American households and the proportion expected is so large in almost half of the district's census tracts. Testing here, however, is not as high a priority as in most other planning districts.



**DRAFT****Springfield Planning District**

Table 13: Springfield Planning District

Springfield Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
Total for All Census Tracts Entirely or Partially in This Planning District				
2000 Households Actual Proportion	74.8%	8.7%	10.8%	7.2%
2009–2013 Households Actual Proportion	69.7%	11.5%	13.8%	13.3%
2009–2013 Households Free Market	61.6%	24.6%	8.2%	9.5%
2009–2013 Households Difference	8.2%	-13.0%	5.6%	3.8%
2010 Census Tract: 4201				
2000 Households Actual Proportion	66.5%	10.3%	15.9%	7.0%
2009–2013 Households Actual Proportion	55.5%	18.6%	23.2%	22.1%
2009–2013 Households Free Market	59.9%	26.2%	7.9%	10.0%
2009–2013 Households Difference	-4.4%	-7.6%	15.3%	12.0%
2010 Census Tract: 4210.01 (Was tract 4210 in 2000)				
2000 Households Actual Proportion	72.2%	11.1%	10.8%	5.4%
2009–2013 Households Actual Proportion	59.3%	11.4%	15.0%	15.9%
2009–2013 Households Free Market	62.4%	23.9%	8.1%	9.5%
2009–2013 Households Difference	-3.1%	-12.6%	6.8%	6.4%
2010 Census Tract: 4210.02 (Was tract 4210 in 2000)				
2000 Households Actual Proportion	72.2%	11.1%	10.8%	5.4%
2009–2013 Households Actual Proportion	61.6%	22.0%	12.4%	11.1%
2009–2013 Households Free Market	59.8%	26.0%	8.1%	10.2%
2009–2013 Households Difference	1.8%	-4.0%	4.3%	0.9%
2010 Census Tract: 4211.01 (Was tract 4211 in 2000)				
2000 Households Actual Proportion	72.8%	13.4%	8.8%	5.9%
2009–2013 Households Actual Proportion	66.2%	19.3%	12.6%	12.0%
2009–2013 Households Free Market	64.4%	21.9%	8.6%	8.6%
2009–2013 Households Difference	1.8%	-2.6%	4.1%	3.4%
2010 Census Tract: 4220				
2000 Households Actual Proportion	69.0%	19.7%	7.0%	5.3%
2009–2013 Households Actual Proportion	61.7%	15.8%	16.2%	7.5%
2009–2013 Households Free Market	63.6%	22.6%	8.5%	8.8%
2009–2013 Households Difference	-1.9%	-6.8%	7.7%	-1.2%
2010 Census Tract: 4306				
2000 Households Actual Proportion	63.6%	3.7%	16.1%	26.6%
2009–2013 Households Actual Proportion	62.8%	6.6%	18.1%	39.3%
2009–2013 Households Free Market	57.7%	28.1%	7.8%	10.6%
2009–2013 Households Difference	5.1%	-21.5%	10.3%	28.7%

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**DRAFT****Springfield Planning District (Continued)**

Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4307</b>				
2000 Households Actual Proportion	85.1%	3.2%	6.5%	7.0%
2009–2013 Households Actual Proportion	68.9%	3.1%	19.8%	23.4%
2009–2013 Households Free Market	61.4%	24.7%	8.2%	9.6%
2009–2013 Households Difference	7.5%	-21.6%	11.6%	13.8%
<b>2010 Census Tract: 4308.01 (Was tract 4308 in 2000)</b>				
2000 Households Actual Proportion	84.9%	5.0%	6.5%	5.6%
2009–2013 Households Actual Proportion	83.8%	5.0%	7.1%	7.4%
2009–2013 Households Free Market	64.2%	22.2%	8.4%	8.8%
2009–2013 Households Difference	19.6%	-17.1%	-1.3%	-1.4%
<b>2010 Census Tract: 4308.02 (Was tract 4308 in 2000)</b>				
2000 Households Actual Proportion	84.9%	5.0%	6.5%	5.6%
2009–2013 Households Actual Proportion	80.6%	10.9%	7.5%	9.8%
2009–2013 Households Free Market	60.5%	25.6%	8.0%	10.0%
2009–2013 Households Difference	20.1%	-14.7%	-0.5%	-0.2%
<b>2010 Census Tract: 4315</b>				
2000 Households Actual Proportion	86.3%	5.2%	6.1%	3.2%
2009–2013 Households Actual Proportion	82.8%	7.7%	8.1%	5.6%
2009–2013 Households Free Market	64.2%	22.2%	8.5%	8.4%
2009–2013 Households Difference	18.5%	-14.5%	-0.4%	-2.9%
<b>2010 Census Tract: 4316</b>				
2000 Households Actual Proportion	65.4%	7.0%	21.2%	7.3%
2009–2013 Households Actual Proportion	73.6%	4.1%	18.0%	6.5%
2009–2013 Households Free Market	59.9%	26.1%	8.0%	10.2%
2009–2013 Households Difference	13.7%	-22.0%	10.1%	-3.7%
<b>2010 Census Tract: 4328</b>				
2000 Households Actual Proportion	71.3%	15.0%	7.5%	7.9%
2009–2013 Households Actual Proportion	61.4%	22.3%	10.2%	10.4%
2009–2013 Households Free Market	62.4%	23.9%	8.4%	8.7%
2009–2013 Households Difference	-1.0%	-1.7%	1.8%	1.8%
<b>2010 Census Tract: 9801 (Was tract 4316 in 2000, no households in 2010 census)</b>				
2000 Households Actual Proportion	65.4%	7.0%	21.2%	7.3%
2009–2013 Households Actual Proportion	No households in tract			
2009–2013 Households Free Market				
2009–2013 Households Difference				

Immediately north of the Lower Potomac Planning District and west of the Rose Hill district, the Springfield Planning District is bounded by the Norfolk Southern Railway right-of-way and the Capital Beltway/ Interstate 495 on the north; the CSX railroad right-of-way and Beulah Street on the east; Fort Belvoir and Accotink Creek on the south; and Rolling Road on the west. Its 16.30 square miles makes it the ninth largest district in the county, making up four percent of the county. Springfield is the ninth densest district with 3,465 people per square mile.



After growing by 22 percent in the 1990s, Springfield's population rose another 16 percent from 48,736 in 2000 to 56,484 in 2015. It is estimated to rise a bit to about 58,860 in 2020 on the way to about 66,550 in 2040.

Approximately 70 percent of the district's 20,482 housing units in 2010 were ownership dwellings. As 2015 began, the estimated median market value of homes was \$411,971, the second lowest in the county and 16 percent less than the county median. The median market value in 2000 was \$190,716, the fourth lowest in Fairfax County. In 2015, about 43 percent of the dwelling units were single-family detached, one-third were townhouses, 14 percent were multi-family dwellings in buildings up to four stories, and eight percent were in multi-family buildings of five to eight stories.

The Springfield Planning District has generally been very stable since 2000 with a healthy incremental increase in diversity. Overall, the actual proportions of the every group *except* African American households are roughly what would be expected in a unitary free market. However, there is a 13 percentage point difference between the actual and expected proportions of African American households that suggests the possibility of past and/or current discrimination. The data for the entire planning district, however, mask wide variations within the district.

The four tracts where the actual proportion of each group is what would be expected in a unitary housing market are adjacent to each other and sit in the southern and central part of the planning district. To their east is tract 4210.01 where the actual proportion of Black households is almost 13 percentage points less than would be expected in a unitary housing market, much like the adjacent tract 4223.02 in the Mount Vernon Planning District.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 58.3 percent of the Springfield Planning District's census tracts. This is the fifth lowest percentage among the county's 14 planning districts.

Much like the tracts north of them in the Annandale Planning District, the actual composition of the cluster of five census tracts in the Springfield Planning District's north end, varies considerably from what would be expected. Tract

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4201 is the southeast tip of a series of tracts that extend north and west where the actual proportions Asian and Hispanic households of any race are greater than what would be expected in a unitary housing market. While the proportion of Asian households in tract 4201 grew by nearly eight percentage points since 2000, the proportion of Hispanic households tripled, growing by more than 14 percentage points. Such rapid growth is not stable and *could* represent the beginning of a possible segregative trend.

The two tracts west of tract 4201 have experienced similar phenomena. The actual proportion of Hispanic households in tract 4306 increased by half since 2000, to 39.3 percent, more than 28 points higher than would be expected in a unitary housing market. To its immediate west, the proportion of Hispanic households of any race in tract 4307 more than tripled to 23.4 percent, almost 14 percentage points greater than would be expected. The actual proportions of Asian households in both tracts were more than would be expected. While the proportion of Asian households in tract 4306 remained stable since 2000, the proportion of Asian households in tract 4307 tripled and is now more than 11 percentage points greater than would be expected in a unitary market. It is possible that these gaps are due to first and second generation immigrant populations gravitating to these tracts which, as noted above, are the tip of a swath of tracts with similar demographic situations.

Immediately south of these tracts is census tract 4316 where the actual proportion of Asian households has been greater than expected since at least 2000. However, the actual proportion of Asian households declined a bit since 2000, suggesting stability. The proportion of Caucasian households increased since 2000 and is nearly 14 percentage points greater than expected while the proportion of African American households continues to be 22 percentage points less than expected in a unitary housing market.

In tract 4315, immediately to the west of tract 4316, the actual proportion of Black households is nearly 15 percentage points less than would be expected while the actual proportion of white households is nearly 19 percentage points greater.

**Suggested Further Action and Inquiry:** The county needs to determine the extent to which the Asian and Hispanic enclaves that appear to be forming is due to first and second generation immigrant households clustering there or to real estate steering, if any.

Real estate testing may help explain the variety of demographic patterns in the Springfield Planning District. The county should conduct further research to identify why the actual proportions of some groups have increased substantially since 2000 in some of the district's census tracts. To blunt the development of substantial racial or ethnic enclaves, the county should seek to expand housing choices so that people of all races and Hispanic ethnicity consider all of the county among their housing choices — as explained in the final chapter of this report.



**DRAFT****Annandale Planning District**

Table 14: Annandale Planning District

Annandale Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
Total for All Census Tracts Entirely or Partially in This Planning District				
2000 Households Actual Proportion	72.7%	6.8%	14.5%	8.5%
2009–2013 Households Actual Proportion	68.7%	7.2%	18.6%	16.4%
2009–2013 Households Free Market	60.8%	25.2%	8.1%	9.7%
2009–2013 Households Difference	7.9%	-18.0%	10.5%	6.7%
2010 Census Tract: 4304				
2000 Households Actual Proportion	85.5%	2.2%	8.9%	4.7%
2009–2013 Households Actual Proportion	82.7%	0.6%	15.7%	10.6%
2009–2013 Households Free Market	61.5%	24.5%	8.3%	9.6%
2009–2013 Households Difference	21.2%	-23.9%	7.4%	1.0%
2010 Census Tract: 4305				
2000 Households Actual Proportion	82.4%	3.7%	11.6%	1.4%
2009–2013 Households Actual Proportion	68.0%	9.7%	21.9%	6.5%
2009–2013 Households Free Market	60.7%	25.3%	8.0%	9.9%
2009–2013 Households Difference	7.3%	-15.6%	13.9%	-3.4%
2010 Census Tract: 4403				
2000 Households Actual Proportion	89.7%	1.0%	6.3%	3.3%
2009–2013 Households Actual Proportion	88.7%	1.3%	10.1%	4.3%
2009–2013 Households Free Market	68.7%	18.3%	8.8%	7.0%
2009–2013 Households Difference	19.9%	-17.0%	1.3%	-2.7%
2010 Census Tract: 4407.01 (was tract 4407 in 2000)				
2000 Households Actual Proportion	87.0%	2.5%	8.9%	3.2%
2009–2013 Households Actual Proportion	79.5%	3.5%	15.4%	7.2%
2009–2013 Households Free Market	67.6%	19.4%	8.7%	7.2%
2009–2013 Households Difference	11.9%	-15.9%	6.8%	-0.1%
2010 Census Tract: 4407.02 (was tract 4407 in 2000)				
2000 Households Actual Proportion	87.0%	2.5%	8.9%	3.2%
2009–2013 Households Actual Proportion	80.3%	0.7%	16.3%	4.1%
2009–2013 Households Free Market	66.4%	20.3%	8.7%	7.6%
2009–2013 Households Difference	13.9%	-19.6%	7.6%	-3.5%
2010 Census Tract: 4408				
2000 Households Actual Proportion	91.3%	1.1%	6.7%	3.2%
2009–2013 Households Actual Proportion	79.1%	3.2%	17.2%	5.3%
2009–2013 Households Free Market	65.3%	21.5%	8.5%	7.9%
2009–2013 Households Difference	13.8%	-18.3%	8.7%	-2.6%

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Annandale Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4507.01 (was tract 4507 in 2000)</b>				
2000 Households Actual Proportion	66.3%	7.3%	16.5%	14.2%
2009–2013 Households Actual Proportion	72.7%	5.0%	18.1%	7.1%
2009–2013 Households Free Market	63.1%	23.2%	8.3%	9.1%
2009–2013 Households Difference	9.6%	-18.3%	9.8%	-2.0%
<b>2010 Census Tract: 4507.02 (was tract 4507 in 2000)</b>				
2000 Households Actual Proportion	66.3%	7.3%	16.5%	14.2%
2009–2013 Households Actual Proportion	56.4%	9.8%	12.9%	42.8%
2009–2013 Households Free Market	55.5%	30.1%	7.5%	11.6%
2009–2013 Households Difference	0.9%	-20.4%	5.4%	31.3%
<b>2010 Census Tract: 4508</b>				
2000 Households Actual Proportion	78.9%	5.9%	9.7%	5.2%
2009–2013 Households Actual Proportion	69.9%	7.3%	17.7%	18.8%
2009–2013 Households Free Market	60.2%	25.7%	8.0%	10.3%
2009–2013 Households Difference	9.7%	-18.4%	9.7%	8.5%
<b>2010 Census Tract: 4510</b>				
2000 Households Actual Proportion	82.6%	2.8%	9.3%	7.3%
2009–2013 Households Actual Proportion	81.1%	3.7%	12.9%	5.7%
2009–2013 Households Free Market	63.9%	22.6%	8.4%	8.6%
2009–2013 Households Difference	17.2%	-18.8%	4.4%	-2.9%
<b>2010 Census Tract: 4520</b>				
2000 Households Actual Proportion	70.6%	5.0%	19.0%	5.2%
2009–2013 Households Actual Proportion	59.3%	8.4%	30.2%	6.0%
2009–2013 Households Free Market	58.8%	27.3%	8.3%	9.1%
2009–2013 Households Difference	0.4%	-18.9%	22.0%	-3.1%
<b>2010 Census Tract: 4521.01 (Was tract 4521 in 2000)</b>				
2000 Households Actual Proportion	76.5%	5.9%	12.8%	7.4%
2009–2013 Households Actual Proportion	63.6%	7.5%	26.5%	9.2%
2009–2013 Households Free Market	61.3%	24.8%	8.1%	9.8%
2009–2013 Households Difference	2.3%	-17.3%	18.3%	-0.6%
<b>2010 Census Tract: 4521.02 (Was tract 4521 in 2000)</b>				
2000 Households Actual Proportion	76.5%	5.9%	12.8%	7.4%
2009–2013 Households Actual Proportion	61.9%	8.3%	18.3%	24.9%
2009–2013 Households Free Market	58.3%	27.4%	8.0%	10.4%
2009–2013 Households Difference	3.7%	-19.2%	10.4%	14.4%

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Annandale Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4522</b>				
2000 Households Actual Proportion	57.0%	10.7%	23.4%	12.4%
2009–2013 Households Actual Proportion	55.8%	13.8%	22.9%	23.4%
2009–2013 Households Free Market	56.2%	29.3%	7.6%	11.6%
2009–2013 Households Difference	-0.4%	-15.6%	15.3%	11.9%
<b>2010 Census Tract: 4523.01 (Was tract 4523 in 2000)</b>				
2000 Households Actual Proportion	60.7%	8.9%	24.4%	11.5%
2009–2013 Households Actual Proportion	57.8%	9.5%	22.4%	28.1%
2009–2013 Households Free Market	53.8%	31.4%	7.6%	11.8%
2009–2013 Households Difference	4.0%	-22.0%	14.8%	16.2%
<b>2010 Census Tract: 4523.02 (Was tract 4523 in 2000)</b>				
2000 Households Actual Proportion	60.7%	8.9%	24.4%	11.5%
2009–2013 Households Actual Proportion	49.3%	17.1%	21.8%	34.9%
2009–2013 Households Free Market	56.2%	29.2%	7.7%	11.6%
2009–2013 Households Difference	-6.9%	-12.1%	14.0%	23.3%
<b>2010 Census Tract: 4524</b>				
2000 Households Actual Proportion	72.6%	6.5%	11.8%	11.0%
2009–2013 Households Actual Proportion	66.1%	11.9%	17.0%	24.3%
2009–2013 Households Free Market	60.6%	25.4%	8.1%	9.9%
2009–2013 Households Difference	5.5%	-13.5%	9.0%	14.4%
<b>2010 Census Tract: 4525.01 (Was tract 4525 in 2000)</b>				
2000 Households Actual Proportion	51.2%	20.7%	13.8%	12.5%
2009–2013 Households Actual Proportion	71.8%	5.7%	16.5%	13.5%
2009–2013 Households Free Market	62.1%	24.2%	8.3%	9.1%
2009–2013 Households Difference	9.7%	-18.5%	8.2%	4.4%

Resting immediately north of the Springfield Planning District and west of Lincolnia, the Annandale Planning District includes the land area generally surrounding Little River Turnpike (Route 236) and Braddock Road, between Interstate 395 (I-395) and Olley Lane. With 18.87 square miles, it constitutes about five percent of the county. It's the fifth densest planning district with 4,002 people per square mile.



Population growth has been modest but steady with about a six percent increase during the 1990s and also between 2000 and 2015. Population is expected to grow incrementally from 74,715 in 2015 to about 75,300 in 2020 and to 79,600 in 2040.

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About 70 percent of the district's 26,269 housing units were ownership dwellings in 2010. At the beginning of 2015, the estimated median market value was \$471,159, the sixth highest in the county and about four percent lower than the county's median. The median market value in 2000 was \$222,202, the sixth highest in Fairfax County. As 2015 started, 62 percent of dwellings were single-family detached, 13 percent were town homes, and 24 percent were multi-family in buildings up to four stories.

Every one of the Annandale Planning District's 18 census tracts exhibits signs of a dual housing market, one for African Americans and another for everybody else. Overall, the actual proportion of Black households is 18 percentage points less than what would be expected in a free housing market absent discrimination. The gap exceeded 15 percentage points in all but two census tracts, 4523.02 and 4524 which share a very short common border.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 100 percent of the Annandale Planning District's census tracts. This is tied with four other planning districts with the highest percentage among the county's 14 planning districts.

The actual proportion of white households is significantly greater than expected in five census tracts on the west side of the planning district and in tract 4510 in the district's northeast corner. Tract 4510 is adjacent to tracts in the Jefferson and Baileys planning districts that are part of a large group of tracts with similarly large differences. The tracts surrounding the five tracts on the west side of the Annandale Planning District exhibit a variety of demographic compositions.

Portions of the Annandale Planning District have become a destination for Korean immigrants.<sup>68</sup> Seven census tracts clustered in the center of the planning district have actual proportions of Asian households significantly higher than expected in a free housing market, differences ranging from 10.4 percentage points in tract 4521.02 to 22 percentage points in tract 4520. These tracts form the northern half of a cluster of tracts with similar demographics emanating from the Springfield Planning District. Several of these tracts — and others — experienced a major increase in the proportion of Asian households since 2000 with the proportion nearly doubling in tracts 4304, 4305, 4407, 4407.02, 4508, and 4407.02 and growing even more in tracts 4408 and 4521.01 as well as a substantial increase in tract 4520 from 19 percent in 2000 to 30.2 percent. As the table

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68. The data presented in the county's 253-page study that surveyed immigrants living in Fairfax County suggest that first generation immigrants from Korea were less assimilated and more focused on their native culture and language than most of the other seven immigrant and refugee groups surveyed. These data may help explain why enclaves of Koreans have developed in the Annandale Planning District as well as why other enclaves of immigrant groups have developed in much of Fairfax County. See the data in *A Community Sample: Eight Immigrant and Refugee Communities with Public School Children* (Fairfax, VA: Fairfax County Department of Systems Management for Human Services, Dec. 2000). This concentration in the Annandale area is described in Mark Sakamoto, "Annandale's Korean community: a unique cultural enclave in suburban Virginia" available at <http://www.dcintersections.americanobserver.net/2013/12/16/annandale-korean-enclave>.



above shows, in some instances these increases brought the proportion of Asian households to the level expected in a free housing market while in others the increase raised the proportion of Asian households to much higher levels than would be expected.

In six of these tracts, the actual proportions of Latino households of any race are also greater than would be expected in a discrimination-free housing market. The actual proportion of Hispanic household in all six of these tracts rose substantially since 2000, resulting in actual proportions significantly greater than would be expected in a unitary free housing market. The proportion increased from 14.2 to 42.8 percent in tract 4507.02, making the actual proportion about 31 percentage points higher than expected. Similar, albeit less dramatic changes occurred in the other tracts: from 7.4 to 24.9 percent in tract 4521.02 making the actual proportion about 14 percentage points higher than expected; from 12.4 to 23.4 in tract 4522 making the actual proportion nearly 12 percentage points higher than expected; from 11.5 to 28.1 percent in tract 4523.01, leaving the actual proportion of Latino households 16 percent greater than expected; from 11.5 to 34.9 percent, making the actual proportion of Hispanic households in tract 4523.02 23 percent higher; and tract 4524 where the proportion grew from 11 to 24.3 percent, making the actual proportion 14 percentage points higher than expected in a unitary free housing market.

**Suggested Further Action and Inquiry:** The data strongly suggest that far fewer African American households are living in the Annandale Planning District than can afford to live there — typical of a dual housing market. The data also strongly suggest that Asian and/or only Latino households of any race are concentrating in a large portions of the Annandale Planning District. There appears to be a *significant possibility* of extensive steering in which real estate practitioners steer whites away from some census tracts and direct Asians and Hispanics of any race to these tracts where their proportions substantially exceed what would be expected in a free housing market absent discrimination. There is also the *possibility* that some Asian and Hispanic households choose to live in these enclaves as many new immigrants tend to do.

The consistently large gap between the expected and actual proportions of African American households in *every* census tract strongly suggests that racial steering may be discouraging Black households that can afford to live in the Annandale Planning District from even looking at housing there.

It should be a high priority for the county to conduct testing to determine whether racial and ethnic steering, as the data suggest, is taking place in the Annandale Planning District.

The county should work to expand housing choices to those portions of the Annandale Planning District in which significantly fewer members of the different groups live than would be expected in a unitary housing market absent past and/or present discrimination — as explained in the final chapter of this report.

**Lincolnia Planning District****Table 15: Lincolnia Planning District**

<b>Lincolnia Planning District</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>Total for All Census Tracts Entirely or Partially in This Planning District</b>				
<b>2000 Households Actual Proportion</b>	<b>57.2%</b>	<b>18.5%</b>	<b>11.4%</b>	<b>13.8%</b>
<b>2009–2013 Households Actual Proportion</b>	55.7%	23.3%	12.6%	17.8%
<b>2009–2013 Households Free Market</b>	59.4%	26.5%	8.0%	10.2%
<b>2009–2013 Households Difference</b>	-3.7%	-3.2%	4.6%	7.6%
<b>2010 Census Tract: 4519</b>				
<b>2000 Households Actual Proportion</b>	<b>59.6%</b>	<b>15.4%</b>	<b>10.5%</b>	<b>17.2%</b>
<b>2009–2013 Households Actual Proportion</b>	61.7%	16.3%	15.2%	19.9%
<b>2009–2013 Households Free Market</b>	61.8%	24.4%	8.2%	9.5%
<b>2009–2013 Households Difference</b>	-0.1%	-8.0%	7.0%	<b>10.4%</b>
<b>2010 Census Tract: 4525.02 (Was 4525 in 2000 Census)</b>				
<b>2000 Households Actual Proportion</b>	<b>51.2%</b>	<b>20.7%</b>	<b>13.8%</b>	<b>12.5%</b>
<b>2009–2013 Households Actual Proportion</b>	44.1%	38.9%	12.7%	21.4%
<b>2009–2013 Households Free Market</b>	55.3%	30.1%	7.5%	11.7%
<b>2009–2013 Households Difference</b>	<b>-11.2%</b>	8.8%	5.1%	9.7%
<b>2010 Census Tract: 4526</b>				
<b>2000 Households Actual Proportion</b>	<b>64.3%</b>	<b>18.8%</b>	<b>8.6%</b>	<b>11.7%</b>
<b>2009–2013 Households Actual Proportion</b>	57.7%	19.7%	10.3%	13.9%
<b>2009–2013 Households Free Market</b>	59.8%	26.1%	8.0%	10.0%
<b>2009–2013 Households Difference</b>	-2.1%	-6.4%	2.3%	3.9%

One of the older and more developed areas of Fairfax County, the Lincolnia Planning District is strongly influenced by the neighboring City of Alexandria and the intensive development along I-395. About 3.21 square miles in size, the district constitutes about one percent of Fairfax County's land area. The district sits immediately north of the Rose Hill and Springfield planning districts. It contains a portion of the Beltway South Industrial Area and is bounded by Lincolnia Road, the City of Alexandria; the Norfolk Southern Railway/Virginia Railway Express right-of-way; Interstate 395; Indian Run Stream Valley; Braddock Road and Old Columbia Pike. Lincolnia's population density of 5,867 people per square mile is the second highest in Fairfax County.



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Following a growth spurt of 20 percent in the 1990s, Lincolnia's population grew 12 percent from 16,819 in 2000 to 18,832 in 2015 and is expected to grow slowly to 19,170 in 2020 and 20,070 in 2040.

Of Lincolnia's 7,043 housing units in 2010, 52 percent were rental and 47 percent were ownership. The median market value in 2000 was \$197,032, the seventh highest in Fairfax County. As 2015 started, the estimated median market value of housing was \$424,683, the fourth lowest of the 14 planning districts and about nine percent less than the median of the entire county. Only 23 percent of the dwelling units in Lincolnia were single-family detached. Multifamily dwellings in buildings up to four stories constituted 39 percent of the dwelling units while 29 percent were townhouses and six percent were multiplex units.

The actual proportions of households for the entire planning district are what would be expected in a unitary housing market. The proportion of Hispanic households of any race in tract 4519 is more than ten percentage points greater than would be expected, but the proportion has remained pretty stable since 2000.

Tract 4525.02 has been diversifying fairly quickly. The actual proportion of Black households is within the range expected in a free housing market after nearly doubling since 2000 to almost 39 percent. The actual proportion of Caucasian households has declined and is about 11 percentage points less than would be expected in a unitary free housing market. The actual proportion of Hispanic households has noticeably increased. To maintain this diversity, it is important to maintain white housing demand. These significant large changes in tract 4525.02 *might* reflect ongoing housing discrimination.

In no census tract is the actual proportion of African American households significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination. This is the lowest percentage among the county's 14 planning districts.

The actual proportions of Asian households are what would be expected in a free housing market.

The census tracts in the Lincolnia Planning District do not share the same demographic characteristics as those in the neighboring planning districts.

**Suggested Further Action and Inquiry:** In contrast to the two demographically stable census tracts in the Lincolnia Planning District, census tract 4525.02 has undergone substantial diversification since the turn of the century. It should be a high priority for the county to keep a close eye on it and conduct real estate testing to see if any racial steering or other form of housing discrimination is occurring. This census tract needs to increase demand for housing from Caucasian households if it is to achieve long-term stable integration.



**DRAFT****Baileys Planning District**

Table 16: Baileys Planning District

Baileys Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
Total for All Census Tracts Entirely or Partially in This Planning District				
2000 Households Actual Proportion	63.5%	9.3%	11.4%	15.8%
2009–2013 Households Actual Proportion	60.7%	12.6%	14.2%	23.2%
2009–2013 Households Free Market	57.9%	27.9%	7.9%	10.5%
2009–2013 Households Difference	2.8%	-15.4%	6.3%	12.8%
2010 Census Tract: 4511				
2000 Households Actual Proportion	90.7%	0.5%	4.2%	6.4%
2009–2013 Households Actual Proportion	87.2%	0.0%	5.9%	13.7%
2009–2013 Households Free Market	66.1%	20.7%	8.5%	7.7%
2009–2013 Households Difference	21.1%	-20.7%	-2.7%	6.0%
2010 Census Tract: 4512				
2000 Households Actual Proportion	90.5%	1.7%	5.8%	8.5%
2009–2013 Households Actual Proportion	93.8%	1.5%	4.0%	6.2%
2009–2013 Households Free Market	69.4%	17.7%	8.8%	7.0%
2009–2013 Households Difference	24.4%	-16.2%	-4.8%	-0.8%
2010 Census Tract: 4513				
2000 Households Actual Proportion	89.6%	1.7%	5.1%	1.6%
2009–2013 Households Actual Proportion	84.8%	1.6%	9.8%	12.1%
2009–2013 Households Free Market	64.1%	22.4%	8.4%	8.6%
2009–2013 Households Difference	20.7%	-20.7%	1.4%	3.6%
2010 Census Tract: 4514				
2000 Households Actual Proportion	51.4%	8.1%	25.6%	34.8%
2009–2013 Households Actual Proportion	42.0%	7.6%	27.3%	36.2%
2009–2013 Households Free Market	51.1%	34.2%	7.2%	12.3%
2009–2013 Households Difference	-9.1%	-26.6%	20.1%	23.9%
2010 Census Tract: 4515.01 (Was tract 4515 in 2000)				
2000 Households Actual Proportion	59.5%	10.5%	13.1%	24.4%
2009–2013 Households Actual Proportion	56.2%	12.0%	21.0%	22.0%
2009–2013 Households Free Market	55.6%	30.0%	7.7%	11.1%
2009–2013 Households Difference	0.7%	-17.9%	13.3%	10.9%
2010 Census Tract: 4515.02 (Was tract 4515 in 2000)				
2000 Households Actual Proportion	59.5%	10.5%	13.1%	24.4%
2009–2013 Households Actual Proportion	59.8%	19.1%	14.7%	20.3%
2009–2013 Households Free Market	58.7%	27.0%	7.9%	10.7%
2009–2013 Households Difference	1.1%	-7.9%	6.8%	9.6%

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Baileys Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4516.01 (Was block group 1 and parts of 2 and 4 in tract 4516 in 2000)</b>				
2000 Households Actual Proportion	41.9%	8.4%	12.3%	31.6%
2009–2013 Households Actual Proportion	42.6%	0.8%	6.0%	70.5%
2009–2013 Households Free Market	53.4%	32.0%	7.3%	12.3%
2009–2013 Households Difference	-10.8%	-31.2%	-1.3%	58.2%
<b>2010 Census Tract: 4516.02 (Was block group 3 and parts of 2 and 4 in tract 4516 in 2000)</b>				
2000 Households Actual Proportion	55.0%	1.3%	13.4%	15.4%
2009–2013 Households Actual Proportion	60.7%	11.8%	15.6%	21.1%
2009–2013 Households Free Market	59.9%	26.0%	8.0%	10.2%
2009–2013 Households Difference	0.8%	-14.2%	7.6%	10.9%
<b>2010 Census Tract: 4518</b>				
2000 Households Actual Proportion	77.3%	1.7%	11.5%	8.6%
2009–2013 Households Actual Proportion	74.9%	0.8%	15.8%	18.2%
2009–2013 Households Free Market	62.7%	23.5%	8.4%	8.8%
2009–2013 Households Difference	12.2%	-22.7%	7.4%	9.3%
<b>2010 Census Tract: 4527</b>				
2000 Households Actual Proportion	77.3%	1.7%	11.5%	8.6%
2009–2013 Households Actual Proportion	44.1%	29.5%	10.7%	25.6%
2009–2013 Households Free Market	56.2%	29.4%	7.7%	11.1%
2009–2013 Households Difference	-12.1%	0.1%	3.0%	14.5%
<b>2010 Census Tract: 4528.01 (Was tract 4528 in 2000)</b>				
2000 Households Actual Proportion	64.9%	15.4%	8.8%	6.0%
2009–2013 Households Actual Proportion	63.5%	18.0%	16.3%	11.6%
2009–2013 Households Free Market	57.4%	28.3%	8.0%	10.3%
2009–2013 Households Difference	6.0%	-10.3%	8.3%	1.4%
<b>2010 Census Tract: 4528.02 (Was tract 4528 in 2000)</b>				
2000 Households Actual Proportion	64.9%	15.4%	8.8%	6.0%
2009–2013 Households Actual Proportion	65.2%	19.2%	9.8%	10.5%
2009–2013 Households Free Market	55.8%	29.9%	7.8%	10.8%
2009–2013 Households Difference	9.5%	-10.7%	2.0%	-0.2%



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The Baileys Planning District sits immediately north of the Lincolnia Planning District along Lincolnia Road and Columbia Pike (Route 244). It shares borders on the west with the Annandale and Jefferson planning districts along Sleepy Hollow Road. Northeast of the district is Arlington County with the City of Alexandria to the southeast. Just 6.33 square miles in size, Bailey's makes up two percent of the county land area.



Baileys is the densest planning district in Fairfax County with 7,031 people per square mile. After growing by nearly 15 percent in the 1990s, population growth has slowed with an estimated 44,505 in 2015, an increase of 11 percent since 2000. It is expected to remain steady in 2020 and grow to 50,400 by 2040.

About half of the district's 18,298 dwelling units were ownership in 2010. The median market value in 2000 was \$164,739, the second lowest in the county. At the start of 2015, the estimated \$372,232 median market value of housing was the lowest in Fairfax County, making Baileys the most affordable planning district. This median was 24 percent less than the county's median. About 29 percent of the dwellings were single-family detached, five percent were townhouses, 27 percent were multifamily in buildings up to four floors, seven percent were in buildings of five to eight floors, and 30 percent were in buildings with at least nine stories.

The demographic patterns in the Baileys Planning District since 2000 are complicated. Overall, the actual proportions of each demographic group for the entire planning district have remained pretty steady this century. The one consistent phenomenon throughout the Baileys Planning District is that the actual proportion of African American households is about 15 percentage points lower than would be expected in a unitary free housing market. The actual proportion is what would be expected in only two of the 12 census tracts. In the other ten, the gap between actual and expected proportions of Black households ranges from 10.3 to 32.1 percentage points.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 83.3 percent of the Baileys Planning District's census tracts. This is the sixth smallest percentage among the county's 14 planning districts.

While the actual proportion of white households is what would be expected for the entire planning district, the actual proportion of white households is more than 20 percentage points *greater* than would be expected in tracts 4511, 4512, and 4513 where the actual proportions of African Americans are 16 to 20 percentage points *lower* than would be expected. And in tract 4518 the actual proportion of Caucasian households is 12 points greater than expected while the actual proportion of Black households is nearly 23 percentage points lower.



The actual proportions of Asian households have remained steady since 2000 except in tract 4515.01 where the actual proportion is about 13 percentage points higher than would be expected in a unitary housing market. The proportion of Asian households increased in 4515.01 by about half since 2000.

The actual proportion of Latino households of any race grew incrementally since 2000 in the Baileys Planning District and is nearly 13 percentage points higher than would be expected in a unitary free housing market. While this growth has been incremental and stable in most of the district's census tracts, the pace of growth has been far from incremental in tracts 4527 (from 8.6 to 25.6 percent where the proportion would be expected to be 14.5 percent), 4513 (from 1.6 percent to 12.1 percent, roughly what would be expected), and especially 4516.01 (from 31.6 to 70.5 percent). This 70.5 percent actual proportion of Hispanic households of any race in tract 4516.01 was 58 percentage points higher than the 12.3 percent expected in a free housing market.<sup>69</sup> Clearly an Hispanic enclave has developed here thanks to the number of Latino households moving into the tract dwarfing all other groups combined.

In tract 4516.02 immediately to the north, the proportion of Hispanic households of any race rose a bit from 15.4 percent in 2000 to 21.1 percent, leaving the proportion of Hispanic households nearly 11 percentage points higher than expected in a unitary free housing market. Proportions of all groups were as expected in tract 4515.02, the other tract to the north. But the proportion of Hispanic households of any race in tract 4527, immediately south of tract 4516.01, almost tripled from 8.6 to 25.6 percent, nearly 15 percentage points higher than expected. On the southwest, the actual proportion of Hispanic households in tract 4518 more than doubled from 8.6 to 18.2 percent which is within the range expected in a free housing market. There appears to be a growing enclave of Latino households in this portion of the Baileys Planning District that warrants further examination to determine how much of this concentration is due to possible housing discrimination and how much due to first generation immigrants.

In three tracts — 4512, 4515.01, 4515.02 — the actual proportion of Hispanic households declined incrementally, suggesting stability.

**Suggested Further Action and Inquiry:** Characteristics of a dual housing market appear to exist in the Baileys Planning District. Testing is needed to determine whether the *lower* than expected proportions of African American households in ten of the 12 census tracts may be due to housing discrimination as well as the causes of the *greater* than expected proportions of

69. In 2010, census tract 4516 was divided into census tracts 4516.01 and 4516.02. In the table above, we included data for the block groups from the 2000 census that now comprise each of these two 2010 tracts. Both tracts, however, share portions of block groups 2 and 4. Because the data at the block level is too unreliable to use, we included both block groups in each of the two 2010 census tract calculations. When a 2000 census tract was divided into multiple census tracts for 2010, we have reported the 2000 data for the entire 2000 census tract. However, because the 2010 data for tracts 4156.01 and 4516.02 were so different, we felt it necessary to delve deeper and report the 2000 census data from only the 2000 census block groups that are at least partially included in the new 2010 census tracts.

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Hispanic households of any race in five of the 12 census tracts. Testing may also help reveal why the proportions of white households range from 42 to 93.8 percent.

## Jefferson Planning District

Table 17: Jefferson Planning District

Jefferson Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
Total for All Census Tracts Entirely or Partially in This Planning District				
2000 Households Actual Proportion	70.9%	5.1%	17.1%	10.7%
2009–2013 Households Actual Proportion	63.3%	4.0%	22.0%	16.7%
2009–2013 Households Free Market	60.9%	25.1%	8.1%	9.8%
2009–2013 Households Difference	2.4%	-21.0%	13.9%	6.8%
2010 Census Tract 4402.01 (Was tract 4402 in 2000)				
2000 Households Actual Proportion	65.6%	7.5%	15.8%	15.0%
2009–2013 Households Actual Proportion	57.1%	4.1%	24.7%	21.9%
2009–2013 Households Free Market	60.1%	25.8%	8.1%	9.9%
2009–2013 Households Difference	-3.0%	-21.8%	16.6%	12.1%
2010 Census Tract 4501				
2000 Households Actual Proportion	71.5%	7.0%	15.2%	9.7%
2009–2013 Households Actual Proportion	64.0%	5.9%	20.2%	17.6%
2009–2013 Households Free Market	60.1%	25.8%	8.0%	10.3%
2009–2013 Households Difference	3.9%	-19.9%	12.3%	7.3%
2010 Census Tract 4502				
2000 Households Actual Proportion	59.5%	5.7%	16.2%	24.3%
2009–2013 Households Actual Proportion	61.7%	3.5%	16.6%	27.0%
2009–2013 Households Free Market	58.3%	27.4%	7.9%	10.6%
2009–2013 Households Difference	3.4%	-23.9%	8.6%	16.4%
2010 Census Tract 4503				
2000 Households Actual Proportion	68.1%	7.3%	12.9%	15.4%
2009–2013 Households Actual Proportion	56.2%	10.5%	22.5%	18.8%
2009–2013 Households Free Market	59.6%	26.3%	8.0%	10.2%
2009–2013 Households Difference	-3.4%	-15.8%	14.5%	8.6%
2010 Census Tract 4504				
2000 Households Actual Proportion	90.1%	2.0%	5.6%	6.5%
2009–2013 Households Actual Proportion	75.2%	2.1%	15.1%	14.0%
2009–2013 Households Free Market	64.6%	21.8%	8.5%	8.6%
2009–2013 Households Difference	10.6%	-19.7%	6.6%	5.4%

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Jefferson Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract 4505</b>				
2000 Households Actual Proportion	70.2%	2.5%	17.5%	26.5%
2009–2013 Households Actual Proportion	65.0%	3.2%	18.1%	30.3%
2009–2013 Households Free Market	60.6%	25.4%	8.2%	9.9%
2009–2013 Households Difference	4.5%	-22.2%	10.0%	20.4%
<b>2010 Census Tract 4506.01 (Was tract 4506 in 2000)</b>				
2000 Households Actual Proportion	71.8%	2.9%	20.5%	7.2%
2009–2013 Households Actual Proportion	78.3%	0.0%	17.6%	7.0%
2009–2013 Households Free Market	64.5%	21.9%	8.4%	8.5%
2009–2013 Households Difference	13.8%	-21.9%	9.1%	-1.5%
<b>2010 Census Tract 4506.02 (Was tract 4506 in 2000)</b>				
2000 Households Actual Proportion	71.8%	2.9%	20.5%	7.2%
2009–2013 Households Actual Proportion	56.4%	5.2%	25.3%	26.8%
2009–2013 Households Free Market	57.4%	28.2%	7.7%	11.3%
2009–2013 Households Difference	-1.0%	-23.0%	17.6%	15.5%
<b>2010 Census Tract 4509</b>				
2000 Households Actual Proportion	87.0%	1.7%	7.3%	8.1%
2009–2013 Households Actual Proportion	84.0%	0.0%	7.1%	15.0%
2009–2013 Households Free Market	65.7%	20.9%	8.6%	8.0%
2009–2013 Households Difference	18.2%	-20.9%	-1.5%	7.0%
<b>2010 Census Tract 4616.02 (Was tract 4616 in 2000)</b>				
2000 Households Actual Proportion	71.1%	4.6%	19.1%	7.1%
2009–2013 Households Actual Proportion	43.5%	3.7%	42.3%	5.2%
2009–2013 Households Free Market	62.3%	23.9%	8.4%	9.0%
2009–2013 Households Difference	-18.8%	-20.2%	33.9%	-3.9%
<b>2010 Census Tract 4713.01 (Was tract 4713 in 2000)</b>				
2000 Households Actual Proportion	73.9%	4.1%	17.7%	8.4%
2009–2013 Households Actual Proportion	63.9%	2.5%	24.4%	19.4%
2009–2013 Households Free Market	59.7%	26.1%	8.0%	10.5%
2009–2013 Households Difference	4.3%	-23.6%	16.3%	8.9%

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Jefferson Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract 4713.03 (Was tract 4713 in 2000)</b>				
2000 Households Actual Proportion	73.9%	4.1%	17.7%	8.4%
2009–2013 Households Actual Proportion	68.9%	4.8%	17.4%	7.1%
2009–2013 Households Free Market	60.4%	25.6%	8.1%	9.8%
2009–2013 Households Difference	8.4%	-20.8%	9.3%	-2.7%
<b>2010 Census Tract 4713.04 (Was tract 4713 in 2000)</b>				
2000 Households Actual Proportion	73.9%	4.1%	17.7%	8.4%
2009–2013 Households Actual Proportion	86.9%	2.2%	10.2%	2.1%
2009–2013 Households Free Market	68.5%	18.4%	8.7%	7.3%
2009–2013 Households Difference	18.4%	-16.2%	1.4%	-5.3%
<b>2010 Census Tract 4714.01 (Was tract 4714 in 2000)</b>				
2000 Households Actual Proportion	64.3%	9.1%	16.6%	13.8%
2009–2013 Households Actual Proportion	77.6%	1.6%	15.5%	11.5%
2009–2013 Households Free Market	61.7%	24.3%	8.2%	9.6%
2009–2013 Households Difference	15.9%	-22.7%	7.3%	1.9%
<b>2010 Census Tract 4714.02 (Was tract 4714 in 2000)</b>				
2000 Households Actual Proportion	64.3%	9.1%	16.6%	13.8%
2009–2013 Households Actual Proportion	48.9%	4.4%	26.1%	28.9%
2009–2013 Households Free Market	59.0%	26.6%	7.9%	10.8%
2009–2013 Households Difference	-10.1%	-22.2%	18.1%	18.1%

The Jefferson Planning District is immediately west of Baileys and north of Annandale. It is south of the McLean Planning District and east of the Vienna Planning District. The City of Falls Church bounds it on the northeast, Leesburg Pike (Route 7) on the north, the Capital Beltway/Interstate 495, Prosperity Avenue and Gallows Road on the west, and the Holmes Run Stream Valley on the south. The district's 9.9 square miles constitute two percent of Fairfax County.



Jefferson is the third densest planning district with 5,760 people per square mile. After growing 12 percent in the 1990s, Jefferson grew another 19 percent, from 48,092 in 2000 to 57,027 in 2015. It is expected to continue to grow to about 64,580 residents in 2020 and 69,600 in 2040.

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In 2010, approximately 56 percent of the district's 21,238 housing units were ownership. The median market value in 2000 was \$198,269, the ninth highest in the county. At the beginning of 2015, the estimated median market value was \$444,341, the seventh highest in the county and nine percent less than for the county as a whole. About 38 percent of the housing was single-family detached, 12 percent townhouses, 31 percent multifamily in buildings up to four stories, 11 percent in buildings of five to eight stories, and eight percent in buildings of nine or more stories.

Beginning in 2011, building permits have been issued each year for more residential dwelling units in the Jefferson Planning District than in any other planning district. The permits have been overwhelmingly for multifamily housing.

The actual proportion of African American households was 21 percentage points less than would be expected in a unitary free housing market absent discrimination for the entire planning district as well as in *all* 15 census tracts, ranging from about 16 percentage points lower in tracts 4503 and 4713.04 to more than 23 percentage points in tracts 4502 and 4713.01. This pattern exists in all of the census tracts and planning districts that surround the Jefferson Planning District.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 100 percent of the Jefferson Planning District's census tracts. This is tied with four other planning districts as the highest percentage among the county's 14 planning districts.

An enclave of Asian households appears to be slowly intensifying in the Jefferson Planning District. Just 8 percent of the district's households would be expected to be Asian in a unitary housing market. The actual proportion is nearly 14 percentage points higher. While the actual proportion increased by nearly 5 percentage points since 2000, the increase was greater in six census tracts and declined in five tracts.

The concentration of Asian households in tract 4402.02 of the Fairfax Planning District to the southwest extends into the Jefferson Planning District's census tracts 4402.01 (nearly 17 percentage points more than expected), 4616.02 (nearly 34 percentage points more), 4714.02 (18 percentage points more), 4501 (12 percentage points more), 4506.02 (nearly 18 percentage points more), 4505 (ten percentage points more), and 4503 (about 14 percentage points more). The actual proportions increased from 2000 by about ten percentage points in tracts 4402.01, 4503, 4504, and 4714.02 while it increased by 23 percentage points in tract 4516.02. Meanwhile the actual proportion of Caucasian households in tract 4616.02 declined by nearly 28 percentage points. These figures suggest that the vast majority of new residents of tract 4616.02 are Asian. Unless multi-racial demand can be restored, tract 4616.02 is likely to resegregate.

The actual proportions of white households exceeded the proportions expected in a free housing market in five border tracts (4504, 4509, 4506.01, 4714.01, 4713.04) while they were less than expected in two adjacent tracts (4616.02 and 4714.02).

The actual proportions of Hispanic households of any race were greater than

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expected in a unitary housing market in tracts 4402.01, 4502, where the increase since 2000 was small as well as in 4506.02 and 4714.02 where the increases were significantly more substantial.

**Suggested Further Action and Inquiry:** The Jefferson Planning District exhibits characteristics typical of a dual housing market. The large gap between the actual and expected proportions of Black households in every Jefferson Planning District census tract suggests that testing should be conducted to identify why the actual proportions of African American households are so much lower than would be expected in a unitary housing market. Developing and intensifying concentrations of Asian households suggest that the county needs to determine whether Asian households are being steered to these areas and whether African Americans, Caucasians, and Latinos of any race are being steered away from them.

With more residential building permits being issued in the Jefferson Planning District than in any other district each year since 2011, expanding the housing choices of African Americans to include the Jefferson Planning District is of the highest priority, as is achieving a unitary housing market in the Jefferson Planning District and its neighboring districts.



**DRAFT****Vienna Planning District**

Table 18: Vienna Planning District

Vienna Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>Total for All Census Tract: Entirely or Partially in This Planning District</b>				
2000 Households Actual Proportion	80.8%	3.2%	11.3%	5.2%
2009–2013 Households Actual Proportion	76.1%	2.8%	17.6%	7.8%
2009–2013 Households Free Market	65.2%	21.4%	8.5%	8.2%
2009–2013 Households Difference	11.0%	-18.6%	9.1%	-0.4%
<b>2010 Census Tract: 4602</b>				
2000 Households Actual Proportion	91.6%	0.0%	4.9%	1.2%
2009–2013 Households Actual Proportion	93.7%	0.0%	6.3%	2.3%
2009–2013 Households Free Market	69.9%	17.3%	8.8%	6.7%
2009–2013 Households Difference	23.8%	-17.3%	-2.5%	-4.4%
<b>2010 Census Tract: 4603</b>				
2000 Households Actual Proportion	92.8%	0.5%	5.4%	3.6%
2009–2013 Households Actual Proportion	91.5%	0.0%	7.6%	0.6%
2009–2013 Households Free Market	69.0%	18.1%	8.8%	7.0%
2009–2013 Households Difference	22.5%	-18.1%	-1.2%	-6.3%
<b>2010 Census Tract: 4604</b>				
2000 Households Actual Proportion	79.5%	3.9%	12.8%	3.2%
2009–2013 Households Actual Proportion	73.5%	3.3%	17.3%	3.2%
2009–2013 Households Free Market	63.4%	23.1%	8.5%	8.1%
2009–2013 Households Difference	10.0%	-19.8%	8.8%	-5.0%
<b>2010 Census Tract: 4605.01 (Was tract 4605 in 2000)</b>				
2000 Households Actual Proportion	76.0%	3.5%	14.5%	3.7%
2009–2013 Households Actual Proportion	78.8%	1.4%	19.8%	5.4%
2009–2013 Households Free Market	68.4%	18.6%	8.7%	7.0%
2009–2013 Households Difference	10.4%	-17.3%	11.1%	-1.6%
<b>2010 Census Tract: 4605.02 (Was tract 4605 in 2000)</b>				
2000 Households Actual Proportion	76.0%	3.5%	14.5%	3.7%
2009–2013 Households Actual Proportion	61.1%	4.6%	28.7%	9.3%
2009–2013 Households Free Market	64.4%	22.1%	8.5%	8.2%
2009–2013 Households Difference	-3.4%	-17.5%	20.1%	1.1%
<b>2010 Census Tract: 4606</b>				
2000 Households Actual Proportion	81.8%	3.1%	9.5%	6.6%
2009–2013 Households Actual Proportion	82.0%	0.0%	16.8%	4.3%
2009–2013 Households Free Market	66.6%	20.1%	8.6%	7.8%
2009–2013 Households Difference	15.3%	-20.1%	8.2%	-3.5%

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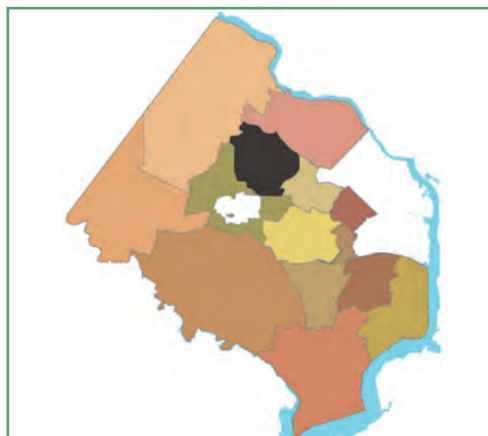
Vienna Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4607.01 (Was tract 4607 in 2000)</b>				
2000 Households Actual Proportion	86.5%	2.7%	5.5%	7.0%
2009–2013 Households Actual Proportion	76.0%	4.4%	14.4%	22.6%
2009–2013 Households Free Market	61.8%	24.4%	8.3%	9.1%
2009–2013 Households Difference	14.3%	-20.0%	6.1%	13.4%
<b>2010 Census Tract: 4607.02 (Was tract 4607 in 2000)</b>				
2000 Households Actual Proportion	86.5%	2.7%	5.5%	7.0%
2009–2013 Households Actual Proportion	85.5%	1.9%	9.2%	2.6%
2009–2013 Households Free Market	65.3%	21.3%	8.5%	8.3%
2009–2013 Households Difference	20.2%	-19.4%	0.8%	-5.8%
<b>2010 Census Tract: 4608</b>				
2000 Households Actual Proportion	84.1%	2.2%	7.6%	5.0%
2009–2013 Households Actual Proportion	84.6%	0.5%	11.7%	6.5%
2009–2013 Households Free Market	63.2%	23.2%	8.3%	8.9%
2009–2013 Households Difference	21.4%	-22.6%	3.4%	-2.5%
<b>2010 Census Tract: 4609</b>				
2000 Households Actual Proportion	93.6%	0.0%	4.4%	4.2%
2009–2013 Households Actual Proportion	82.3%	0.6%	13.7%	5.4%
2009–2013 Households Free Market	66.7%	20.0%	8.6%	7.9%
2009–2013 Households Difference	15.6%	-19.4%	5.1%	-2.5%
<b>2010 Census Tract: 4610</b>				
2000 Households Actual Proportion	82.9%	9.1%	3.7%	3.8%
2009–2013 Households Actual Proportion	83.6%	6.9%	6.7%	4.2%
2009–2013 Households Free Market	65.7%	21.0%	8.6%	7.8%
2009–2013 Households Difference	17.9%	-14.2%	-1.8%	-3.6%
<b>2010 Census Tract: 4611</b>				
2000 Households Actual Proportion	85.4%	2.2%	8.9%	4.9%
2009–2013 Households Actual Proportion	83.7%	2.4%	7.9%	16.4%
2009–2013 Households Free Market	64.6%	21.9%	8.4%	8.5%
2009–2013 Households Difference	19.1%	-19.5%	-0.5%	7.8%
<b>2010 Census Tract: 4615</b>				
2000 Households Actual Proportion	83.5%	2.7%	10.9%	3.3%
2009–2013 Households Actual Proportion	75.0%	3.6%	20.8%	5.7%
2009–2013 Households Free Market	67.4%	19.4%	8.7%	7.6%
2009–2013 Households Difference	7.6%	-15.7%	12.1%	-2.0%

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Vienna Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4616.01 (Was 4616 in 2000)</b>				
2000 Households Actual Proportion	71.1%	4.6%	19.1%	7.1%
2009–2013 Households Actual Proportion	71.3%	3.2%	22.9%	5.1%
2009–2013 Households Free Market	64.6%	21.8%	8.4%	8.6%
2009–2013 Households Difference	6.7%	-18.6%	14.5%	-3.4%
<b>2010 Census Tract: 4617</b>				
2000 Households Actual Proportion	65.6%	5.8%	23.7%	9.1%
2009–2013 Households Actual Proportion	57.8%	4.4%	32.4%	12.9%
2009–2013 Households Free Market	61.9%	24.2%	8.2%	9.6%
2009–2013 Households Difference	-4.1%	-19.9%	24.2%	3.3%

The Vienna Planning District sits right in between the Jefferson, McLean, Upper Potomac, Fairfax, Annandale, and Baileys planning districts. It is generally bordered on the east by Leesburg Pike (Route 7), the Capital Beltway/Interstate 495, Interstate 66, and Prosperity Avenue, and to the west by Hunter Mill Road, Blake Lane, and the Difficult Run Stream Valley. Within the district are the Town of Vienna (which is discussed following the analysis of the entire planning district), the Vienna Transit Station Area (TSA) and portions of the Merrifield Suburban Center and the Tysons Corner Urban Center. Its 18.72 square miles make up about five percent of the county.



The Vienna Planning District's population density of 3,813 in 2015 makes it the sixth densest district in the county. Following an 11 percent rise in population during the 1990s, the Vienna district grew by 20 percent from 59,326 in 2000 to 71,371 in 2015. Its population is expected to continue to rise to about 74,900 in 2020 and to roughly 101,100 in 2040.

About 72 percent of the county's 24,858 housing units were ownership in 2010. The median market value in 2000 was \$282,213, the second highest in the county. The estimated median market value at the beginning of 2015 was \$675,892, the second highest in Fairfax County and 37 percent higher than the entire county. In 2015, about 58 percent of the dwellings were single-family detached, 22 percent were townhouses, and nearly 14 percent were in multifamily



buildings up to four stories.<sup>70</sup>

There is every indication that the housing market in the Vienna Planning District is not unitary. Like the Jefferson Planning District to its east, the actual proportions of African American households in every census tract of the Vienna Planning District are substantially less than would be expected in a unitary housing market without discrimination. Overall the gap is nearly 19 percentage points. While the proportion of Black households would be expected to be around 20 percent in every census tract, the actual proportions are less than two percent in tracts 4602, 4603, 4605.01, 4606, 4607.02, 4608, and 4609. In no census tract does the actual proportion of African American households even approach double digits. These gaps between expected and actual proportions of Black households are among the most severe in Fairfax County.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 100 percent of the Vienna Planning District's census tracts. This is tied with four other planning districts as the highest percentage among the county's 14 planning districts.

The actual proportions of white households are greater than expected in 11 of the planning district's 15 census tracts. Three of the tracts without a gap constitute the south end of the district. In those, the proportions of Asian households are greater than expected. These three tracts are part of a wider area with greater than expected proportions of Asian households that extends from the Fairfax Planning District to the west, through the south and east ends of the Vienna Planning District into most of the Jefferson Planning District to the east and the southwest end of the McLean Planning District to the north.

The actual proportions of Latino households of any race were as expected in all but census tract 4607.01.

**Suggested Further Action and Inquiry:** The consistently large gap throughout the Vienna Planning District between the actual and expected proportions of African American households that can afford the housing here warrants thorough investigation for possible racial steering and other discriminatory practices. It should be a high priority for the county to conduct research to identify why so few Black households that can afford to live here do not move here. The county needs to develop programs that address the causes in order to expand the housing choices of higher-income African American households to include the Vienna Planning District. Testing and more extensive research are warranted to identify the cause of these disparities. For example, the county should seek to learn if Black households that can afford the housing fear moving into this area or assume they would not be welcome.<sup>71</sup>

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70. These percentages of housing types include the Town of Vienna.

71. For a brief discussion of how the legacy of exclusionary zoning can give minorities the impression they may be not welcome, see the footnote on page 172.

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It is less urgent, but still important, to conduct real estate testing and additional research to help identify why these concentrations of Asian households are developing and what can be done to expand their housing choices to encompass the rest of the Vienna Planning District as well as other parts of the metropolitan area where the actual proportions of Asian households are notably less than the proportions that would be expected in a unitary housing market.

## Town of Vienna

Table 19: Town of Vienna and Census Tracts That Comprise Vienna

Town of Vienna and Census Tracts That Comprise Vienna				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2009-2013 Vienna, Fairfax County, VA</b>				
2000 Households Actual Proportion	86.5%	3.3%	5.5%	5.6%
2009-2013 Households Actual Proportion	82.5%	2.7%	11.1%	8.3%
2009-2013 Households Free Market	64.4%	22.1%	8.4%	8.5%
2009-2013 Households Difference	18.2%	-19.4%	2.7%	-0.2%
<b>2010 Census Tract: 4607.01 (Was tract 4607 in 2000)</b>				
2000 Households Actual Proportion	86.5%	2.7%	5.5%	7.0%
2009-2013 Households Actual Proportion	76.0%	4.4%	14.4%	22.6%
2009-2013 Households Free Market	61.8%	24.4%	8.3%	9.1%
2009-2013 Households Difference	14.3%	-20.0%	6.1%	13.4%
<b>2010 Census Tract: 4607.02 (Was tract 4607 in 2000)</b>				
2000 Households Actual Proportion	86.5%	2.7%	5.5%	7.0%
2009-2013 Households Actual Proportion	85.5%	1.9%	9.2%	2.6%
2009-2013 Households Free Market	65.3%	21.3%	8.5%	8.3%
2009-2013 Households Difference	20.2%	-19.4%	0.8%	-5.8%
<b>2010 Census Tract: 4608</b>				
2000 Households Actual Proportion	84.1%	2.2%	7.6%	5.0%
2009-2013 Households Actual Proportion	84.6%	0.5%	11.7%	6.5%
2009-2013 Households Free Market	63.2%	23.2%	8.3%	8.9%
2009-2013 Households Difference	21.4%	-22.6%	3.4%	-2.5%
<b>2010 Census Tract: 4609</b>				
2000 Households Actual Proportion	93.6%	0.0%	4.4%	4.2%
2009-2013 Households Actual Proportion	82.3%	0.6%	13.7%	5.4%
2009-2013 Households Free Market	66.7%	20.0%	8.6%	7.9%
2009-2013 Households Difference	15.6%	-19.4%	5.1%	-2.5%
<b>2010 Census Tract: 4610</b>				
2000 Households Actual Proportion	82.9%	9.1%	3.7%	3.8%
2009-2013 Households Actual Proportion	83.6%	6.9%	6.7%	4.2%
2009-2013 Households Free Market	65.7%	21.0%	8.6%	7.8%
2009-2013 Households Difference	17.9%	-14.2%	-1.8%	-3.6%

The Town of Vienna is bordered by the unincorporated Washington, DC suburbs of Oakton to the west, Wolf Trap to the north, Tysons Corner on the northeast, Dunn Long on the east, and Merrifield to the south.

With a Metro station on both the silver and orange lines serving the Town of Vienna, the town is highly accessible via public transit from throughout the core of the metropolitan area. Since 2000, the town's population rose a modest five percent, from 15,822 to 16,650 in 2015 after 30 years of decline from the town's population peak of 17,146 in 1970. The town's density is 3,784 persons per square mile, pretty much the same as the 3,813 persons per square mile of the Vienna Planning District. The town consists of 4.4 square miles.<sup>72</sup>

Of the town's 5,625 dwelling units at the beginning of 2015, 82 percent were single-family detached, 8 percent were townhouses, 1 percent were multiplex, and 9 percent were multifamily in buildings up to four stories. The 2010–2014 five-year estimate of the *American Community Survey* reports a \$133,776 median household income and a median ownership home value of \$614,500.

Like the rest of the Vienna Planning District, the actual proportions of African American households in every census tract in the Town of Vienna are substantially lower than would be expected in a unitary free housing market absent possible past and/or present discrimination. Similarly the actual proportions of white households throughout the town are significantly greater than would be expected in a unitary free housing market.

The actual proportions of Asian households in every town census tract are what would be expected as are the actual proportions of Hispanic households of any race in every tract except 4607.01 where the actual proportion of Latino households more than tripled to 22.6 percent since 2000. Given that, in 2000, the actual proportions of Hispanic households in all of the other census tracts in the Town of Vienna and throughout the rest of the Vienna Planning District were close to the seven percent level of tract 4607.1, there is a strong possibility that self-steering or real estate industry steering may account for proportion of Latino households tripling in that tract while they changed very little in the rest of the town and the Vienna Planning District.

**Suggested Further Action and Inquiry:** The uniformly large gap throughout the Town of Vienna between the actual and expected proportions of African American households that can afford the housing here warrants thorough investigation for possible racial steering and other discriminatory practices — or are Black households hesitant to move to this town? Once the county identifies the causes of this gap, it needs to develop programs that address these reasons to expand the housing choices of financially better-off African American households to include the Town of Vienna. It should be a high priority to conduct real estate testing and more extensive research to identify the cause of these disparities.

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72. Additional data is from the *Town of Vienna Profile* (Vienna, VA: Department of Planning and Zoning, March 2015) 2–3.



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Fairfax County and the Town of Vienna need to address the possibility that a Latino enclave is developing in tract 4607.01 — the proportion of Latino households of any race tripled there since 2000 and rose to a level greater than would be expected in a unitary housing market. Testing may uncover steering or other discriminatory practices that are funneling a disproportionately high number of Hispanic households to this one tract. Alternatively this tract could be a destination for first and second generation immigrants. Further study is needed.

**DRAFT****McLean Planning District**

Table 20: McLean Planning District

McLean Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
Total for All Census Tracts Entirely or Partially in This Planning District				
2000 Households Actual Proportion	82.7%	2.2%	10.4%	4.3%
2009–2013 Households Actual Proportion	78.8%	2.0%	15.8%	5.3%
2009–2013 Households Free Market	66.1%	20.6%	8.5%	7.9%
2009–2013 Households Difference	12.7%	-18.7%	7.3%	-2.7%
2010 Census Tract: 4601				
2000 Households Actual Proportion	85.0%	1.5%	10.3%	0.3%
2009–2013 Households Actual Proportion	79.3%	3.5%	16.5%	6.0%
2009–2013 Households Free Market	70.2%	17.0%	8.9%	6.6%
2009–2013 Households Difference	9.2%	-13.6%	7.6%	-0.6%
2010 Census Tract: 4701				
2000 Households Actual Proportion	85.7%	1.5%	9.9%	2.1%
2009–2013 Households Actual Proportion	78.6%	1.5%	12.8%	7.9%
2009–2013 Households Free Market	72.2%	15.3%	9.1%	5.8%
2009–2013 Households Difference	6.4%	-13.8%	3.7%	2.1%
2010 Census Tract: 4703				
2000 Households Actual Proportion	93.6%	1.2%	4.2%	1.7%
2009–2013 Households Actual Proportion	87.0%	0.0%	11.3%	3.0%
2009–2013 Households Free Market	71.1%	16.3%	8.9%	6.2%
2009–2013 Households Difference	15.9%	-16.3%	2.4%	-3.2%
2010 Census Tract: 4704				
2000 Households Actual Proportion	89.3%	2.5%	5.8%	3.7%
2009–2013 Households Actual Proportion	89.2%	0.7%	9.1%	4.6%
2009–2013 Households Free Market	69.3%	17.8%	8.8%	6.9%
2009–2013 Households Difference	19.9%	-17.2%	0.2%	-2.3%
2010 Census Tract: 4705				
2000 Households Actual Proportion	81.3%	1.5%	13.9%	3.4%
2009–2013 Households Actual Proportion	79.5%	0.3%	16.1%	6.0%
2009–2013 Households Free Market	67.4%	19.4%	8.6%	7.7%
2009–2013 Households Difference	12.1%	-19.1%	7.5%	-1.7%
2010 Census Tract: 4706				
2000 Households Actual Proportion	89.4%	0.7%	8.2%	1.7%
2009–2013 Households Actual Proportion	78.9%	0.7%	11.5%	4.5%
2009–2013 Households Free Market	65.6%	21.4%	8.5%	7.5%
2009–2013 Households Difference	13.3%	-20.6%	3.0%	-3.0%

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McLean Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4707</b>				
2000 Households Actual Proportion	87.9%	1.5%	8.1%	4.3%
2009–2013 Households Actual Proportion	81.6%	0.4%	15.9%	4.0%
2009–2013 Households Free Market	67.4%	19.5%	8.6%	7.3%
2009–2013 Households Difference	14.1%	-19.1%	7.2%	-3.3%
<b>2010 Census Tract: 4708</b>				
2000 Households Actual Proportion	87.6%	1.4%	9.1%	2.7%
2009–2013 Households Actual Proportion	79.9%	2.3%	13.7%	4.0%
2009–2013 Households Free Market	66.1%	20.5%	8.6%	8.0%
2009–2013 Households Difference	13.8%	-18.2%	5.1%	-3.9%
<b>2010 Census Tract: 4709</b>				
2000 Households Actual Proportion	91.4%	0.9%	7.0%	3.6%
2009–2013 Households Actual Proportion	88.7%	0.5%	9.2%	6.2%
2009–2013 Households Free Market	67.0%	19.8%	8.7%	7.6%
2009–2013 Households Difference	21.6%	-19.2%	0.5%	-1.4%
<b>2010 Census Tract: 4710</b>				
2000 Households Actual Proportion	89.4%	2.0%	8.0%	2.8%
2009–2013 Households Actual Proportion	82.6%	0.0%	15.6%	2.1%
2009–2013 Households Free Market	65.3%	21.3%	8.6%	8.0%
2009–2013 Households Difference	17.3%	-21.3%	7.0%	-5.9%
<b>2010 Census Tract: 4711</b>				
2000 Households Actual Proportion	83.9%	3.3%	8.2%	10.3%
2009–2013 Households Actual Proportion	79.9%	0.5%	11.8%	8.5%
2009–2013 Households Free Market	62.4%	23.8%	8.3%	9.3%
2009–2013 Households Difference	17.5%	-23.3%	3.6%	-0.8%
<b>2010 Census Tract: 4712.01 (Was tract 4712 in 2000)</b>				
2000 Households Actual Proportion	73.4%	4.0%	14.8%	6.1%
2009–2013 Households Actual Proportion	67.7%	10.6%	18.8%	3.0%
2009–2013 Households Free Market	60.0%	25.8%	8.0%	10.3%
2009–2013 Households Difference	7.7%	-15.2%	10.8%	-7.2%
<b>2010 Census Tract: 4712.02 (Was tract 4712 in 2000)</b>				
2000 Households Actual Proportion	73.4%	4.0%	14.8%	6.1%
2009–2013 Households Actual Proportion	68.0%	3.1%	23.0%	8.0%
2009–2013 Households Free Market	60.9%	25.1%	8.1%	10.0%
2009–2013 Households Difference	7.1%	-21.9%	14.9%	-2.0%

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McLean Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4802.01 (Was tract 4802 in 2000)</b>				
2000 Households Actual Proportion	81.0%	1.8%	10.6%	4.2%
2009–2013 Households Actual Proportion	85.5%	0.8%	12.2%	1.1%
2009–2013 Households Free Market	71.0%	16.4%	8.9%	6.2%
2009–2013 Households Difference	14.5%	-15.7%	3.3%	-5.1%
<b>2010 Census Tract: 4802.02 (Was tract 4802 in 2000)</b>				
2000 Households Actual Proportion	81.0%	1.8%	10.6%	4.2%
2009–2013 Households Actual Proportion	71.8%	5.1%	21.5%	5.3%
2009–2013 Households Free Market	60.3%	25.7%	8.1%	10.0%
2009–2013 Households Difference	11.6%	-20.6%	13.3%	-4.7%
<b>2010 Census Tract: 4802.03 (Was tract 4802 in 2000)</b>				
2000 Households Actual Proportion	81.0%	1.8%	10.6%	4.2%
2009–2013 Households Actual Proportion	63.6%	5.8%	27.8%	5.5%
2009–2013 Households Free Market	60.0%	26.2%	8.1%	9.4%
2009–2013 Households Difference	3.5%	-20.3%	19.7%	-4.0%
<b>2010 Census Tract: 4803</b>				
2000 Households Actual Proportion	84.5%	2.0%	10.0%	1.5%
2009–2013 Households Actual Proportion	75.9%	0.0%	21.3%	4.8%
2009–2013 Households Free Market	70.7%	16.6%	8.9%	6.5%
2009–2013 Households Difference	5.2%	-16.6%	12.4%	-1.7%
<b>2010 Census Tract: 9803 (Was tract 4702 in 2000. No households in either tract)</b>				
2000 Households Actual Proportion	No Households in tract			
2009–2013 Households Actual Proportion				
2009–2013 Households Free Market				
2009–2013 Households Difference				

The McLean Planning District is immediately the east of the Upper Potomac Planning District with the Vienna and Jefferson planning districts to its south. The McLean Planning District is bounded on the north by the Potomac River, on the southeast by Arlington County and the City of Falls Church, on the southwest by Leesburg Pike (Route 7) and the Dulles Airport Access Road and Dulles Toll Road (DAAR, Route 267), and on the west by Difficult Run, Leesburg Pike, Towlston Road, and Old Dominion Drive. Mostly low-density residential, this planning district includes large tracts of federally-owned parkland and institutional uses as well as limited commercial uses. Its 30.27 square miles constitute about seven percent of the county.



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Only two planning districts have a lower density than McLean's 2,450 persons per square mile in 2015. After modest growth of nearly eight percent in the 1990s, the McLean Planning District's population rose at twice that rate from 63,278 in 2000 to 74,163 in 2015. It is expected to grow by nearly 20 percent to about 88,700 in 2020 and to roughly 128,700 in 2040.

Slightly more than 70 percent of the district's 28,559 housing units were ownership in 2010. The median market value in 2000 was \$341,588, the highest in the county. At the beginning of 2015, the estimated median market value of housing was the highest in the county, \$809,733, 65 percent higher than for the entire county. In 2015, 59 percent of the dwellings in McLean were single-family detached, about 7 percent were townhouses, about 15 percent were in buildings of up to four stories, four percent in buildings five to eight stories, and 12 percent in buildings nine or more stories tall.

The McLean Planning District is part of a large swath of Fairfax County with a dual housing market with far fewer African American residents living there than would be expected in a unitary housing market absent discrimination. The actual proportion of Caucasian households for the entire McLean Planning District is greater than expected in a unitary free housing market as well as in 11 of the 17 census tracts with households living in them. The actual proportions of white households are what is expected only in tracts 4701 and 4601 plus four of the census tracts where the actual proportions of Asian households are greater than expected.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 100 percent of the McLean Planning District's census tracts. This is tied with four other planning districts as the highest percentage among the county's 14 planning districts.

For the *entire* planning district, the actual proportion of Asian households is what would be expected in a free housing market. The actual proportion is higher than expected in five census tracts in the southwest end of the planning district (4712.01, 4712.02, 4802.02, 4802.03, and 4803). These sit at the northern end of a span of census tracts with this same characteristic that runs through the Vienna, Jefferson, and Fairfax planning districts.

Like all of the planning districts that surround it, the actual proportions of African American households in every census tract of the McLean Planning District is much less than what would be expected in a unitary housing market. The expected proportion of Black households is at least 16 percent in every census tract in the district. But the actual proportion of Black households is less than two percent in 11 of the 17 census tracts with households living in them. The actual proportion reaches double digits only in tract 4712.01 where the actual proportion of 10.6 percent is still about 15 percentage points lower than would be expected absent past or present discrimination. As in the Vienna Planning District, these gaps between expected and actual proportions of African American households are among the widest in Fairfax County.

The actual proportions of Hispanic households of any race are about what would be expected throughout the McLean Planning District in a free housing

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market absent discrimination.

**Suggested Further Action and Inquiry:** The consistently large gap throughout the McLean Planning District between the actual and expected proportions of African American households that can afford the housing here warrants thorough investigation for possible racial steering and other discriminatory practices as well as the possibility that financially well-off Black households fear moving to this area or have come to believe that they would not be welcome.<sup>73</sup> Once this high priority research is completed, the county needs to develop programs and policies that mitigate these causes and expand the housing choices of African American households to include the McLean Planning District. Testing and more extensive research are warranted to identify the cause of these disparities.

Of lesser urgency, Fairfax County should conduct testing and additional research to determine why these concentrations of Asian households are developing and identify what can be done to expand their housing choices to encompass the rest of the McLean Planning District as well as other parts of the metropolitan area where the actual proportions of Asian households do not exceed the proportions that would be expected in a unitary housing market.

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73. For a brief discussion of how the legacy of exclusionary zoning can give minorities the impression they may be not welcome, see the footnote on page 172.



**DRAFT****Upper Potomac Planning District****Table 21: Upper Potomac Planning District**

<b>Upper Potomac Planning District</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>Total for All Census Tracts Entirely or Partially in This Planning District</b>				
<b>2000 Households Actual Proportion</b>	<b>77.8%</b>	<b>6.8%</b>	<b>10.7%</b>	<b>6.0%</b>
2009–2013 Households Actual Proportion	72.0%	7.0%	15.7%	9.9%
2009–2013 Households Free Market	64.7%	21.8%	8.5%	8.4%
2009–2013 Households Difference	7.3%	-14.9%	7.3%	1.4%
<b>2010 Census Tract: 4801</b>				
<b>2000 Households Actual Proportion</b>	<b>96.6%</b>	<b>0.0%</b>	<b>2.8%</b>	<b>4.3%</b>
2009–2013 Households Actual Proportion	90.0%	2.3%	5.5%	3.6%
2009–2013 Households Free Market	71.1%	16.3%	8.9%	6.3%
2009–2013 Households Difference	18.9%	-14.0%	-3.4%	-2.8%
<b>2010 Census Tract: 4804.01 (Was tract 4804 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>86.7%</b>	<b>2.0%</b>	<b>8.7%</b>	<b>1.4%</b>
2009–2013 Households Actual Proportion	78.6%	2.9%	16.4%	6.4%
2009–2013 Households Free Market	70.4%	16.8%	9.0%	6.4%
2009–2013 Households Difference	8.2%	-13.9%	7.4%	-0.1%
<b>2010 Census Tract: 4804.02 (Was tract 4804 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>86.7%</b>	<b>2.0%</b>	<b>8.7%</b>	<b>1.4%</b>
2009–2013 Households Actual Proportion	81.2%	0.8%	12.7%	4.2%
2009–2013 Households Free Market	71.5%	15.9%	8.9%	6.2%
2009–2013 Households Difference	9.7%	-15.1%	3.8%	-2.0%
<b>2010 Census Tract: 4805.01 (Was tract 4805 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>83.1%</b>	<b>6.4%</b>	<b>8.0%</b>	<b>2.8%</b>
2009–2013 Households Actual Proportion	81.9%	0.6%	15.3%	5.0%
2009–2013 Households Free Market	71.2%	16.1%	9.0%	6.1%
2009–2013 Households Difference	10.7%	-15.5%	6.3%	-1.1%
<b>2010 Census Tract: 4805.02 (Was tract 4805 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>83.1%</b>	<b>6.4%</b>	<b>8.0%</b>	<b>2.8%</b>
2009–2013 Households Actual Proportion	82.3%	4.3%	6.7%	10.5%
2009–2013 Households Free Market	65.0%	21.7%	8.5%	7.9%
2009–2013 Households Difference	17.3%	-17.4%	-1.8%	2.6%
<b>2010 Census Tract: 4805.03 (Was tract 4805 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>83.1%</b>	<b>6.4%</b>	<b>8.0%</b>	<b>2.8%</b>
2009–2013 Households Actual Proportion	84.9%	2.5%	11.2%	16.8%
2009–2013 Households Free Market	66.1%	20.5%	8.6%	8.0%
2009–2013 Households Difference	18.8%	-18.0%	2.5%	8.8%

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Upper Potomac Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4805.04 (Was tract 4805 in 2000)</b>				
2000 Households Actual Proportion	83.1%	6.4%	8.0%	2.8%
2009–2013 Households Actual Proportion	86.4%	2.1%	5.0%	3.6%
2009–2013 Households Free Market	67.6%	19.2%	8.7%	7.4%
2009–2013 Households Difference	18.8%	-17.2%	-3.7%	-3.8%
<b>2010 Census Tract: 4805.05 (Was tract 4805 in 2000)</b>				
2000 Households Actual Proportion	83.1%	6.4%	8.0%	2.8%
2009–2013 Households Actual Proportion	85.2%	2.0%	8.4%	8.5%
2009–2013 Households Free Market	61.6%	24.4%	8.4%	9.3%
2009–2013 Households Difference	23.6%	-22.5%	0.0%	-0.8%
<b>2010 Census Tract: 4808.01 (Was tract 4808 in 2000)</b>				
2000 Households Actual Proportion	70.6%	7.8%	11.4%	13.7%
2009–2013 Households Actual Proportion	68.1%	11.5%	9.4%	24.3%
2009–2013 Households Free Market	61.5%	24.4%	8.2%	9.9%
2009–2013 Households Difference	6.6%	-12.9%	1.2%	14.4%
<b>2010 Census Tract: 4808.02 (Was tract 4808 in 2000)</b>				
2000 Households Actual Proportion	70.6%	7.8%	11.4%	13.7%
2009–2013 Households Actual Proportion	71.9%	4.1%	18.3%	9.4%
2009–2013 Households Free Market	62.0%	24.1%	8.3%	9.4%
2009–2013 Households Difference	9.9%	-20.0%	10.1%	0.0%
<b>2010 Census Tract: 4809.01 (Was tract 4809 in 2000)</b>				
2000 Households Actual Proportion	62.4%	11.5%	12.5%	19.0%
2009–2013 Households Actual Proportion	56.3%	13.5%	16.6%	27.7%
2009–2013 Households Free Market	62.0%	24.1%	8.2%	9.5%
2009–2013 Households Difference	-5.7%	-10.6%	8.4%	18.2%
<b>2010 Census Tract: 4809.02 (Was tract 4809 in 2000)</b>				
2000 Households Actual Proportion	62.4%	11.5%	12.5%	19.0%
2009–2013 Households Actual Proportion	69.6%	11.5%	12.1%	22.1%
2009–2013 Households Free Market	59.9%	26.0%	8.0%	10.3%
2009–2013 Households Difference	9.7%	-14.5%	4.1%	11.8%
<b>2010 Census Tract: 4809.03 (Was tract 4809 in 2000)</b>				
2000 Households Actual Proportion	62.4%	11.5%	12.5%	19.0%
2009–2013 Households Actual Proportion	53.6%	7.3%	23.1%	24.7%
2009–2013 Households Free Market	59.7%	26.1%	7.9%	10.6%
2009–2013 Households Difference	-6.0%	-18.8%	15.1%	14.1%

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Upper Potomac Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4810</b>				
2000 Households Actual Proportion	59.5%	13.9%	12.4%	17.1%
2009–2013 Households Actual Proportion	59.1%	9.5%	17.9%	24.4%
2009–2013 Households Free Market	59.1%	26.6%	7.9%	10.8%
2009–2013 Households Difference	0.0%	-17.1%	10.0%	13.6%
<b>2010 Census Tract: 4811.01 (Was tract 4811 in 2000)</b>				
2000 Households Actual Proportion	74.2%	6.5%	16.5%	4.2%
2009–2013 Households Actual Proportion	59.7%	10.2%	27.6%	7.2%
2009–2013 Households Free Market	60.9%	24.9%	8.2%	10.1%
2009–2013 Households Difference	-1.2%	-14.8%	19.4%	-2.9%
<b>2010 Census Tract: 4811.02 (Was tract 4811 in 2000)</b>				
2000 Households Actual Proportion	74.2%	6.5%	16.5%	4.2%
2009–2013 Households Actual Proportion	40.8%	15.6%	37.5%	9.0%
2009–2013 Households Free Market	64.4%	22.0%	8.4%	8.7%
2009–2013 Households Difference	-23.7%	-6.4%	29.2%	0.2%
<b>2010 Census Tract: 4811.03 (Was tract 4811 in 2000)</b>				
2000 Households Actual Proportion	74.2%	6.5%	16.5%	4.2%
2009–2013 Households Actual Proportion	49.0%	7.0%	35.6%	8.6%
2009–2013 Households Free Market	61.9%	24.2%	8.2%	9.4%
2009–2013 Households Difference	-12.9%	-17.2%	27.3%	-0.9%
<b>2010 Census Tract: 4811.04 (Was tract 4811 in 2000)</b>				
2000 Households Actual Proportion	74.2%	6.5%	16.5%	4.2%
2009–2013 Households Actual Proportion	40.2%	10.0%	44.6%	11.0%
2009–2013 Households Free Market	61.3%	24.8%	8.3%	9.4%
2009–2013 Households Difference	-21.1%	-14.8%	36.4%	1.6%
<b>2010 Census Tract: 4811.05 (Was tract 4811 in 2000)</b>				
2000 Households Actual Proportion	74.2%	6.5%	16.5%	4.2%
2009–2013 Households Actual Proportion	68.4%	4.1%	25.7%	4.8%
2009–2013 Households Free Market	71.4%	16.0%	8.9%	6.3%
2009–2013 Households Difference	-3.0%	-11.9%	16.7%	-1.6%
<b>2010 Census Tract: 4811.06 (Was tract 4811 in 2000)</b>				
2000 Households Actual Proportion	74.2%	6.5%	16.5%	4.2%
2009–2013 Households Actual Proportion	76.9%	4.8%	17.5%	2.7%
2009–2013 Households Free Market	68.8%	18.2%	8.8%	7.1%
2009–2013 Households Difference	8.1%	-13.4%	8.7%	-4.4%

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Upper Potomac Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4812 .01 (Was tract 4812 in 2000)</b>				
2000 Households Actual Proportion	54.9%	16.8%	18.7%	12.9%
2009–2013 Households Actual Proportion	70.5%	4.0%	22.8%	2.5%
2009–2013 Households Free Market	67.8%	19.1%	8.8%	7.2%
2009–2013 Households Difference	2.7%	-15.2%	14.1%	-4.7%
<b>2010 Census Tract: 4812 .02 (Was tract 4812 in 2000)</b>				
2000 Households Actual Proportion	54.9%	16.8%	18.7%	12.9%
2009–2013 Households Actual Proportion	55.9%	15.2%	14.9%	26.4%
2009–2013 Households Free Market	59.5%	26.5%	7.9%	10.2%
2009–2013 Households Difference	-3.5%	-11.3%	7.0%	16.2%
<b>2010 Census Tract: 4814</b>				
2000 Households Actual Proportion	81.6%	8.4%	6.3%	3.0%
2009–2013 Households Actual Proportion	83.4%	8.2%	7.0%	6.9%
2009–2013 Households Free Market	61.6%	24.7%	8.4%	8.5%
2009–2013 Households Difference	21.7%	-16.6%	-1.3%	-1.7%
<b>2010 Census Tract: 4815</b>				
2000 Households Actual Proportion	96.3%	0.9%	2.3%	1.3%
2009–2013 Households Actual Proportion	90.9%	3.8%	3.2%	2.6%
2009–2013 Households Free Market	70.6%	16.6%	9.0%	6.3%
2009–2013 Households Difference	20.3%	-12.8%	-5.8%	-3.7%
<b>2010 Census Tract: 4816</b>				
2000 Households Actual Proportion	91.8%	3.1%	3.9%	3.2%
2009–2013 Households Actual Proportion	92.6%	0.5%	6.9%	4.8%
2009–2013 Households Free Market	70.8%	16.4%	9.0%	6.3%
2009–2013 Households Difference	21.8%	-15.9%	-2.1%	-1.6%
<b>2010 Census Tract: 4817.01 (Was tract 4817 in 2000)</b>				
2000 Households Actual Proportion	89.0%	2.8%	7.0%	3.7%
2009–2013 Households Actual Proportion	88.2%	3.1%	7.7%	1.7%
2009–2013 Households Free Market	70.1%	17.1%	8.9%	6.7%
2009–2013 Households Difference	18.1%	-13.9%	-1.1%	-5.0%
<b>2010 Census Tract: 4819</b>				
2000 Households Actual Proportion	77.2%	7.8%	8.7%	5.8%
2009–2013 Households Actual Proportion	77.8%	10.3%	6.9%	5.5%
2009–2013 Households Free Market	62.4%	24.0%	8.3%	9.0%
2009–2013 Households Difference	15.5%	-13.7%	-1.3%	-3.5%

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Upper Potomac Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4820.01 (Was tract 4820 in 2000)</b>				
2000 Households Actual Proportion	87.7%	4.9%	4.9%	3.3%
2009–2013 Households Actual Proportion	83.0%	4.9%	9.4%	6.8%
2009–2013 Households Free Market	68.3%	18.8%	8.7%	7.1%
2009–2013 Households Difference	14.7%	-13.9%	0.7%	-0.3%
<b>2010 Census Tract: 4820.02 (Was tract 4820 in 2000)</b>				
2000 Households Actual Proportion	87.7%	4.9%	4.9%	3.3%
2009–2013 Households Actual Proportion	84.3%	7.6%	6.2%	5.6%
2009–2013 Households Free Market	64.7%	21.8%	8.5%	8.5%
2009–2013 Households Difference	19.6%	-14.2%	-2.2%	-2.9%
<b>2010 Census Tract: 4821</b>				
2000 Households Actual Proportion	81.2%	6.2%	6.8%	9.5%
2009–2013 Households Actual Proportion	76.0%	9.7%	6.5%	14.9%
2009–2013 Households Free Market	59.3%	26.5%	7.9%	10.6%
2009–2013 Households Difference	16.7%	-16.8%	-1.5%	4.3%
<b>2010 Census Tract: 4822.01 (Was tract 4822 in 2000)</b>				
2000 Households Actual Proportion	79.5%	6.3%	10.3%	6.2%
2009–2013 Households Actual Proportion	75.5%	12.3%	7.2%	11.9%
2009–2013 Households Free Market	58.9%	26.9%	7.9%	10.4%
2009–2013 Households Difference	16.6%	-14.6%	-0.7%	1.5%
<b>2010 Census Tract: 4822.02 (Was tract 4822 in 2000)</b>				
2000 Households Actual Proportion	79.5%	6.3%	10.3%	6.2%
2009–2013 Households Actual Proportion	75.0%	7.9%	15.5%	7.1%
2009–2013 Households Free Market	58.8%	27.1%	8.0%	10.4%
2009–2013 Households Difference	16.3%	-19.2%	7.5%	-3.2%
<b>2010 Census Tract: 4822.03 (Was tract 4822 in 2000)</b>				
2000 Households Actual Proportion	79.5%	6.3%	10.3%	6.2%
2009–2013 Households Actual Proportion	85.7%	2.8%	8.8%	9.3%
2009–2013 Households Free Market	64.5%	22.0%	8.4%	8.4%
2009–2013 Households Difference	21.1%	-19.1%	0.4%	0.9%
<b>2010 Census Tract: 4823.01 (Was tract 4823 in 2000)</b>				
2000 Households Actual Proportion	78.6%	8.3%	6.9%	7.1%
2009–2013 Households Actual Proportion	80.8%	9.8%	5.6%	0.7%
2009–2013 Households Free Market	63.8%	22.6%	8.3%	9.0%
2009–2013 Households Difference	17.0%	-12.8%	-2.7%	-8.3%
<b>2010 Census Tract: 4823.02 (Was tract 4823 in 2000)</b>				
2000 Households Actual Proportion	78.6%	8.3%	6.9%	7.1%
2009–2013 Households Actual Proportion	60.6%	16.8%	15.4%	26.0%
2009–2013 Households Free Market	56.5%	28.8%	7.7%	11.8%
2009–2013 Households Difference	4.1%	-12.0%	7.7%	14.1%

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**DRAFT****Upper Potomac Planning District (Continued)**

Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4823.03 (Was tract 4823 in 2000)</b>				
2000 Households Actual Proportion	78.6%	8.3%	6.9%	7.1%
2009–2013 Households Actual Proportion	86.4%	1.4%	3.4%	4.9%
2009–2013 Households Free Market	63.0%	23.3%	8.3%	8.8%
2009–2013 Households Difference	23.4%	-21.8%	-4.9%	-3.9%
<b>2010 Census Tract: 4824</b>				
2000 Households Actual Proportion	88.9%	3.5%	5.8%	1.0%
2009–2013 Households Actual Proportion	85.6%	0.7%	12.2%	0.0%
2009–2013 Households Free Market	70.3%	16.9%	8.9%	6.4%
2009–2013 Households Difference	15.3%	-16.3%	3.3%	-6.4%
<b>2010 Census Tract: 4825.01 (Was tract 4825 in 2000)</b>				
2000 Households Actual Proportion	79.3%	5.2%	10.0%	4.5%
2009–2013 Households Actual Proportion	42.8%	15.0%	30.8%	9.7%
2009–2013 Households Free Market	62.3%	23.8%	8.3%	9.4%
2009–2013 Households Difference	-19.5%	-8.8%	22.5%	0.3%
<b>2010 Census Tract: 4825.02 (Was tract 4825 in 2000)</b>				
2000 Households Actual Proportion	79.3%	5.2%	10.0%	4.5%
2009–2013 Households Actual Proportion	73.4%	3.3%	17.7%	7.3%
2009–2013 Households Free Market	67.1%	19.7%	8.7%	7.4%
2009–2013 Households Difference	6.3%	-16.4%	9.0%	-0.1%
<b>2010 Census Tract: 4825.03 (Was tract 4825 in 2000)</b>				
2000 Households Actual Proportion	79.3%	5.2%	10.0%	4.5%
2009–2013 Households Actual Proportion	57.9%	5.5%	34.4%	1.2%
2009–2013 Households Free Market	70.6%	16.7%	9.0%	6.2%
2009–2013 Households Difference	-12.7%	-11.2%	25.5%	-5.0%
<b>2010 Census Tract: 4825.04 (Was tract 4825 in 2000)</b>				
2000 Households Actual Proportion	79.3%	5.2%	10.0%	4.5%
2009–2013 Households Actual Proportion	75.2%	2.1%	19.7%	2.5%
2009–2013 Households Free Market	70.1%	17.0%	8.9%	6.6%
2009–2013 Households Difference	5.1%	-14.9%	10.8%	-4.1%
<b>2010 Census Tract: 4826.01 (Was tract 4826 in 2000)</b>				
2000 Households Actual Proportion	81.7%	3.4%	12.9%	3.0%
2009–2013 Households Actual Proportion	69.2%	7.1%	22.8%	6.2%
2009–2013 Households Free Market	67.3%	19.6%	8.7%	7.3%
2009–2013 Households Difference	1.9%	-12.5%	14.1%	-1.1%
<b>2010 Census Tract: 4826.02 (Was tract 4826 in 2000)</b>				
2000 Households Actual Proportion	81.7%	3.4%	12.9%	3.0%
2009–2013 Households Actual Proportion	56.5%	10.1%	27.6%	4.2%
2009–2013 Households Free Market	66.3%	20.4%	8.6%	7.8%
2009–2013 Households Difference	-9.9%	-10.4%	19.0%	-3.6%



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The Upper Potomac Planning District is immediately west of the McLean Planning District and north of the Bull Run Planning District. It is west of the Vienna and Fairfax planning districts. It is generally bounded on the north by the Potomac River, on the east by Difficult Run and Towlston Road, on the south by Lee Jackson Memorial Highway (Route 50) and on the west by Loudoun County and the Washington Dulles International Airport. Its character varies widely, from the semi-rural Great Falls areas along the Potomac River, to the urbanizing Reston Transit Station Areas and Dulles Suburban Center, to the suburban neighborhoods along West Ox Road and Lee Jackson Memorial Highway. The district includes the Town of Herndon which is analyzed following this examination of the entire planning district. At 74.20 square miles, it is the second largest planning district, occupying about 18 percent of Fairfax County.



Only four planning districts are less dense than Upper Potomac's 2,603 people per square mile. Currently the most populous planning district, Upper Potomac's population grew by 29 percent during the 1990s and by 19 percent from 162,101 in 2000 to 193,110 in 2015. It is expected to be home to about 197,543 in 2020 and 253,540 in 2040.

About 69 percent of the then 70,416 housing units in 2010 were ownership. At the beginning of 2015, there were 72,404 dwelling units in Upper Potomac. The estimated median market value of housing was the third highest in the county at \$530,784 in 2015, significantly less than the \$809,733 and \$675,892 of the adjacent McLean and Vienna planning districts respectively and nine percent greater than for the entire county. The median market value in 2000 was \$259,910, the third highest in Fairfax County. This significantly lower median *may* be in large part attributable to just 45 percent of the dwellings being single family while 23 percent were townhouses, 25 percent were multifamily in buildings up to four stories, and 3 percent were in multifamily structures of at least nine stories.<sup>74</sup>

The Upper Potomac Planning District is part of the large portion of Fairfax County that exhibits the characteristics of a dual housing market. While the actual proportion of white households in the Upper Potomac Planning District is what would be expected in a free housing market, the actual proportions are greater than would be expected in 19 of the 43 census tracts on the north and east ends of the planning district. In all but one of these 19 tracts, the proportions of African American households are less than would be expected. These extend a span of similar tracts to the east in the Fairfax and Vienna planning districts.

74. Population and housing figures include the Town of Herndon located within the Upper Potomac Planning District.

Not only is the actual proportion of Black households for the entire Upper Potomac Planning District less than what would be expected in a unitary housing market, but it is less than expected in 41 of the 43 census tracts. Unlike the Vienna and McLean planning districts, the actual proportions of African American households are less than two percent in just five census tracts with another 16 tracts below five percent. The actual proportion of Black households reached double digits in a dozen tracts. In a unitary housing market in which all races and ethnicities participate, the expected proportion of African American households would be at least 15 percent in every census tract within the Upper Potomac Planning District. It would be at least 20 percent in 26 of the 43 census tracts. So while the degree of exclusion is high here, the absence of Black households that can afford to live here is not quite as extreme as in the Vienna and McLean planning districts.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 95.3 percent of the Upper Potomac Planning District's census tracts. This is the second highest percentage among the county's 14 planning districts.

For the entire planning district, the actual proportion of Asian households is what would be expected. However, starting with tract 4811.01 and moving south, the actual proportion of Asian households is greater than expected in a unitary housing market. This condition extends into the west end of the Fairfax Planning District. Since 2000, there has been significant growth in the proportion of Asian households in census tracts 4811.02 (21 percentage points up to 37.5 percent, about 29 percentage points higher than expected), 4811.03 (about 20 percentage points up to 35.6 percent, 27 points higher than expected), 4821.04 (about 28 percentage points up to 44.6 percent, 36 points higher than expected), 4825.01 (about 21 percentage points up to 30.8 percent, 22 points higher than expected), 4825.03 (about 24 percentage points up to 34.4 percent, about 25 points higher than expected), and 4826.02 (about 15 percentage points up to 27.6 percent, 19 points higher than expected). These increases suggest the *possibility* that racial steering (including self-steering) has been occurring since the turn of the century and the presence of a dual housing market.

While the actual proportion of Latino households of any race is what would be expected in a discrimination-free housing market, there is a cluster of seven tracts largely on the planning district's west end where the actual proportions of Hispanic households exceeds the proportions expected in a unitary housing market. The actual proportion of Latino households has grown substantially since 2000 in tract 4808.01 (13.7 to 24.3 percent, which is about 14 percentage points higher than expected), tract 4812.02 (12.9 to 26.4 percent, about 16 percentage points higher than expected), and tract 4823.02 (7.1 to 26 percent, about 14 percentage points higher than expected). This sort of substantial and recent growth suggests the *possibility* that self-steering and/or steering by the real estate industry have been at play at least since the turn of the century.

**Suggested Further Action and Inquiry:** A dual housing market appears to exist throughout the Upper Potomac Planning District. The consistently large difference throughout the Upper Potomac Planning District between the actual and expected proportions of African American house-

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holds that can afford the housing here warrants high priority further investigation for possible racial steering and other discriminatory practices. It is possible that many financially-comfortable Black households are hesitant to move into this area because they think they would not be welcome. Some may not even consider moving to the western portion of the planning district. The county needs to identify the reasons and then develop programs and policies that expand the housing choices of African American households to include the Upper Potomac Planning District in their home search. A high priority should be placed on testing and more extensive research to identify the causes of these gaps.

Fairfax County should conduct testing and additional research to determine why the concentrations of Asian households are developing and identify what can be done to expand their housing choices to encompass the rest of the Upper Potomac Planning District as well as other parts of the metropolitan area.

Similarly, testing and further research should be conducted to understand why this nascent enclave of Latino households, largely in and around the Town of Herndon, has developed. The county needs to devise strategies to expand the housing choices of Hispanic households beyond this cluster of census tracts or else a segregated Latino enclave will likely develop if trends continue.

The research on the causes of the enclaves of Asian and Hispanic households should seek to determine the degrees to which any discriminatory housing practices contribute as well as the area functioning as a port of entry for immigrant households.



**Town of Herndon****Table 22: Town of Herndon and Census Tracts That Comprise Herndon**

<b>Town of Herndon and Census Tracts That Comprise Herndon</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>2009-2013 Herndon, Fairfax County, VA</b>				
<b>2000 Households Actual Proportion</b>	<b>65.5%</b>	<b>10.1%</b>	<b>12.1%</b>	<b>17.0%</b>
<b>2009-2013 Households Actual Proportion</b>	63.4%	10.0%	15.8%	22.2%
<b>2009-2013 Households Free Market</b>	61.1%	24.9%	8.1%	9.9%
<b>2009-2013 Households Difference</b>	2.3%	<b>-14.9%</b>	7.7%	<b>12.3%</b>
<b>2010 Census Tract: 4808.01 (Was tract 4808 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	70.6%	7.8%	11.4%	13.7%
<b>2009-2013 Households Actual Proportion</b>	68.1%	11.5%	9.4%	24.3%
<b>2009-2013 Households Free Market</b>	61.5%	24.4%	8.2%	9.9%
<b>2009-2013 Households Difference</b>	6.6%	<b>-12.9%</b>	1.2%	<b>14.4%</b>
<b>2010 Census Tract: 4808.02 (Was tract 4808 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	70.6%	7.8%	11.4%	13.7%
<b>2009-2013 Households Actual Proportion</b>	71.9%	4.1%	18.3%	9.4%
<b>2009-2013 Households Free Market</b>	62.0%	24.1%	8.3%	9.4%
<b>2009-2013 Households Difference</b>	9.9%	<b>-20.0%</b>	<b>10.1%</b>	0.0%
<b>2010 Census Tract: 4809.01 (Was tract 4809 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	62.4%	11.5%	12.5%	19.0%
<b>2009-2013 Households Actual Proportion</b>	56.3%	13.5%	16.6%	27.7%
<b>2009-2013 Households Free Market</b>	62.0%	24.1%	8.2%	9.5%
<b>2009-2013 Households Difference</b>	-5.7%	<b>-10.6%</b>	8.4%	<b>18.2%</b>
<b>2010 Census Tract: 4809.02 (Was tract 4809 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	62.4%	11.5%	12.5%	19.0%
<b>2009-2013 Households Actual Proportion</b>	69.6%	11.5%	12.1%	22.1%
<b>2009-2013 Households Free Market</b>	59.9%	26.0%	8.0%	10.3%
<b>2009-2013 Households Difference</b>	9.7%	<b>-14.5%</b>	4.1%	<b>11.8%</b>
<b>2010 Census Tract: 4809.03 (Was tract 4809 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	62.4%	11.5%	12.5%	19.0%
<b>2009-2013 Households Actual Proportion</b>	53.6%	7.3%	23.1%	24.7%
<b>2009-2013 Households Free Market</b>	59.7%	26.1%	7.9%	10.6%
<b>2009-2013 Households Difference</b>	-6.0%	<b>-18.8%</b>	<b>15.1%</b>	<b>14.1%</b>

With an estimated 2015 population of 23,067, Herndon is the largest of the three towns in Fairfax County. After growing by 14 percent since the turn of the century, the town's population is expected to grow modestly to about 23,790 in 2020, and 27,322 in 2040.

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Population density was 5,516 people per square mile in 2015, more than twice the density in the Upper Potomac Planning District in which Herndon sits. The median household income was \$100,399 and median owned home value was \$382,600 according to the 2010–2014 five-year estimates of the *American Community Survey*.

While the actual and expected proportions of Hispanic households of any race for the entire Upper Potomac Planning District are what would be expected in a unitary housing market, the Town of Herndon is where four of the seven census tracts in the planning district in which the actual proportions of Latino households of any race are significantly greater than what would be expected are located. Two of the other tracts (4810 and 4812.02) are adjacent to the concentrations in Herndon and a third (4823.02) is adjacent to 4812.02.

As noted above, the actual proportions of Latino households have grown substantially since 2000 in three of the tracts: tract 4808.01 (13.7 to 24.3 percent, which is about 14 percentage points higher than expected), tract 4812.02 (12.9 to 26.4 percent, about 16 percentage points higher than expected), and tract 4823.02 (7.1 to 26 percent, about 14 percentage points higher than expected). This sort of substantial and recent growth suggests the *possibility* that many Latino households are self-steering and/or being steered by the real estate industry at least since the turn of the century.

In two Herndon census tracts (4808.01 and 4809.03) the actual proportions of Asian households are notably greater than would be expected in a free housing market. Tract 4809.03 is part of a swath of tracts extending south with similarly greater actual proportions of Asian households than would be expected. Tract 4808.01 is separated from this contiguous set of tracts by tract 4809.02 where the actual proportion of Asian households is what would be expected in a free housing market.

While the 2010–2014 *American Community Survey's 5-Year Estimates* report that 28.9 percent of the residents of Fairfax County were foreign born, 43.2 percent of Herndon's residents were foreign born — suggesting the possibility that enclaves of first generation immigrants are developing in and around the Town of Herndon.

As with the rest of the Upper Potomac Planning District, the actual proportions of African American households are lower throughout Herndon than would be expected in a unitary housing market. The actual proportions of Caucasian households are what would be expected throughout Herndon although the gap between actual and expected approaches levels of concern in tracts 4808.02 and 4809.03.

**Suggested Further Action and Inquiry:** The recommendations for the Upper Potomac Planning District apply to the Town of Herndon as well, especially regarding the large difference between the actual and expected proportions of African American households and the growing enclave of Latino households of any race. Herndon is where the greatest concentrations and growth in Hispanic households have occurred in Fairfax County since the turn of the century.



**DRAFT****Fairfax Planning District****Table 23: Fairfax Planning District**

<b>Fairfax Planning District</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>Total for All Census Tracts Entirely or Partially in This Planning District</b>				
<b>2000 Households Actual Proportion</b>	<b>76.4%</b>	<b>5.0%</b>	<b>13.6%</b>	<b>6.1%</b>
2009–2013 Households Actual Proportion	67.3%	7.5%	19.8%	8.3%
2009–2013 Households Free Market	61.7%	24.5%	8.2%	9.4%
2009–2013 Households Difference	5.7%	-17.0%	11.6%	-1.1%
<b>2010 Census Tract: 4401</b>				
<b>2000 Households Actual Proportion</b>	<b>81.6%</b>	<b>2.4%</b>	<b>11.2%</b>	<b>6.5%</b>
2009–2013 Households Actual Proportion	78.0%	4.7%	15.2%	2.9%
2009–2013 Households Free Market	64.3%	22.3%	8.5%	8.3%
2009–2013 Households Difference	13.7%	-17.6%	6.7%	-5.3%
<b>2010 Census Tract: 4402.02 (Was tract 4402 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>65.6%</b>	<b>7.5%</b>	<b>15.8%</b>	<b>15.0%</b>
2009–2013 Households Actual Proportion	69.3%	4.7%	21.9%	11.7%
2009–2013 Households Free Market	60.7%	25.3%	8.1%	10.1%
2009–2013 Households Difference	8.5%	-20.5%	13.8%	1.6%
<b>2010 Census Tract: 4405.01 (Was tract 4405 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>81.9%</b>	<b>2.0%</b>	<b>12.5%</b>	<b>3.2%</b>
2009–2013 Households Actual Proportion	77.9%	0.0%	20.0%	5.0%
2009–2013 Households Free Market	65.3%	21.2%	8.5%	8.2%
2009–2013 Households Difference	12.6%	-21.2%	11.4%	-3.2%
<b>2010 Census Tract: 4405.02 (Was tract 4405 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>81.9%</b>	<b>2.0%</b>	<b>12.5%</b>	<b>3.2%</b>
2009–2013 Households Actual Proportion	68.6%	10.4%	17.6%	5.9%
2009–2013 Households Free Market	63.6%	22.8%	8.4%	8.5%
2009–2013 Households Difference	4.9%	-12.4%	9.2%	-2.6%
<b>2010 Census Tract: 4406</b>				
<b>2000 Households Actual Proportion</b>	<b>78.5%</b>	<b>5.7%</b>	<b>10.8%</b>	<b>5.8%</b>
2009–2013 Households Actual Proportion	71.6%	3.3%	16.2%	17.7%
2009–2013 Households Free Market	61.6%	24.4%	8.1%	9.7%
2009–2013 Households Difference	10.0%	-21.1%	8.0%	7.9%

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**DRAFT****Fairfax Planning District (Continued)**

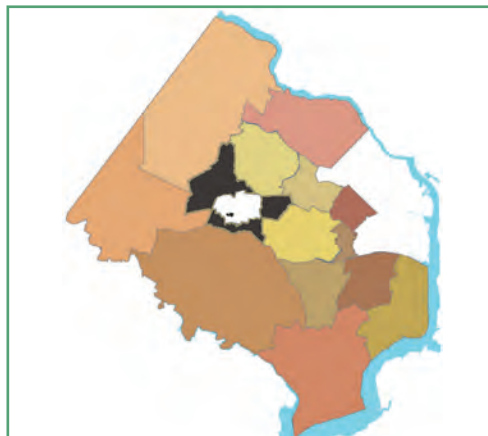
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4612.01 (Was tract 4512 in 2000)</b>				
2000 Households Actual Proportion	86.8%	1.7%	8.8%	3.1%
2009–2013 Households Actual Proportion	94.6%	0.0%	4.2%	2.2%
2009–2013 Households Free Market	69.6%	17.5%	8.8%	6.9%
2009–2013 Households Difference	25.0%	-17.5%	-4.6%	-4.7%
<b>2010 Census Tract: 4612.02 (Was tract 4512 in 2000)</b>				
2000 Households Actual Proportion	86.8%	1.7%	8.8%	3.1%
2009–2013 Households Actual Proportion	59.1%	9.0%	28.1%	7.7%
2009–2013 Households Free Market	63.2%	23.2%	8.5%	8.4%
2009–2013 Households Difference	-4.2%	-14.2%	19.6%	-0.7%
<b>2010 Census Tract: 4618.01 (Was tract 4618 in 2000)</b>				
2000 Households Actual Proportion	84.5%	3.6%	8.9%	5.4%
2009–2013 Households Actual Proportion	69.5%	5.9%	15.6%	1.7%
2009–2013 Households Free Market	60.4%	25.7%	8.3%	9.1%
2009–2013 Households Difference	9.1%	-19.8%	7.3%	-7.4%
<b>2010 Census Tract: 4618.02 (Was tract 4618 in 2000)</b>				
2000 Households Actual Proportion	84.5%	3.6%	8.9%	5.4%
2009–2013 Households Actual Proportion	67.3%	6.9%	18.8%	9.1%
2009–2013 Households Free Market	62.6%	23.5%	8.2%	9.5%
2009–2013 Households Difference	4.6%	-16.6%	10.6%	-0.4%
<b>2010 Census Tract: 4619.01 (Was tract 4619 in 2000)</b>				
2000 Households Actual Proportion	58.3%	8.0%	22.0%	15.9%
2009–2013 Households Actual Proportion	58.3%	13.2%	24.2%	10.2%
2009–2013 Households Free Market	58.3%	27.4%	7.9%	10.5%
2009–2013 Households Difference	0.0%	-14.2%	16.3%	-0.3%
<b>2010 Census Tract: 4619.02 (Was tract 4619 in 2000)</b>				
2000 Households Actual Proportion	58.3%	8.0%	22.0%	15.9%
2009–2013 Households Actual Proportion	49.6%	10.6%	22.7%	27.2%
2009–2013 Households Free Market	55.6%	30.0%	7.5%	11.6%
2009–2013 Households Difference	-6.0%	-19.4%	15.1%	15.7%

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Fairfax Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4817.02 (Was tract 4817 in 2000)</b>				
2000 Households Actual Proportion	89.0%	2.8%	7.0%	3.7%
2009–2013 Households Actual Proportion	72.4%	4.5%	17.1%	8.1%
2009–2013 Households Free Market	61.2%	24.9%	8.1%	9.8%
2009–2013 Households Difference	11.2%	-20.5%	9.0%	-1.7%
<b>2010 Census Tract: 4917.02 (Was 4917 in 2000)</b>				
2000 Households Actual Proportion	71.8%	6.8%	16.2%	4.9%
2009–2013 Households Actual Proportion	52.8%	13.0%	25.7%	11.5%
2009–2013 Households Free Market	58.7%	27.2%	8.0%	10.2%
2009–2013 Households Difference	-5.9%	-14.2%	17.7%	1.2%
<b>2010 Census Tract: 4917.03 (Was 4917 in 2000)</b>				
2000 Households Actual Proportion	71.8%	6.8%	16.2%	4.9%
2009–2013 Households Actual Proportion	60.0%	14.6%	16.4%	9.7%
2009–2013 Households Free Market	58.7%	26.9%	8.0%	10.8%
2009–2013 Households Difference	1.2%	-12.3%	8.4%	-1.1%
<b>2010 Census Tract: 4917.04 (Was 4917 in 2000)</b>				
2000 Households Actual Proportion	71.8%	6.8%	16.2%	4.9%
2009–2013 Households Actual Proportion	67.2%	7.6%	24.2%	3.4%
2009–2013 Households Free Market	59.9%	26.0%	8.2%	9.8%
2009–2013 Households Difference	7.3%	-18.4%	16.0%	-6.4%

South of the Upper Potomac Planning District, the Fairfax district is immediately west of the Vienna, Jefferson, and Annandale districts, north of Pohick, and east of Bull Run. It surrounds the City of Fairfax which is not part of Fairfax County despite the county seat being there. The district is adjacent to and west of the Lee–Jackson Memorial Highway (Route 50)/Interstate 66 interchange. Several principal highways bisect the district: Lee–Jackson Memorial Highway, I–66, Lee Highway (Route 29), and the Fairfax County Parkway (Route 286). At 20.28 square miles, the district covers about six percent of the county.



It's the seventh densest planning district with 3,759 individuals per square mile. During the 1990s, its population grew by 24 percent before soaring 36 percent from 56,024 in 2000 to 76,228 in 2015 and making Fairfax the fifth most populous planning district. Future growth is expected to be far more modest with expectations for 78,000 residents in 2020 and about 82,900 in 2040.



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About 58 percent of the housing units were ownership dwellings in 2010. The estimated median market value of housing at the beginning of 2015 was \$519,665, the fifth highest in the county and 5.6 percent higher than for the entire county. The median market value in 2000 was \$249,900, the fourth highest in the county. In 2015, 34 percent of all dwellings were single-family detached, 19 percent were townhouses, and 42 percent were multifamily in buildings up to four stories.

Like the planning districts that surround it, the Fairfax Planning District exhibits the characteristics of a dual housing market. Overall, the actual proportion of African American households in the Fairfax Planning District is about 17 percentage points less than would be expected in a unitary housing market absent discrimination. The actual proportions of Black households in all 15 census tracts ranges from about 12 to 21 percentage points lower than would be expected. In two tracts — 4405.01 and 4612.01 — the actual proportions of African American households were so low they could not be measured. In a unitary housing market, the actual proportion of Black households would be about 17 percent, with most census tracts in the 23 to 30 percent range.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 100 percent of the Fairfax Planning District's census tracts. This is tied with four other planning districts as the largest percentage among the county's 14 planning districts.

The greater-than-expected actual proportion of white households in tract 4612.01 is typical of the tracts that surround it.

For the entire Fairfax Planning District, the actual proportion of Asian households is nearly 12 percentage points more than would be expected in a unitary housing market. The actual proportions of Asian households exceeded the expected figures in clusters of tracts on the edge of the planning district — all of which were parts of concentrations of Asian households in adjacent planning districts.

While the actual proportion of Hispanic households of any race grew nearly 12 percentage points in tracts 4406 (to 17.7 percent) and 4619.02 (to 27.2 percent), the growth resulted in the actual proportion substantially exceeding the proportion expected in only tract 4619.02.

**Suggested Further Action and Inquiry:** The uniformly large gaps throughout the Fairfax Planning District between the actual and expected proportions of African American households that can afford the housing here deserve high priority investigation for possible racial steering, other discriminatory practices, and the possibility that many financially-comfortable Black households may be apprehensive about moving into this area or have formed the impression that they would not be welcome.<sup>75</sup> This research should be followed by the creation of programs and policies to expand the housing choices of African American households to include the Fairfax Plan-

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75. For a brief discussion of how the legacy of exclusionary zoning can give minorities the impression they may be not welcome, see the footnote on page 172.



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ning District. Testing and more extensive research are warranted to identify the cause of these gaps.

The county should conduct testing and inquire further to determine why these concentrations of Asian households have formed and determine what can be done to expand their housing choices to encompass the rest of the metropolitan area.

**DRAFT****Bull Run Planning District**

Table 24: Bull Run Planning District

Bull Run Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>Total for All Census Tracts Entirely or Partially in This Planning District</b>				
2000 Households Actual Proportion	77.5%	7.1%	10.9%	5.4%
2009–2013 Households Actual Proportion	65.1%	7.5%	21.5%	9.7%
2009–2013 Households Free Market	62.9%	23.3%	8.3%	9.1%
2009–2013 Households Difference	2.2%	-15.9%	13.2%	0.6%
<b>2010 Census Tract: 4901.01 (Was tract 4901 in 2000)</b>				
2000 Households Actual Proportion	85.2%	5.4%	6.1%	4.1%
2009–2013 Households Actual Proportion	70.6%	8.7%	15.3%	7.0%
2009–2013 Households Free Market	62.1%	24.2%	8.3%	8.9%
2009–2013 Households Difference	8.5%	-15.5%	7.1%	-1.9%
<b>2010 Census Tract: 4901.03 (Was tract 4901 in 2000)</b>				
2000 Households Actual Proportion	85.2%	5.4%	6.1%	4.1%
2009–2013 Households Actual Proportion	78.4%	4.3%	8.7%	14.4%
2009–2013 Households Free Market	63.2%	23.1%	8.3%	9.2%
2009–2013 Households Difference	15.2%	-18.8%	0.4%	5.2%
<b>2010 Census Tract: 4905.01 (Was tract 4905 in 2000)</b>				
2000 Households Actual Proportion	79.9%	4.3%	12.6%	3.2%
2009–2013 Households Actual Proportion	62.8%	7.6%	17.3%	13.5%
2009–2013 Households Free Market	59.4%	26.3%	8.1%	10.4%
2009–2013 Households Difference	3.4%	-18.7%	9.2%	3.1%
<b>2010 Census Tract: 4905.02 (Was tract 4905 in 2000)</b>				
2000 Households Actual Proportion	79.9%	4.3%	12.6%	3.2%
2009–2013 Households Actual Proportion	72.3%	4.8%	22.2%	3.6%
2009–2013 Households Free Market	68.6%	18.4%	8.9%	6.9%
2009–2013 Households Difference	3.7%	-13.6%	13.4%	-3.3%
<b>2010 Census Tract: 4910</b>				
2000 Households Actual Proportion	84.3%	5.2%	8.4%	3.3%
2009–2013 Households Actual Proportion	88.8%	1.6%	8.7%	3.9%
2009–2013 Households Free Market	69.9%	17.2%	8.9%	6.6%
2009–2013 Households Difference	18.9%	-15.6%	-0.2%	-2.8%
<b>2010 Census Tract: 4911.01 (Was tract 4911 in 2000)</b>				
2000 Households Actual Proportion	79.8%	7.3%	8.7%	7.7%
2009–2013 Households Actual Proportion	82.7%	5.7%	8.4%	1.5%
2009–2013 Households Free Market	69.9%	17.2%	8.8%	6.7%
2009–2013 Households Difference	12.8%	-11.6%	-0.5%	-5.3%

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Bull Run Planning District (Continued)				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4911.02 (Was tract 4911 in 2000)</b>				
2000 Households Actual Proportion	79.8%	7.3%	8.7%	7.7%
2009–2013 Households Actual Proportion	77.6%	5.0%	10.3%	10.7%
2009–2013 Households Free Market	64.9%	21.5%	8.5%	8.7%
2009–2013 Households Difference	12.7%	-16.5%	1.9%	2.0%
<b>2010 Census Tract: 4911.03 (Was tract 4911 in 2000)</b>				
2000 Households Actual Proportion	79.8%	7.3%	8.7%	7.7%
2009–2013 Households Actual Proportion	66.7%	6.0%	20.0%	19.6%
2009–2013 Households Free Market	60.8%	25.2%	8.1%	9.8%
2009–2013 Households Difference	5.9%	-19.2%	11.9%	9.8%
<b>2010 Census Tract: 4912.01 (Was tract 4912 in 2000)</b>				
2000 Households Actual Proportion	73.9%	11.3%	8.3%	5.2%
2009–2013 Households Actual Proportion	60.5%	14.2%	18.2%	11.7%
2009–2013 Households Free Market	59.3%	26.5%	8.0%	10.4%
2009–2013 Households Difference	1.2%	-12.3%	10.2%	1.2%
<b>2010 Census Tract: 4912.02 (Was tract 4912 in 2000)</b>				
2000 Households Actual Proportion	73.9%	11.3%	8.3%	5.2%
2009–2013 Households Actual Proportion	51.2%	8.4%	35.3%	8.3%
2009–2013 Households Free Market	55.5%	29.8%	7.7%	11.8%
2009–2013 Households Difference	-4.3%	-21.3%	27.5%	-3.5%
<b>2010 Census Tract: 4913.01 (Was tract 4913 in 2000)</b>				
2000 Households Actual Proportion	68.7%	11.7%	13.3%	7.5%
2009–2013 Households Actual Proportion	57.6%	10.6%	25.3%	14.5%
2009–2013 Households Free Market	62.4%	23.8%	8.3%	9.4%
2009–2013 Households Difference	-4.8%	-13.2%	17.0%	5.1%
<b>2010 Census Tract: 4913.02 (Was tract 4913 in 2000)</b>				
2000 Households Actual Proportion	68.7%	11.7%	13.3%	7.5%
2009–2013 Households Actual Proportion	60.4%	7.4%	23.4%	12.4%
2009–2013 Households Free Market	60.1%	25.7%	8.2%	10.0%
2009–2013 Households Difference	0.3%	-18.3%	15.2%	2.3%
<b>2010 Census Tract: 4913.03 (Was tract 4913 in 2000)</b>				
2000 Households Actual Proportion	68.7%	11.7%	13.3%	7.5%
2009–2013 Households Actual Proportion	44.2%	18.6%	21.1%	18.0%
2009–2013 Households Free Market	58.7%	27.0%	7.8%	11.0%
2009–2013 Households Difference	-14.4%	-8.4%	13.2%	6.9%

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<b>Bull Run Planning District (Continued)</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>2010 Census Tract: 4914.01 (Was tract 4914 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>79.4%</b>	<b>6.9%</b>	<b>9.7%</b>	<b>4.7%</b>
<b>2009–2013 Households Actual Proportion</b>	60.8%	3.9%	22.6%	10.9%
<b>2009–2013 Households Free Market</b>	60.4%	25.4%	8.1%	10.1%
<b>2009–2013 Households Difference</b>	0.4%	<b>-21.6%</b>	<b>14.5%</b>	0.8%
<b>2010 Census Tract: 4914.02 (Was tract 4914 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>79.4%</b>	<b>6.9%</b>	<b>9.7%</b>	<b>4.7%</b>
<b>2009–2013 Households Actual Proportion</b>	58.5%	5.3%	32.2%	6.4%
<b>2009–2013 Households Free Market</b>	60.7%	25.3%	8.1%	10.0%
<b>2009–2013 Households Difference</b>	-2.1%	<b>-20.0%</b>	<b>24.1%</b>	-3.6%
<b>2010 Census Tract: 4914.03 (Was tract 4914 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>79.4%</b>	<b>6.9%</b>	<b>9.7%</b>	<b>4.7%</b>
<b>2009–2013 Households Actual Proportion</b>	82.4%	3.2%	12.3%	2.1%
<b>2009–2013 Households Free Market</b>	68.0%	19.0%	8.8%	6.8%
<b>2009–2013 Households Difference</b>	<b>14.4%</b>	<b>-15.8%</b>	3.5%	-4.8%
<b>2010 Census Tract: 4914.04 (Was tract 4914 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>79.4%</b>	<b>6.9%</b>	<b>9.7%</b>	<b>4.7%</b>
<b>2009–2013 Households Actual Proportion</b>	66.9%	9.2%	19.4%	3.8%
<b>2009–2013 Households Free Market</b>	64.8%	21.7%	8.5%	8.6%
<b>2009–2013 Households Difference</b>	2.1%	<b>-12.5%</b>	<b>10.9%</b>	-4.7%
<b>2010 Census Tract: 4914.05 (Was tract 4914 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>79.4%</b>	<b>6.9%</b>	<b>9.7%</b>	<b>4.7%</b>
<b>2009–2013 Households Actual Proportion</b>	85.1%	7.0%	5.8%	3.0%
<b>2009–2013 Households Free Market</b>	71.2%	16.1%	9.0%	6.2%
<b>2009–2013 Households Difference</b>	<b>13.8%</b>	-9.1%	-3.2%	-3.2%
<b>2010 Census Tract: 4915.01 (Was tract 4915 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>80.9%</b>	<b>3.9%</b>	<b>12.6%</b>	<b>3.1%</b>
<b>2009–2013 Households Actual Proportion</b>	38.2%	7.6%	50.5%	5.0%
<b>2009–2013 Households Free Market</b>	63.8%	22.4%	8.5%	8.9%
<b>2009–2013 Households Difference</b>	<b>-25.6%</b>	<b>-14.8%</b>	<b>42.1%</b>	-3.9%
<b>2010 Census Tract: 4915.02 (Was tract 4915 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>80.9%</b>	<b>3.9%</b>	<b>12.6%</b>	<b>3.1%</b>
<b>2009–2013 Households Actual Proportion</b>	72.0%	5.1%	21.4%	6.3%
<b>2009–2013 Households Free Market</b>	70.3%	17.0%	8.9%	6.4%
<b>2009–2013 Households Difference</b>	1.6%	<b>-11.9%</b>	<b>12.5%</b>	-0.1%

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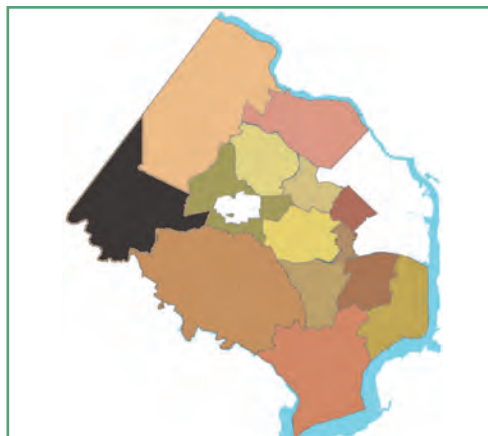
<b>Bull Run Planning District (Continued)</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>2010 Census Tract: 4916.01 (Was 4916 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>71.5%</b>	<b>6.5%</b>	<b>15.0%</b>	<b>8.5%</b>
2009–2013 Households Actual Proportion	51.3%	13.9%	27.3%	13.6%
2009–2013 Households Free Market	58.4%	27.5%	7.8%	10.5%
2009–2013 Households Difference	-7.1%	-13.5%	19.5%	3.1%
<b>2010 Census Tract: 4916.02 (Was 4916 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>71.5%</b>	<b>6.5%</b>	<b>15.0%</b>	<b>8.5%</b>
2009–2013 Households Actual Proportion	61.0%	4.4%	22.3%	12.8%
2009–2013 Households Free Market	62.9%	23.3%	8.3%	9.3%
2009–2013 Households Difference	-2.0%	-18.9%	14.1%	3.5%
<b>2010 Census Tract: 4917.01 (Was tract 4917 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>71.8%</b>	<b>6.8%</b>	<b>16.2%</b>	<b>4.9%</b>
2009–2013 Households Actual Proportion	71.1%	6.1%	22.0%	12.9%
2009–2013 Households Free Market	61.1%	24.9%	8.1%	9.9%
2009–2013 Households Difference	10.0%	-18.8%	13.8%	3.0%
<b>2010 Census Tract: 4917.05 (Was tract 4917 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>71.8%</b>	<b>6.8%</b>	<b>16.2%</b>	<b>4.9%</b>
2009–2013 Households Actual Proportion	59.2%	2.9%	36.9%	4.7%
2009–2013 Households Free Market	69.5%	17.7%	8.7%	6.7%
2009–2013 Households Difference	-10.3%	-14.9%	28.2%	-2.0%
<b>2010 Census Tract: 4918.01 (Was tract 4918 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>80.8%</b>	<b>4.5%</b>	<b>10.9%</b>	<b>4.7%</b>
2009–2013 Households Actual Proportion	55.7%	14.0%	28.5%	5.7%
2009–2013 Households Free Market	58.4%	27.3%	7.7%	11.1%
2009–2013 Households Difference	-2.7%	-13.2%	20.7%	-5.4%
<b>2010 Census Tract: 4918.02 (Was tract 4918 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>80.8%</b>	<b>4.5%</b>	<b>10.9%</b>	<b>4.7%</b>
2009–2013 Households Actual Proportion	70.6%	6.6%	17.8%	15.0%
2009–2013 Households Free Market	62.7%	23.4%	8.3%	9.4%
2009–2013 Households Difference	7.9%	-16.8%	9.5%	5.6%

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<b>Bull Run Planning District (Continued)</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>2010 Census Tract: 4918.03 (Was tract 4918 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>80.8%</b>	<b>4.5%</b>	<b>10.9%</b>	<b>4.7%</b>
<b>2009–2013 Households Actual Proportion</b>	77.3%	4.9%	12.1%	7.6%
<b>2009–2013 Households Free Market</b>	60.2%	25.8%	8.1%	10.1%
<b>2009–2013 Households Difference</b>	<b>17.1%</b>	<b>-20.8%</b>	4.1%	-2.5%
<b>2010 Census Tract: 9802 (Was tract 4901 in 2000, no households in 2010 census)</b>				
<b>2000 Households Actual Proportion</b>	<b>85.2%</b>	<b>5.4%</b>	<b>6.1%</b>	<b>4.1%</b>
<b>2009–2013 Households Actual Proportion</b>	No households in tract			
<b>2009–2013 Households Free Market</b>				
<b>2009–2013 Households Difference</b>				

Located at the far west end of Fairfax County, the Bull Run Planning District is south of Upper Potomac, west of Fairfax, and north of Pohick. It is generally bounded on the northeast by Washington Dulles International Airport, (Dulles Airport) and Lee–Jackson Memorial Highway (Route 50); on the east by West Ox Road and Lee Highway (Route 29); on the southeast by Braddock Road, Shirley Gate Road, Union Mill Road, Compton Road, and Centreville Road (Route 28); on the southwest by the Bull Run Stream Valley; and on the northwest by Loudoun County. Its 50 square miles makes it the third largest planning district covering about 12 percent of the county. It is one of the least dense planning districts with a density of 2,590 per square mile, the fourth lowest.



Bull Run's population continues to skyrocket. It grew 63 percent during the 1990s and another 20 percent from 107,798 in 2000 to 129,514 in 2015. It is expected to grow more modestly to 129,863 in 2020 and then grow more rapidly to about 145,040 in 2040.

About 72 percent of the housing units in 2010 were ownership. The estimated median market value at the beginning of 2015 was \$426,767, the ninth highest of the 14 planning districts and about 13 percent lower than for the entire county. The median market value in 2000 was \$207,429, the eighth highest in the county. About 40 percent of the housing units were single-family detached in 2015, a third were townhouses, about five percent were multiplex, and 20 percent were multifamily in buildings up to four stories.

The Bull Run Planning District appears to host a dual housing market just like the planning districts that surround it. The actual proportions of African American households are uniformly less than the proportions expected in a



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unitary housing market throughout the Bull Run Planning District. In 26 of the 28 census tracts, the gap ranges from 11.6 to 21.6 percentage points. In the other two tracts the gap is still more than eight percentage points. The actual proportion of Black households reaches double digits in just four census tracts while in a unitary free housing market the proportion of Black households would be at least 16 percent in every census tract in the district.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 92.9 percent of the Bull Run Planning District's census tracts. This is the fourth largest percentage among the county's 14 planning districts.

All but one of the eight tracts in which the actual proportion of white households is less than expected are tracts where the actual proportion of Black households is less than expected.

The 17 Bull Run census tracts where the actual proportions of Asian households are greater than expected in a unitary housing market are part of the larger swath of adjacent tracts with the same condition that runs through the west sides of the Upper Potomac and Fairfax planning districts. Since the turn of the century, the proportion of Asian households has grown significantly in Bull Run census tracts 4905.02 (9.6 percentage points to 22.2 percent, 13.4 percentage points more than expected), 4911.03 (11.3 points to 20 percent, almost 12 percentage points more than expected), 4912.01 (9.9 percentage points to 18.2 percent, 10 percentage points more than expected), 4912.02 (27 percentage points to 35.3 percent, 27.5 percentage points more than expected), 4913.01 (12 percentage points to 25.3 percent, 17 percentage points more than expected), 4913.02 (11.1 percentage points to 23.4 percent, 15 percentage points more than expected), 4914.01 (12.9 percentage points to 22.6 percent, 14.5 percentage points more than expected), 4914.02 (22.5 percentage points to 25.3 percent, 24.1 percentage points more than expected), 4914.04 (9.7 percentage points to 19.4 percent, 11 percentage points more than expected), 4915.01 (37.9 percentage points to 50.5 percent, 42 percentage points more than expected), 4916.01 (12.3 percentage points to 27.3 percent, 19 percentage points more than expected), 4917.05 (23.7 percentage points to 36.9 percent, 28 percentage points more than expected), and 4918.01 (17.6 percentage points to 28.5 percent, nearly 21 percentage points more than expected).

The large increases strongly suggest the presence of a dual housing market and a lack of racial stability that may lead to resegregation.

The actual proportions of Latino households of any race are about what would be expected in every census tract of the Bull Run Planning District even in the handful of tracts that experienced double digit growth since the turn of the century.

**Suggested Further Action and Inquiry:** The consistently large gaps throughout the Bull Run Planning District between the actual and expected proportions of African American households that can afford the housing here warrant high priority investigation for *possible* racial steering, other discriminatory practices, and the possibility that many financially-comfortable Black households have concerns about moving into this area or have formed the impression that they would not be welcome. Once the reasons are known,

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the county needs to develop programs and policies to expand the housing choices of African American households to include the Bull Run Planning District. Testing and more extensive research are warranted to identify the cause of these spreads.

Fairfax County should conduct testing and additional research to determine why these concentrations of Asian households are growing — to what extent do discriminatory housing practices and possible port of entry factors for first and second generation immigrants apply? Once the causes are known the county should identify what can be done to expand their housing choices to encompass other parts of the metropolitan area.

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Table 25: Pohick Planning District

Pohick Planning District				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
Total for All Census Tracts Entirely or Partially in This Planning District				
2000 Households Actual Proportion	78.8%	6.2%	10.8%	5.0%
2009–2013 Households Actual Proportion	77.7%	5.9%	12.2%	8.4%
2009–2013 Households Free Market	65.3%	21.3%	8.5%	8.2%
2009–2013 Households Difference	12.5%	-15.4%	3.6%	0.2%
2010 Census Tract: 4301.01 (Was tract 4301 in 2000)				
2000 Households Actual Proportion	84.0%	5.0%	8.7%	4.0%
2009–2013 Households Actual Proportion	90.4%	2.6%	6.5%	6.4%
2009–2013 Households Free Market	67.6%	19.4%	8.7%	7.2%
2009–2013 Households Difference	22.8%	-16.8%	-2.2%	-0.7%
2010 Census Tract: 4301.02 (Was tract 4301 in 2000)				
2000 Households Actual Proportion	84.0%	5.0%	8.7%	4.0%
2009–2013 Households Actual Proportion	65.7%	9.4%	19.9%	10.0%
2009–2013 Households Free Market	61.2%	24.8%	8.2%	9.9%
2009–2013 Households Difference	4.5%	-15.4%	11.8%	0.0%
2010 Census Tract: 4302.01 (Was tract 4302 in 2000)				
2000 Households Actual Proportion	79.5%	5.7%	12.1%	4.4%
2009–2013 Households Actual Proportion	75.8%	5.6%	15.5%	17.8%
2009–2013 Households Free Market	63.1%	23.2%	8.3%	9.1%
2009–2013 Households Difference	12.7%	-17.6%	7.2%	8.7%
2010 Census Tract: 4302.02 (Was tract 4302 in 2000)				
2000 Households Actual Proportion	79.5%	5.7%	12.1%	4.4%
2009–2013 Households Actual Proportion	81.4%	3.6%	9.3%	7.9%
2009–2013 Households Free Market	64.7%	21.8%	8.6%	8.1%
2009–2013 Households Difference	16.7%	-18.2%	0.7%	-0.2%
2010 Census Tract: 4302.03 (Was tract 4302 in 2000)				
2000 Households Actual Proportion	79.5%	5.7%	12.1%	4.4%
2009–2013 Households Actual Proportion	77.4%	3.2%	16.1%	5.6%
2009–2013 Households Free Market	65.7%	20.9%	8.5%	8.1%
2009–2013 Households Difference	11.7%	-17.7%	7.5%	-2.5%
2010 Census Tract: 4309.01 (Was tract 4309 in 2000)				
2000 Households Actual Proportion	67.3%	8.1%	16.1%	10.8%
2009–2013 Households Actual Proportion	70.2%	8.5%	19.5%	17.4%
2009–2013 Households Free Market	62.6%	23.5%	8.3%	9.4%
2009–2013 Households Difference	7.5%	-15.0%	11.2%	7.9%

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<b>Pohick Planning District (Continued)</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>2010 Census Tract: 4309.02 (Was tract 4309 in 2000)</b>				
2000 Households Actual Proportion	67.3%	8.1%	16.1%	10.8%
2009–2013 Households Actual Proportion	69.3%	3.4%	18.7%	13.3%
2009–2013 Households Free Market	62.7%	23.5%	8.4%	9.2%
2009–2013 Households Difference	6.6%	-20.1%	10.3%	4.1%
<b>2010 Census Tract: 4310.01 (Was tract 4310 in 2000)</b>				
2000 Households Actual Proportion	72.7%	6.5%	14.9%	8.3%
2009–2013 Households Actual Proportion	71.2%	5.1%	17.0%	16.1%
2009–2013 Households Free Market	62.4%	23.7%	8.3%	9.1%
2009–2013 Households Difference	8.8%	-18.6%	8.7%	6.9%
<b>2010 Census Tract: 4310.02 (Was tract 4310 in 2000)</b>				
2000 Households Actual Proportion	72.7%	6.5%	14.9%	8.3%
2009–2013 Households Actual Proportion	54.9%	12.0%	27.8%	7.2%
2009–2013 Households Free Market	63.6%	22.6%	8.5%	8.9%
2009–2013 Households Difference	-8.7%	-10.6%	19.3%	-1.6%
<b>2010 Census Tract: 4313</b>				
2000 Households Actual Proportion	83.1%	4.8%	9.8%	2.8%
2009–2013 Households Actual Proportion	86.3%	2.9%	7.9%	4.8%
2009–2013 Households Free Market	65.1%	21.3%	8.6%	8.4%
2009–2013 Households Difference	21.2%	-18.4%	-0.7%	-3.6%
<b>2010 Census Tract: 4314</b>				
2000 Households Actual Proportion	75.0%	6.0%	12.7%	4.8%
2009–2013 Households Actual Proportion	74.4%	2.9%	7.9%	4.8%
2009–2013 Households Free Market	65.1%	21.3%	8.6%	8.4%
2009–2013 Households Difference	9.3%	-18.4%	-0.7%	-3.6%
<b>2010 Census Tract: 4318.01 (Was tract 4318 in 2000)</b>				
2000 Households Actual Proportion	73.0%	5.5%	14.0%	10.6%
2009–2013 Households Actual Proportion	63.9%	2.9%	20.2%	10.2%
2009–2013 Households Free Market	60.7%	25.2%	8.1%	10.2%
2009–2013 Households Difference	3.2%	-22.3%	12.0%	0.0%
<b>2010 Census Tract: 4318.02 (Was tract 4318 in 2000)</b>				
2000 Households Actual Proportion	73.0%	5.5%	14.0%	10.6%
2009–2013 Households Actual Proportion	78.7%	0.0%	16.8%	10.3%
2009–2013 Households Free Market	66.4%	20.3%	8.6%	7.9%
2009–2013 Households Difference	12.3%	-20.3%	8.2%	2.4%

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<b>Pohick Planning District (Continued)</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>2010 Census Tract: 4319</b>				
2000 Households Actual Proportion	77.9%	2.4%	16.7%	3.0%
2009–2013 Households Actual Proportion	82.8%	2.6%	14.6%	3.4%
2009–2013 Households Free Market	69.3%	17.7%	8.8%	6.9%
2009–2013 Households Difference	13.5%	-15.1%	5.7%	-3.6%
<b>2010 Census Tract: 4320</b>				
2000 Households Actual Proportion	74.8%	8.0%	8.5%	6.7%
2009–2013 Households Actual Proportion	79.4%	5.5%	12.5%	16.1%
2009–2013 Households Free Market	63.1%	23.1%	8.4%	9.0%
2009–2013 Households Difference	16.3%	-17.6%	4.1%	7.2%
<b>2010 Census Tract: 4321</b>				
2000 Households Actual Proportion	86.0%	4.6%	4.7%	5.1%
2009–2013 Households Actual Proportion	85.2%	1.5%	7.9%	8.2%
2009–2013 Households Free Market	60.8%	25.2%	8.1%	9.6%
2009–2013 Households Difference	24.4%	-23.8%	-0.2%	-1.4%
<b>2010 Census Tract: 4322.01 (Was tract 4322 in 2000)</b>				
2000 Households Actual Proportion	79.9%	4.8%	11.3%	5.7%
2009–2013 Households Actual Proportion	75.3%	7.1%	11.9%	16.8%
2009–2013 Households Free Market	57.8%	27.8%	7.9%	10.9%
2009–2013 Households Difference	17.5%	-20.8%	4.0%	5.9%
<b>2010 Census Tract: 4322.02 (Was tract 4322 in 2000)</b>				
2000 Households Actual Proportion	79.9%	4.8%	11.3%	5.7%
2009–2013 Households Actual Proportion	77.8%	8.0%	10.7%	11.4%
2009–2013 Households Free Market	61.4%	24.8%	8.2%	9.5%
2009–2013 Households Difference	16.4%	-16.8%	2.5%	1.9%
<b>2010 Census Tract: 4323</b>				
2000 Households Actual Proportion	78.0%	5.3%	12.2%	5.0%
2009–2013 Households Actual Proportion	71.0%	4.6%	19.1%	6.8%
2009–2013 Households Free Market	66.3%	20.3%	8.7%	7.7%
2009–2013 Households Difference	4.7%	-15.7%	10.3%	-0.9%
<b>2010 Census Tract: 4324.01 (Was 4324 in 2000)</b>				
2000 Households Actual Proportion	83.1%	4.9%	9.8%	3.4%
2009–2013 Households Actual Proportion	77.5%	3.5%	16.9%	5.4%
2009–2013 Households Free Market	68.7%	18.2%	8.9%	6.9%
2009–2013 Households Difference	8.8%	-14.8%	8.1%	-1.5%

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<b>Pohick Planning District (Continued)</b>				
<b>Geographic Unit</b>	<b>White</b>	<b>Black</b>	<b>Asian</b>	<b>Hispanic of Any Race</b>
<b>2010 Census Tract: 4324.02 (Was 4324 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>83.1%</b>	<b>4.9%</b>	<b>9.8%</b>	<b>3.4%</b>
2009–2013 Households Actual Proportion	81.5%	6.3%	9.7%	7.4%
2009–2013 Households Free Market	66.2%	20.4%	8.6%	7.8%
2009–2013 Households Difference	<b>15.2%</b>	<b>-14.2%</b>	1.0%	-0.4%
<b>2010 Census Tract: 4325</b>				
<b>2000 Households Actual Proportion</b>	<b>82.9%</b>	<b>5.9%</b>	<b>9.2%</b>	<b>3.4%</b>
2009–2013 Households Actual Proportion	77.3%	6.7%	11.4%	8.4%
2009–2013 Households Free Market	67.6%	19.2%	8.8%	7.3%
2009–2013 Households Difference	9.7%	<b>-12.5%</b>	2.6%	1.1%
<b>2010 Census Tract: 4326</b>				
<b>2000 Households Actual Proportion</b>	<b>79.7%</b>	<b>6.9%</b>	<b>9.7%</b>	<b>1.6%</b>
2009–2013 Households Actual Proportion	72.2%	5.3%	18.2%	10.2%
2009–2013 Households Free Market	65.8%	20.8%	8.6%	7.8%
2009–2013 Households Difference	6.3%	<b>-15.5%</b>	9.6%	2.4%
<b>2010 Census Tract: 4327.01 (Was 4327 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>70.2%</b>	<b>13.8%</b>	<b>8.9%</b>	<b>6.5%</b>
2009–2013 Households Actual Proportion	78.6%	10.8%	9.4%	6.5%
2009–2013 Households Free Market	68.0%	18.8%	8.8%	7.4%
2009–2013 Households Difference	<b>10.6%</b>	-8.0%	0.6%	-0.9%
<b>2010 Census Tract: 4327.02 (Was 4327 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	<b>70.2%</b>	<b>13.8%</b>	<b>8.9%</b>	<b>6.5%</b>
2009–2013 Households Actual Proportion	58.8%	22.3%	12.6%	10.3%
2009–2013 Households Free Market	61.2%	24.9%	8.3%	9.4%
2009–2013 Households Difference	-2.4%	-2.6%	4.4%	1.0%
<b>2010 Census Tract: 4920</b>				
<b>2000 Households Actual Proportion</b>	<b>89.2%</b>	<b>5.1%</b>	<b>5.1%</b>	<b>1.6%</b>
2009–2013 Households Actual Proportion	85.9%	7.7%	4.3%	0.6%
2009–2013 Households Free Market	67.7%	19.2%	8.7%	7.4%
2009–2013 Households Difference	<b>18.1%</b>	<b>-11.4%</b>	-4.4%	-6.7%
<b>2010 Census Tract: 4921</b>				
<b>2000 Households Actual Proportion</b>	<b>91.9%</b>	<b>2.4%</b>	<b>4.2%</b>	<b>1.8%</b>
2009–2013 Households Actual Proportion	90.3%	3.9%	5.2%	1.6%
2009–2013 Households Free Market	71.0%	16.3%	8.9%	6.2%
2009–2013 Households Difference	<b>19.3%</b>	<b>-12.5%</b>	-3.8%	-4.6%

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**DRAFT****Pohick Planning District (Continued)**

Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2010 Census Tract: 4922.01 (Was 4922 in 2000)</b>				
2000 Households Actual Proportion	80.4%	5.3%	10.7%	1.9%
2009–2013 Households Actual Proportion	80.6%	4.9%	10.9%	4.1%
2009–2013 Households Free Market	67.8%	19.1%	8.8%	7.2%
2009–2013 Households Difference	12.9%	-14.2%	2.1%	-3.1%
<b>2010 Census Tract: 4922.02 (Was 4922 in 2000)</b>				
2000 Households Actual Proportion	80.4%	5.3%	10.7%	1.9%
2009–2013 Households Actual Proportion	82.2%	7.1%	7.3%	5.5%
2009–2013 Households Free Market	70.0%	17.2%	9.0%	6.3%
2009–2013 Households Difference	12.1%	-10.0%	-1.6%	-0.8%
<b>2010 Census Tract: 4922.03 (Was 4922 in 2000)</b>				
2000 Households Actual Proportion	80.4%	5.3%	10.7%	1.9%
2009–2013 Households Actual Proportion	92.2%	1.3%	5.9%	5.1%
2009–2013 Households Free Market	68.2%	18.8%	8.7%	7.1%
2009–2013 Households Difference	24.0%	-17.5%	-2.8%	-2.1%
<b>2010 Census Tract: 4923</b>				
2000 Households Actual Proportion	77.5%	8.4%	6.1%	6.9%
2009–2013 Households Actual Proportion	77.5%	5.3%	9.5%	15.9%
2009–2013 Households Free Market	63.4%	22.9%	8.5%	8.7%
2009–2013 Households Difference	14.1%	-17.6%	1.0%	7.2%
<b>2010 Census Tract: 4924</b>				
2000 Households Actual Proportion	73.7%	13.5%	5.7%	7.3%
2009–2013 Households Actual Proportion	71.8%	13.2%	11.9%	10.9%
2009–2013 Households Free Market	61.4%	24.6%	8.2%	9.9%
2009–2013 Households Difference	10.4%	-11.4%	3.7%	1.0%
<b>2010 Census Tract: 4925 (Was tract 4919 in 2000)</b>				
2000 Households Actual Proportion	91.8%	3.8%	3.4%	1.8%
2009–2013 Households Actual Proportion	84.5%	3.1%	10.8%	1.1%
2009–2013 Households Free Market	68.7%	18.4%	8.8%	6.9%
2009–2013 Households Difference	15.9%	-15.2%	2.0%	-5.8%

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Pohick, the largest planning district, consists of 76.48 square miles, about 15 percent of the county's land area. It sits southeast of Bull Run, south of Fairfax and Annandale, west of Springfield, and northwest of Lower Potomac. It is generally bounded by Braddock Road, Rolling Road, Hooes Road, the Occoquan River, Union Mill Road and Compton Road. It includes the Town of Clifton which is discussed following the analysis of the entire planning district. With a density of 1,833 people per square mile, Pohick is the second least dense planning district in Fairfax County.



Primarily residential, Pohick's population growth is slowing. During the 1990s, it rose by eight percent. It rose just two percent, from 137,166 in 2000 to 140,185 in 2015. Its population is expected to be about 140,700 in 2020 and 144,240 in 2040.

About 65 percent of the planning district's 46,665 housing units at the beginning of 2015 were single-family detached, the highest proportion of the 14 planning districts. Pohick's estimated median housing value of \$526,900 in 2015 was the fourth highest among the county's planning districts and seven percent higher than for the entire county. The median market value in 2000 was \$244,982, the fifth highest in the county. In 2015, about 65 percent of the dwellings were single-family detached, 30 percent townhouses, and 3 percent multifamily in buildings up to four stories.<sup>76</sup>

While large lots abound throughout the Pohick Planning District and around the Town of Clifton, few are home to a working farm. Residents here participate in the same regional job market as the rest of the county. Their commuting patterns are no different than those who live in the medium-density portions of Fairfax County.

Like more than three-quarters of Fairfax County's planning districts, the Pohick Planning District exhibits characteristics of a dual housing market. While the overall actual proportions of Asian and Latino households were what would be expected in a free housing market, the actual proportion of Caucasian households was 12.5 percentage points *greater* than expected and the actual proportion of African American households was 15.4 percentage points *less* than expected. The actual proportion of white households was *greater* than expected in 21 of the Pohick Planning District's 33 census tracts while the actual proportions of Black households were ten or more percentage points *lower* than expected in 32 of the 33 tracts.

In a unitary housing market, at least 16 percent of the households in every Pohick census tract would have been African American. Nearly two-thirds of the

76. Population and housing data for the Pohick Planning District include the Town of Clifton.

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tracts would be expected to be at least 20 percent Black. Yet the actual proportion of Black households was less than double digits in 29 of the 33 tracts.

Overall, the actual proportion of African American households is significantly (10+ percentage points) less than the proportion expected in a free housing market undistorted by discrimination in 93.9 percent of the Pohick Planning District's census tracts. This is the third largest percentage among the county's 14 planning districts.

In six census tracts in the northeast corner of the planning district, the actual proportion of Asian households was greater than the proportion expected in a unitary housing market. Four were demographically stable since 2000. The actual proportion of Asian households grew significantly in tract 4301.02 (12.2 percentage points to 19.9 percent, almost 12 percentage points higher than expected) and in tract 4310.02 (12.9 percentage points to 27.8 percent, 19 percentage points higher than expected), suggesting the *possibility* of racial steering as well as the *possibility* that first and second generation immigrants are clustering there.

The actual proportions of Hispanic households of any race were as expected in every Pohick census tract including the handful that experienced significant increases in the proportion of Latino households since the turn of the century.

**Suggested Further Action and Inquiry:** The uniformly large gaps throughout the Pohick Planning District between the actual and expected proportions of African American households that can afford the housing here warrant high priority investigation especially for *possible* racial steering away from the district and the possibility that many financially-comfortable Black households have reasons to be reluctant to move into this area or perceive that they would not be welcome. Fairfax County needs to identify these reasons and then craft programs and policies that address these concerns and expand the housing choices of African American households to include the Pohick Planning District. Testing and more extensive research are needed to identify the causes of these gaps.

Of equal priority, the county should conduct research to identify why concentrations of Asian households have formed in the northeast end of the Pohick Planning District and determine what can be done to expand their housing choices to encompass the rest of the planning district, Fairfax County, and the metropolitan area.



## Town of Clifton

Table 26: Town of Clifton and Census Tract 4925 in Which Clifton Sits

Town of Clifton and Census Tract 4925 in Which Clifton Sits				
Geographic Unit	White	Black	Asian	Hispanic of Any Race
<b>2009-2013 Clifton, Fairfax County, VA</b>				
<b>2000 Households Actual Proportion</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>
<b>2009-2013 Households Actual Proportion</b>	94.9%	0.0%	2.6%	0.0%
<b>2009-2013 Households Free Market</b>	69.5%	17.5%	8.9%	6.7%
<b>2009-2013 Households Difference</b>	<b>25.4%</b>	<b>-17.5%</b>	-6.3%	-6.7%
<b>Pohick Planning District 2010 Census Tract: 4925 (Was tract 4919 in 2000)</b>				
<b>2000 Households Actual Proportion</b>	91.8%	3.8%	3.4%	1.8%
<b>2009-2013 Households Actual Proportion</b>	84.5%	3.1%	10.8%	1.1%
<b>2009-2013 Households Free Market</b>	68.7%	18.4%	8.8%	6.9%
<b>2009-2013 Households Difference</b>	<b>15.9%</b>	<b>-15.2%</b>	2.0%	-5.8%

There are no traffic lights or even direct postal service in the Town of Clifton which sits in the middle of 2010 census tract 4925 of the Pohick Planning District. Popes Head Creek runs through the town. Density in Clifton and the surrounding area is very low due to environmental issues. In 1985, the U.S. Department of the Interior declared the entire town to be a National Historic District. The town has adopted strict architectural standards that preserve its historic nature. Due to serious ecological concerns, a minimum lot size of five acres was established in the 1980s which effectively limits new development to upper-income single-family houses. In 2015, the population density was just 1,098 people per square mile.

The town is only a quarter of a square mile with a population of 275 in 2015, a 25 percent increase since 2000. The county reports there were 87 dwelling units in 2014, a 24 percent increase since 2000 — all single-family detached houses. The county predicts that the number of dwelling units will increase to 88 and remain there through the year 2040.<sup>77</sup> Sixty-two percent of the homes were built before 1970 with 24 percent built this century. In 2000, the median household income was \$111,048. The 2010-2014 five-year estimate of the *American Community Survey* reports a median household income of \$180,625 with a margin or error of \$34,954.

The tiny Town of Clifton has been virtually all-white, probably since its formation in 1902. The gaps between the actual proportions of Caucasian as well as African American households and the proportion that would be expected in a unitary housing market are substantial. There is nearly a complete absence of Asian and Latino households as well as African American. Census tract 4925 in

77. Based on the county's demographic reports for 2014 and 2015, it appears that one house in Clifton was demolished in 2014 or 2015 and a new house was to be built on its site in 2015.

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which Clifton sits has similar demographic characteristics although the gap between the actual and expected proportions of white households is about ten percentage points smaller than in Clifton.

Clifton exhibits extreme characteristics of a housing market limited to Caucasian households. But given the town's isolated location, the small number of dwelling units (87 in 2015), and the high market value of the single-family homes, it is unlikely that the town will achieve much racial diversity — and certainly no economic diversity — in the foreseeable future, no matter what is done to expand housing choices as the county takes steps to replace the dual housing market with a unitary market.

**Suggested Further Action and Inquiry:** Real estate testing is nearly impossible to conduct in an isolated, historic town with just 87 high-priced single-family homes. *While the county should include Clifton in its efforts for the entire Pohick Planning District*, Clifton realistically appeals to a very limited number of potential buyers of *any* race or ethnicity and there are more urgent and higher priorities with greater consequences to address in Fairfax County than Clifton.

## Conclusions

The findings of the studies examined beginning on pages 34 and 38 are fairly consistent with the findings of this Free Market Analysis™ except that *those studies tend to exaggerate the extent of segregation in Fairfax County*, very likely because they do *not* take into account household incomes or the actual cost of housing.

There is no question that Fairfax County has a very diverse population and that the county is far more integrated than the intensely segregated District of Columbia or Prince George's County. Overall, in Fairfax County, the total actual proportions of whites, Asians, and Latinos of any race are roughly what would be expected when they can live where ever they can afford the housing, as is the case in surrounding jurisdictions as shown by the table on pages 50 and 51.

But in Fairfax, Arlington, Loudon, Prince George's, and Charles counties as well as the District of Columbia, the differences between the actual and expected proportions of African American households are so significant that they suggest past and/or current housing discrimination that has created and maintained a regional dual housing market throughout most of the region: a geographically-limited market for African Americans and geographically-broader primary market for everybody else.

This dual housing market has resulted in the actual proportions of Black households being significantly smaller than would be expected in a free housing market absent past and/or current discrimination in Fairfax, Arlington, and Loudon counties. It has also resulted in the actual proportions of African American households being greater than would be expected in the District of Columbia as well as Prince George's and Charles counties.

*The issue of a dual housing market is both a regional and local issue that needs to be addressed through the two-pronged strategy recommended in the final chapter of this study.*

Like most of the metropolitan area, Fairfax County exhibits the characteristics of a dual housing market that is the product of past and/or current housing

discrimination. The Lincolnia Planning District is the only one of the county's 14 planning districts that does not display these characteristics.

*African Americans consistently experience the greatest differences between the actual and expected proportions of households — far more than the differences for Asian, Caucasian, or Hispanic households of any race. Overall the data strongly suggest that while Asian, white, and Hispanic households of any race include the entire county within their housing choices, Fairfax County is relatively rarely among the housing choices of African Americans who can afford Fairfax County housing.*

The last column of the table below shows that the actual proportion of Black households is significantly (ten+ percentage points) less than the proportion expected in more than half of the census tracts in ten of Fairfax County's 14 planning districts.

**Table 27: Census Tracts By Planning District With a Significantly Smaller Proportion of African American Households Than the Proportion Expected in a Free Housing Market Absent Discrimination**

Census Tracts By Planning District With a Significantly Smaller Proportion of African American Households Than the Proportion Expected in a Free Housing Market Absent Discrimination							
Planning District	Number of Census Tracts in 2010	Actual Proportion Is 15+ Percentage Points Less Than Proportion Expected		Actual Proportion Is 10 to 14.9 Percentage Points Less Than Proportion Expected		Actual Proportion Is 10+ Percentage Points Less Than Proportion Expected	
		Number of Tracts	Percentage of Tracts	Number of Tracts	Percentage of Tracts	Number of Tracts	Percentage of Tracts
Annandale	18	16	88.9%	2	11.1%	18	100.0%
Baileys	12	7	58.3%	3	25.0%	10	83.3%
Bull Run	28	16	57.1%	10	35.7%	26	92.9%
Fairfax	15	10	66.7%	5	33.3%	15	100.0%
Jefferson	15	15	100.0%	0	0.0%	15	100.0%
Lincolnia	3	0	0.0%	0	0.0%	0	0.0%
Lower Potomac	7	2	28.6%	1	14.3%	3	42.9%
McLean	18	16	88.9%	2	11.1%	18	100.0%
Mount Vernon	23	7	30.4%	5	21.7%	12	52.2%
Pohick	33	22	66.7%	9	27.3%	31	93.9%
Rose Hill	15	2	13.3%	6	40.0%	8	53.3%
Springfield	12	4	33.3%	3	25.0%	7	58.3%
Upper Potomac	43	23	53.5%	18	41.9%	41	95.3%
Vienna	15	14	93.3%	1	6.7%	15	100.0%
<b>Total</b>	<b>257</b>	<b>154</b>	<b>59.9%</b>	<b>65</b>	<b>25.3%</b>	<b>219</b>	<b>85.2%</b>

In five planning districts, the proportion of African American households is significantly less than would be expected in *every* census tract. In three others, the proportion is significantly less in more than 93 percent of the census tracts and in 83.3 percent of the tracts in the Baileys Planning District.<sup>78</sup> Overall, the proportion of Black households is 15+ percentage points less than expected in

78. As noted earlier, gaps of 15 or more percentage points between actual and expected proportions



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three out of five census tracts in Fairfax County and from ten to 14.9 percentage points in a fourth of the tracts — a total of more than 82 percent of the county's census tracts. The data strongly suggest that significantly fewer African American households that can afford to live in Fairfax County actually live in the county — a phenomenon in jurisdictions around the country typical of a dual housing market.<sup>79</sup>

In no Fairfax County census tract was the actual proportion of African American households ten or more percentage points *greater* than the proportion expected.

On the other hand, the data strongly suggest that Hispanics of any race, Asians, and Caucasians who can afford Fairfax County housing generally are able to live where they wish within the county.

**Table 28: Census Tracts By Planning District With a Significantly Larger Proportion of Asian Households Than the Proportion Expected in a Free Housing Market Absent Discrimination**

Census Tracts By Planning District With a Significantly Larger Proportion of Asian Households Than the Proportion Expected in a Free Housing Market Absent Discrimination			
Planning District	Number of Census Tracts in 2010	Actual Proportion Is 10+ Percentage Points Greater Than Proportion Expected	
		Number of Tracts	Percentage of Tracts
Annandale	18	7	38.9%
Baileys	12	2	16.7%
Bull Run	28	17	60.7%
Fairfax	15	8	53.3%
Jefferson	15	8	53.3%
Lincolnia	3	0	0.0%
Lower Potomac	7	3	42.9%
McLean	18	5	27.8%
Mount Vernon	23	0	0.0%
Pohick	33	5	15.2%
Rose Hill	15	0	0.0%
Springfield	12	4	33.3%
Upper Potomac	43	9	20.9%
Vienna	15	5	33.3%
<b>Total</b>	<b>257</b>	<b>73</b>	<b>28.4%</b>

In contrast to the experience of African Americans, there are no census tracts in Fairfax County in which the actual proportion of Asian households was signifi-

suggest the presence of a dual housing market while gaps of 10 to 14.9 percentage points suggest that a dual housing market exists or may be developing.

79. Obviously some very carefully constructed surveying and/or focus groups are needed to determine the precise reasons so many African Americans in the region who can afford to live in Fairfax County have not moved there. As discussed beginning on page 25, apprehension over how one would be treated in a predominantly white neighborhood has long been a real concern for many Blacks in America. For a brief discussion of how the legacy of exclusionary zoning can give minorities the impression they may be not welcome, see the footnote on page 172.

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cantly *less* than the proportion expected in a housing market devoid of discrimination. The above table, however, does show that the actual proportion of Asian households significantly exceeded the proportion expected in more than 28 percent of the county's census tracts. As noted in the analysis of each of the 14 planning districts, enclaves have developed within a number of the planning districts where the actual proportion of Asian households significantly exceeds the expected proportion. This was the case in more than half the tracts in the Bull Run, Fairfax, and Jefferson planning districts. In half of the planning districts, the actual proportion of Asian households is significantly greater than the proportion expected in a third or more of the census tracts.

While these data suggest that Asian households are fully participating in Fairfax County's primary housing market, they do indicate that Asian enclaves have been forming — perhaps in large part due to first and second generate immigrants — and that the county needs to be proactive to expand the housing choices of Asian households to the full region to prevent these enclaves from becoming more concentrated and turning into racially-segregated areas.

**Table 29: Census Tracts By Planning District With Significantly Larger Proportion of Latino Households of Any Race Than the Proportion Expected in a Free Housing Market Absent Discrimination**

Census Tracts By Planning District With Significantly Larger Proportion of Latino Households of Any Race Than the Proportion Expected in a Free Housing Market Absent Discrimination			
Planning District	Number of Census Tracts in 2010	Actual Proportion Is 10+ Percentage Points Greater Than Proportion Expected	
		Number of Tracts	Percentage of Tracts
Annandale	18	6	33.3%
Baileys	12	6	50.0%
Bull Run	28	0	0.0%
Fairfax	15	1	6.7%
Jefferson	15	5	33.3%
Lincolnia	3	1	33.3%
Lower Potomac	7	0	0.0%
McLean	18	0	0.0%
Mount Vernon	23	5	21.7%
Pohick	33	0	0.0%
Rose Hill	15	0	0.0%
Springfield	12	3	25.0%
Upper Potomac	43	6	14.0%
Vienna	15	1	6.7%
<b>Total</b>	<b>257</b>	<b>34</b>	<b>13.2%</b>

The data suggest a similar, albeit less intense, situation for Latinos of any race in Fairfax County. Baileys is the only planning district in which the actual proportion of Hispanic households significantly exceeds the proportion expected in at least half the census tracts. In the large Annandale and Jefferson planning

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districts, the actual proportion is significantly larger than the proportion expected in a third of each district's census tracts.<sup>80</sup> Overall, the actual proportion of Latino households of any race is significantly larger than the proportion expected in just 34 of 247 census tracts, 13.2 percent. In no Fairfax County census was the actual proportion of Hispanic households of any race significantly *less* than the expected proportion, further suggesting extensive participation by Latinos in the county's primary housing market.

**Table 30: Census Tracts By Planning District With a Significantly Different Proportion of White Households Than the Proportion Expected in a Free Housing Market Absent Discrimination**

Census Tracts By Planning District With a Significantly Different Proportion of White Households Than the Proportion Expected in a Free Housing Market Absent Discrimination					
Planning District	Number of Census Tracts in 2010	Actual Proportion Is 10+ Percentage Points <b>Greater</b> Than Proportion Expected		Actual Proportion Is 10+ Percentage Points <b>Less</b> Than Proportion Expected	
		Number of Tracts	Percentage of Tracts	Number of Tracts	Percentage of Tracts
Annandale	18	6	33.3%	0	0.0%
Baileys	12	4	33.3%	2	16.7%
Bull Run	28	8	28.6%	3	10.7%
Fairfax	15	5	33.3%	0	0.0%
Jefferson	15	5	33.3%	2	13.3%
Lincolnia	3	0	0.0%	1	33.3%
Lower Potomac	7	2	28.6%	3	42.9%
McLean	18	11	61.1%	0	0.0%
Mount Vernon	23	9	39.1%	5	21.7%
Pohick	33	21	63.6%	0	0.0%
Rose Hill	15	7	46.7%	0	0.0%
Springfield	12	4	33.3%	0	0.0%
Upper Potomac	43	15	34.9%	5	11.6%
Vienna	15	11	73.3%	0	0.0%
<b>Total</b>	<b>257</b>	<b>108</b>	<b>42.0%</b>	<b>21</b>	<b>8.2%</b>

The actual proportions of white households were significantly *greater* than the proportions expected in 42 percent of the county's census tracts — as was the case for more than 61 percent of the census tracts in the Vienna, McLean, and Pohick planning districts. Conversely, the actual proportions of African American households was significantly *lower* than the proportions expected in every census tract in the Vienna and McLean planning districts and in nearly 94 percent of the tracts in the Pohick district.

On the other hand, the actual proportions of Caucasian households were sig-

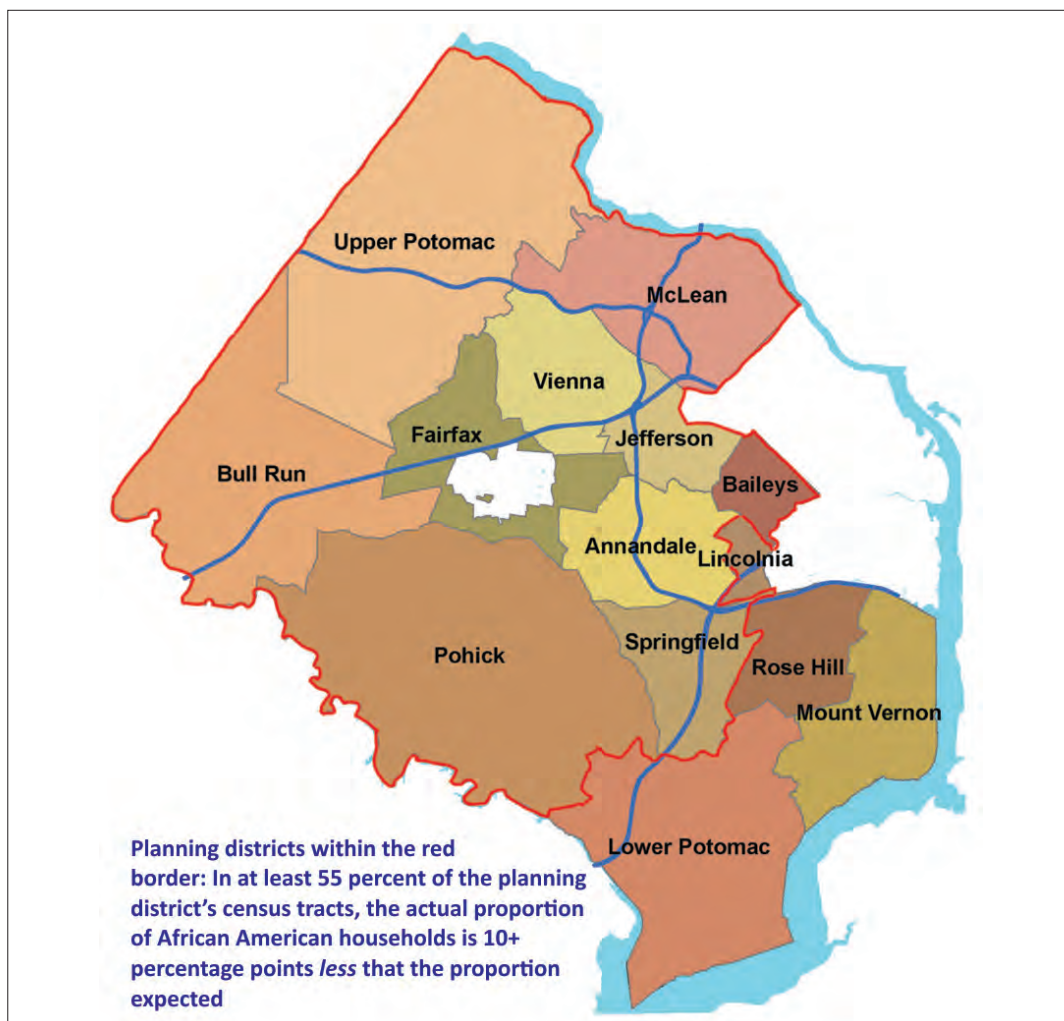
80. Of Lincolnia's three tracts, the actual proportion of Latino households of any race was greater than the proportion expected by ten or more percentage points in just one tract, 10.4 percentage points in tract 4519. The demographics of this tract remain very stable. The significant demographic change from 2000 to 2013 in tract 4525.02 is noted as the primary issue to address in the Lincolnia Planning District.



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nificantly *less* than the proportions expected in just 8.2 percent of Fairfax County's census tracts. In those tracts, the actual proportions of Asian and, to a lesser extent, Latino households of any race tended to be greater than the proportions expected.

**Figure 11: Planning Districts Where 55 Percent of Census Tracts In Which the Actual Proportion of African American Households Is Significantly Less than Proportion Expected**



Source: Adapted from a base map prepared by the Fairfax County Department of Neighborhood and Community Services.

In at least 55 percent of the census tracts in each of the ten planning districts outlined in red in the map above, the actual proportion of African American households is significantly *less* than the proportion expected in a housing market absent discrimination. These ten planning districts include the vast majority of the county's land available for residential development and is where the bulk of new residential development will take place in Fairfax County. Implementing the recommendations in the final chapter of this report to bring an end to the dual housing market that has likely steered African American households away from Fairfax County can facilitate establishment of a unitary housing market in which

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households that can afford Fairfax County housing, regardless of race, can live throughout the county. As with existing residential housing, there is no reason for a dual housing market to exist in the new residential developments in these ten planning districts — as long as any discriminatory housing practices are curtailed and housing choices of African Americans *throughout the region* are expanded to include *all* of Fairfax County.

*While the data show that Asian and Latino households of any race are participating in the county's primary, geographically-unlimited housing market, there are indications that concentrations of Asian or Hispanic households of any race are spreading and intensifying in portions of Fairfax County, possibly in part due to reasons that have nothing to do with housing discrimination.*

Significant concentrations of Asian households have been developing in different parts of the county at least since 1990 as shown on the three maps immediately following page 34. In these areas the actual proportions of Asian households are significantly greater than the proportion expected in a free housing market absent discrimination. The actual proportion of Asian households in Fairfax County increased by half since 2000 and is the highest in the region. The data suggest the *possibility* that enclaves of Asian households are developing within Fairfax County due to a housing market in those areas that *may* be serving largely Asian households and due to Asian households *possibly* focusing their housing choices in these areas. While it is very possible that a significant proportion of these households are recent immigrants who, historically speaking, often seek housing close to other members of their immigrant group, these phenomena *might* be combining to create the early stages of resegregation of these areas to predominantly Asian. Such a phenomenon would only further exacerbate the exclusion of so many African American households from the county's housing market and the higher opportunities Fairfax County offers. Here, too, implementing the recommendations of this report will facilitate establishment of a unitary housing market that will result in more stable and diverse neighborhoods rather than the growth and expansion of Asian enclaves that appear to be developing within Fairfax County.

Similarly, while the actual proportion of Hispanic households of any race for all of Fairfax County is roughly what would be expected in a free housing market, a small number of concentrations of Latino households have been developing, especially in and around the Town of Herndon and in the county's southeast quadrant. It is very possible that a significant proportion of these households are recent immigrants who, historically speaking, often seek housing close to other members of their immigrant group. Still, these conditions *might* be combining to create the early stages of resegregation of these areas that will become predominantly Hispanic enclaves, increasing the exclusion of so many African American households from the local housing market. Here, too, implementing the recommendations of this report will facilitate establishment of a unitary housing market that will result in more stable and diverse neighborhoods rather than the growth and expansion of the Latino enclaves that appear to be developing in these portions of Fairfax County.

## Employment

Fairfax County has defied many of the economic challenges the Great Recession created that have befallen other areas of the country. The county's well-educated labor force and proximity to the District of Columbia continue to power relatively high wages and low unemployment. Nearly 60 percent of adult Fairfax County residents possess a bachelor's or graduate degree, twice the national figure.<sup>81</sup> The county's \$112,102 median household income is more than double the nationwide median of \$53,482.<sup>82</sup> Fairfax County's unemployment rate has consistently remained below both the Virginia and national rates as the table below illustrates.

**Table 31: County, State, and National Unemployment Rates: 2010–2015**

County, State, and National Unemployment Rates: 2010–2015			
Year	Fairfax County	Virginia	United States
2015 *	4.0%	4.9%	5.3%
2014	4.1%	5.2%	6.2%
2013	4.4%	5.7%	7.4%
2012	4.5%	6.0%	8.1%
2011	4.8%	6.6%	8.9%
2010	5.1%	7.1%	9.6%

\* = June, 2015 preliminary figures, seasonally adjusted.

Source: U.S. Bureau of Labor Statistics, <http://www.bls.gov/lau/home.htm>.

As the table that follows shows, the size of Fairfax County's labor force has grown since 2010 while unemployment has declined. Still, the shocks of the Great Recession continue to affect a substantial proportion of the county's residents. Across a number of metropolitan areas in recent years, poverty has expanded more rapidly in suburban areas like Fairfax County than in central cities. In accord with this trend, the number of individuals below the poverty line in Fairfax County increased from 4.5 percent in 2000 to six percent in 2010–2014.<sup>83</sup> Participation in the Supplemental Nutritional Assistance Program ("SNAP") increased sharply after 2008, and real wages and layoffs since 2007 have declined in lower-paying industries in the county.<sup>84</sup>

81. U.S. Census Bureau, *2010–2014 American Community Survey 5–Year Estimates*. Available at [factfinder.census.gov](http://factfinder.census.gov).

82. Ibid. See the examination of poverty that begins on page 17.

83. Anne Pickford Cahill, et al., *Behind the Headline: Trends and Implications for County Residents* (Fairfax, VA: Fairfax County Department of Neighborhood and Community Services, May 2011) 4.

84. U.S. Census 2000, Summary File 3; *2010–2014 American Community Survey 5–Year Estimates*, Tables S1701 and S1702.



**DRAFT****Table 32: Fairfax County Labor Force: 2010–2015**

<b>Fairfax County Labor Force: 2010–2015</b>				
<b>Year</b>	<b>Size of Labor Force</b>	<b>Number Employed</b>	<b>Number Unemployed</b>	<b>Unemployment Rate</b>
<b>2015*</b>	632,824	607,360	25,464	4.0%
<b>2014</b>	627,615	601,998	25,617	4.1%
<b>2013</b>	625,508	598,080	27,428	4.4%
<b>2012</b>	624,818	596,667	28,151	4.5%
<b>2011</b>	620,573	591,067	29,506	4.8%
<b>2010</b>	610,520	579,498	31,022	5.1%

\* = 2015 preliminary figures, June, 2015 Not seasonally adjusted.

Source: U.S. Bureau of Labor Statistics, <http://www.bls.gov/lau/home.htm>.

The table below, “Fairfax County Private Sector Businesses by Industry and Number of Employees: 2013,” reflects Fairfax County status as a hub for highly-educated professional service workers. Twenty-three of the county’s 49 private sector employers with 1,000 or more workers are in the professional, scientific, and technical services fields, as are nearly a third of the nearly 30,000 employers of all sizes in the county.

The largest number of private sector employers by far are in the “professional, scientific, and technical services” industry, nearly three times as many companies as in the next largest industry, “health care and social assistance.”

Despite most of the private sector companies in Fairfax County being small businesses, the larger businesses employ far more workers. While 71 percent of the private sector businesses in Fairfax County have fewer than ten employees and 55 percent fewer than five employees, most of the jobs are for companies that have at least 50 employees.

**DRAFT****Table 33: Fairfax County Private Sector Businesses by Industry and Number of Employees: 2013**

<b>Fairfax County Private Sector Businesses by Industry and Number of Employees: 2013</b>										
<b>Industry</b>	<b>Total Number of Businesses</b>	<b>Number of Businesses in Fairfax County by Number of Employees</b>								
		<b>1-4</b>	<b>5-9</b>	<b>10-19</b>	<b>20-49</b>	<b>50-99</b>	<b>100-249</b>	<b>250-499</b>	<b>500-999</b>	<b>1000+</b>
<b>Total all sectors</b>	29,556	16,235	4,750	3,716	2,736	1,141	659	203	67	49
<b>Agriculture, forestry</b>	8	6	1	-	-	1	-	-	-	-
<b>Mining, oil and gas, quarrying</b>	6	2	1	1	2	-	-	-	-	-
<b>Utilities</b>	13	5	-	2	1	2	2	-	1	-
<b>Construction</b>	2,246	1,504	281	219	147	54	31	6	4	-
<b>Manufacturing</b>	351	161	83	50	29	17	6	4	1	-
<b>Wholesale trade</b>	895	506	150	102	87	26	15	8	1	-
<b>Retail trade</b>	2,699	1,036	661	484	259	156	87	14	2	-
<b>Transportation and warehousing</b>	392	253	52	29	33	11	10	2	2	-
<b>Information</b>	847	413	99	107	103	59	40	14	9	3
<b>Finance and insurance</b>	1,644	907	360	212	90	39	20	8	3	5
<b>Real estate, rental and leasing</b>	1,459	1,035	216	119	59	18	8	3	-	1
<b>Professional, scientific, and technical services</b>	8,382	5,350	931	768	682	304	220	78	26	23
<b>Management of companies and enterprises</b>	301	107	45	45	51	25	14	8	3	3
<b>Administrative and support, waste management, remediation services</b>	1,767	928	232	204	174	106	72	33	11	7
<b>Educational services</b>	598	319	77	84	73	19	22	3	1	-
<b>Health care and social assistance</b>	2,879	1,370	646	452	272	74	44	13	2	6
<b>Arts, entertainment, and recreation</b>	367	202	44	38	36	27	16	2	1	1
<b>Accommodation and food services</b>	2,197	715	395	470	418	156	40	3	-	-
<b>Other services (except public administration)</b>	2,443	1,355	476	329	220	47	12	4	-	-
<b>Industries not classified</b>	62	61	-	1	-	-	-	-	-	-

Source: U.S. Census Bureau <http://www.census.gov/econ/cbp/> 2013.

Not surprisingly, many of the employment opportunities in Fairfax County are tied to the District of Columbia's role as the nation's capital, as reflected in the table immediately below. The nation's largest military base, Fort Belvoir, is the county's largest employer followed by the county's public school system, the federal government and the county itself. Several other major employers are closely linked to the public sector, from government contractors like Booz Allen Hamilton and General Dynamics to the government-chartered Federal Home Loan Mortgage Corporation, Freddie Mac.

**Table 34: Largest Fairfax County Employers: 2015**

<b>Largest Fairfax County Employers: 2015</b>		
<b>Employer</b>	<b>Nature of Employer</b>	<b>Number of Employees</b>
Fort Belvoir	Military	51,000+
Fairfax County Public Schools	Primary education provider	24,181
Federal Government	National government	23,634
Fairfax County Government	Local government	12,326
Inova Health System	Healthcare center network	7,000–10,000
George Mason University	University	5,000–10,000
Booz Allen Hamilton	Management consulting and government services	4,000–6,999
Federal Home Loan Mortgage (Freddie Mac)	Home mortgage	4,000–6,999
General Dynamics	Aerospace and defense	4,000–6,999
Science Applications International Corporation	Information technology and government services	4,000–6,999
Northrup Grumman	Aerospace and defense	1,000–3,999

Source: County of Fairfax, *Virginia Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015*, 268 available at <http://www.fairfaxcounty.gov/finance/cafr.htm>; and Antonio Olivio, “Fort Belvoir thinks outside the gates for better relations with neighbors (especially drivers),” *The Washington Post*, Feb. 26, 2014.

## Racial and Ethnic Composition of Workers and County Residents

As the table below, “Racial and Ethnic Composition of Who Worked in Fairfax County: 2006–2010,” shows the percentages of non-Hispanic whites, Hispanics of any race, and “others and multi-racial non-Hispanics” of residents who work and the proportions of people employed in Fairfax County are very close, within two percentage points. However, while African Americans comprise 9.3 percent of workers who live in Fairfax County, they make up 13.1 percent of all workers in the county, a net difference of 3.8 percentage points. Although Asians constitute 17.1 percent of the Fairfax County residents who work, they make up just 13.1 percent of all workers in Fairfax County, a net difference of four percentage points.

While Fairfax County maintained its economic prosperity in the face of nationwide headwinds, the distribution of occupational groups raises questions about whether the fruits of the area’s high-wage, professional jobs are being enjoyed across all races and ethnicities. Non-Hispanic whites constitute just 58.7 percent of those who work in Fairfax County while holding 71.8 percent of the county’s positions in “management, business, and finance.” Their proportions significantly exceed 58.7 percent of those who work in “healthcare practitioner professionals” (65.3 percent), and “other professional workers” (70.7 percent). The proportions of whites in lower-paid occupational groups tends to be notably less than 58.7 percent of those who work in “service workers, except protective” (29.5 percent), “construction and extractive craft workers” (35.9 percent), “transportation and material moving operative workers” (37.2 percent), “laborers and helpers” (40.1 percent), and “production operative workers” (48.9 percent).



**DRAFT****Table 35: Racial and Ethnic Composition of Who Worked in Fairfax County: 2006–2010**

Racial and Ethnic Composition of Who Worked in Fairfax County: 2006-2010						
Occupational Group	All Groups	White Non-Hispanic	Hispanic of Any Race	Black Non-Hispanic	Asian Non-Hispanic	Others and Multi-Racial Non-Hispanic
Fairfax County Residents Who Work*	100%	56.7%	15.0%	9.3%	17.1%	1.9%
Total Employed in Fairfax County	100%	58.7%	13.2%	13.1%	13.1%	1.9%
	567,710	333,475	74,850	74,255	74,150	10,980
Management, Business, and Financial Workers	100%	71.8%	6.3%	10.3%	10.1%	1.5%
Science, Engineering, and Computer Professionals	100%	61.9%	4.5%	10.4%	20.9%	2.3%
Healthcare Practitioner Professionals	100%	65.3%	5.0%	9.3%	18.4%	2.0%
Other Professional Workers	100%	70.7%	5.9%	10.9%	10.5%	2.0%
Technicians	100%	55.0%	6.0%	15.6%	21.2%	2.2%
Sales Workers	100%	60.6%	10.8%	12.1%	14.1%	2.4%
Administrative Support Workers	100%	55.4%	11.2%	18.9%	11.9%	2.6%
Construction and Extractive Craft Workers	100%	35.9%	52.1%	7.5%	3.4%	1.1%
Installation, Maintenance, and Repair Craft Workers	100%	52.6%	18.2%	17.2%	10.8%	1.2%
Production Operative Workers	100%	48.9%	19.5%	15.8%	14.9%	0.9%
Transportation and Material Moving Operative Workers	100%	37.2%	21.7%	26.1%	13.5%	1.5%
Laborers and Helpers	100%	40.1%	38.6%	12.4%	6.4%	2.5%
Protective Service Workers	100%	59.5%	8.9%	24.6%	4.9%	2.1%
Service Workers, except Protective	100%	29.5%	36.7%	15.1%	17.1%	1.6%

\*= The “Residents Who Work” row reports the total civilian employed workforce that lives in Fairfax County. File is EEO–ALL02R. Files for Occupations and Total Employed in Fairfax County are EEO–ALL03W and EEO–All01W.

Source: EEO 2006–2010 Data Tool at

<http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>.

While the proportions of the workers in each professional occupational group who are African American are within three or four percentage points of the 13.1 percentage of employees in the Fairfax County who are Black, the proportions of African Americans tend to be greater in the lower paying occupational groups: “transportation and material moving operative workers” (26.1 percent), “protective services workers” (24.1 percent), “administrative support workers” (18.9 percent), and “installation, maintenance, and repair craft workers” (17.2 percent).

Hispanics of any race tend to be employed in lower-wage fields like construction and transportation. While Latinos make up 13.2 percent of employees in the county, they constitute more than half of the “construction and extractive craft workers” (52.1 percent), more than a third of “laborers and helpers” (38.6 percent), and more than a fifth of “transportation and material moving operative

workers” (21.7 percent). The proportion of Hispanics in the professional occupational groups ranges from just 4.5 to 6.3 percent.

These patterns for Caucasians, African American, and Latino employees are typical of what we have found in other jurisdictions.

Asians who comprise 13.1 percent of the employees in Fairfax County, make up 21.2 percent of “technicians,” 20.9 percent of “science, engineering, and computer professionals,” and 18.4 percent of “healthcare practitioner professionals,” but just 10.1 percent of “management, business, and financial workers.” Their proportions among more lower-scale occupational groups tends to be relatively low: 3.4 percent of “construction and extractive craft workers,” 4.9 percent of “protective service workers,” and 6.4 percent of “laborers and helpers.”

Fairfax County is well aware of the housing affordability challenges lower-wage employees face. As detailed pages 178–179, the county’s comprehensive policy plan reports “Housing for sale or rent in Fairfax County has become increasingly unaffordable” which has created a situation where “[t]hose working in lower paying or entry level jobs are likely to experience difficulty in affording to buy or rent in the county.” It adds, “The gap in housing affordability can affect the ability of employers, including the county, to attract employees crucial to the health and safety of the community as well to the area’s economic growth and prosperity... The lack of affordable housing has been cited as a factor contributing to the current shortage of workers in the county’s service sector.”<sup>85</sup>

The provision of housing affordable to these households of modest incomes is a major element throughout the county’s plan and zoning ordinance as discussed later in this chapter.

## Transportation

Driving to work alone remains the top choice of the vast majority of Fairfax County’s commuters despite a plethora of available commuting modes.

Shorter commute times enhance the desirability of living in a community. A well-regarded 2004 study arrived at the “unambiguous conclusion” that “The length of their commute to work holds a dominant place in Americans’ decisions about where to live. Americans place a high value on limiting their commute times and they are more likely to see improved public transportation and changing patterns of housing development as the solutions to longer commutes than increasing road capacities.”<sup>86</sup>

More specifically, this random-sample national survey found:

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“A limited commute time is, for most Americans, an important factor in

85. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Housing*, amended through April 29, 2014 (Fairfax County, VA), 1.

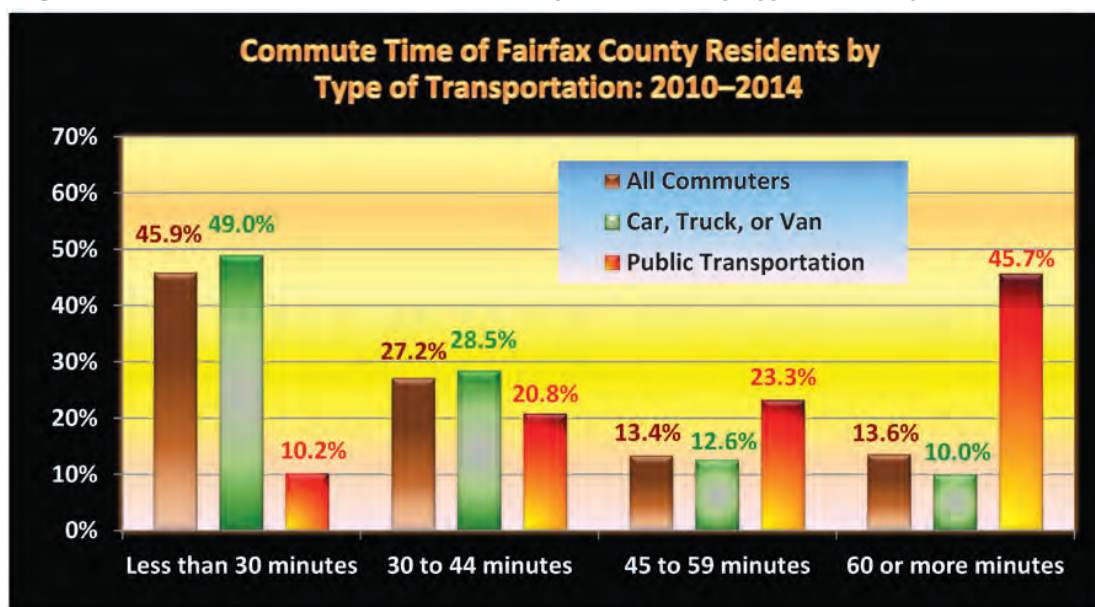
86. Belden Russonello & Stewart Research and Communications, *2004 American Community Survey National Survey on Communities* (October 2004), 1. Available online at <http://smart-growthamerica.org/narsgareport.html>.

deciding where to live. Being within a 45-minute commute to work is rated highest among a list of fourteen priorities in thinking about where to live (79% “very” or “somewhat” important), followed by easy access to highways (75%) and having sidewalks and places to walk (72%).

“A short commute is particularly important to people who plan to buy a home in the next three years (87%) and women and African Americans place high importance on sidewalks and places to walk (76% and 85%, respectively).”<sup>87</sup>

As the figure below indicates, nearly three-quarters of Fairfax residents commute fewer than 45 minutes, a positive indicator for the county's transportation network in general. Almost one in two drivers enjoys a commute of less than half an hour, and few drivers commute for longer than 45 minutes. Commute length for public transportation, however, shows almost precisely the opposite distribution: nearly one in two commuters taking mass transit faces a commute of over an hour, while few commutes on buses or trains were less than 30 minutes.

**Figure 12: Commute Time of Fairfax County Residents by Type of Transportation:**



Source: 2010–2014 American Community Survey 5-Year Estimates, Table B08134, “Means of Transportation to Work by Travel Time to Work — Universe: Workers 16 years and over who did not work at home.”

Given that so many minorities, people with disabilities, and households of modest means rely on public transportation, this suggests that the county's transit infrastructure is less accommodating for members of those groups, as well as many low-income individuals who are also more likely to rely on those modes of transportation to commute to work.<sup>88</sup> Since the median household incomes of Blacks and Latinos are lower than other groups studied, they are less likely to

87. Ibid. 7, 9.

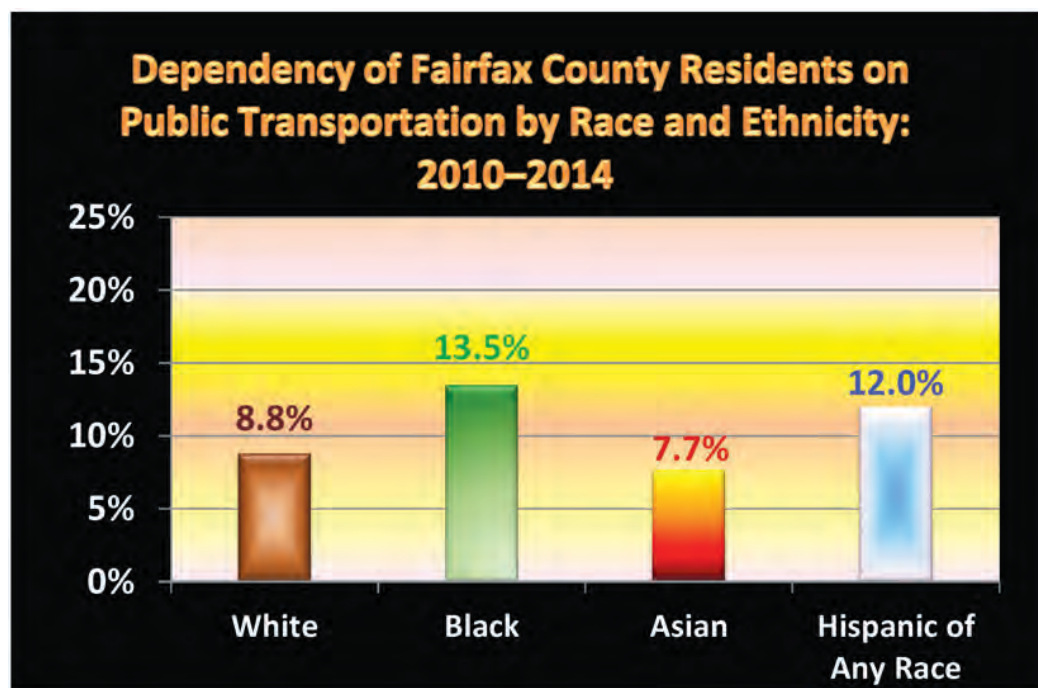
88. See U.S. Census Bureau: 2011–2014 American Community Survey 5-year Estimates, Table



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own a car and are more likely to have fewer cars per working family member.<sup>91</sup> As the figure below shows, in Fairfax County African Americans are the most reliant on public transportation with 13.5 percent availing themselves of it while just 7.7 percent of Asians and 8.7 percent of whites use public transportation. Twelve percent of Hispanics of any race use public transportation. Blacks in Fairfax are more than 50 percent more likely to depend on mass transit than whites. Hispanics are more than 30 percent as likely. Longer commutes reduce time available for important activities at home and elsewhere.

**Figure 13: Dependency of Fairfax County Residents on Public Transportation by Race and Ethnicity: 2010–2015**



Source: 2010-2014 American Community Survey 5-Year Estimates, Tables B08105A, B08105B, B08105D, B08105I, "Means of Transportation to Work."

The county reports that public transportation service in Fairfax County is not all it needs to be:

Traveling in Fairfax County is often grueling

Public transportation systems were developed primarily for the purpose of addressing commuter needs. As employment oppor-

B08122 (Fairfax County, VA). Approximately 37,146 Fairfax County residents were impoverished over a 12-month period. About 15 percent of them commuted to work via public transportation. Of the approximately 557,199 Fairfax residents above the poverty level during the previous year, nine percent commuted on public transportation.

91. For a discussion of this relationship, see Berube, Alan, Elizabeth Deakin, and Steven Raphael, "Socioeconomic Differences in Household Automobile Ownership Rates: Implications for Evacuation Policy," in Quigley, John M., and Larry A. Rosenthal, eds., *Risking House and Home: Disasters, Cities, Public Policy* (Berkeley: Berkeley Public Policy Press, 2008), 203–211.

tunities have become more geographically dispersed and residential areas have become more developed, transportation needs have shifted. Many county residents do not work traditional 9-to-5 work hours. With limited off-peak operating hours and a system that isn't set up to accommodate simple errands (e.g., taking a child to child care or shopping for groceries), it can be challenging for residents to use public transportation.

#### Local transportation is not straightforward

It is often difficult to intuitively find and decipher public transit schedules, anticipate transfers, and estimate costs for many transportation options. Residents who have additional barriers, such as limited English proficiency, are further deterred from using the public transportation systems in place and accessing resources within the county. Input from the community supported these concerns, particularly for the older adult population and individuals with disabilities.

#### Coordination is limited among providers

There is limited strategic effort to coordinate transportation systems and programs, both inside the county and across jurisdictional lines, including those operated by the faith community, businesses, nonprofits, and government. There is also a recognized need for mobility managers, who can help to promote the coordination of transportation systems and information to improve services for residents.

#### Individuals with disabilities and older adults transportation issues

Public transportation systems and programs provide a critical resource by enabling residents to travel to work, engage socially, and perform activities of daily living. It is a means by which residents maintain their independence and self-sufficiency. For individuals with disabilities and older adults, this link is critical to helping them remain connected and active in their community. A main challenge that older adults and individuals with disabilities (of any age) face when accessing public transportation is commonly referred to as the “first- and last-mile gap.” When an individual uses a vehicle for transportation, it takes them from point to point; however, when using public transportation, individuals need to get from their location to the transportation hub. This often requires the individual to use more than one form of transportation, such as taking a taxi or shuttle, ride-sharing, walking, or bicycling to get to the hub. For an individual with a disability or an older adult, this is typically the most challenging part of using public transportation.<sup>92</sup>

A review of the county's public transportation infrastructure suggests that the network serves minorities and lower income people moderately well, but that it could do better. For those with easy access to it, the transit network of the Washington Metropolitan Area Transit Authority, which includes the “Metrorail” and “Metrobus” services, is an enormous advantage. Metrorail

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92. Fairfax County Human Services System, *The Path Toward Tomorrow: The 2016 Fairfax County Human Services Need Assessment* (Fairfax County, VA: May 2016), 44–45.

maintains more than 100 miles of track across 91 stations in the metropolitan area, while Metrobus operates over nearly 1,500 miles of road.<sup>93</sup> Fairfax County's integration with this system opens up many opportunities for its residents and connects users to airports, long-distance passenger rail hubs, and bus stations. Opening the Silver Line in 2014 expanded Metrorail access for Fairfax's minority residents in the Reston area, as will the opening of Phase 2 of that route in 2018. While not likely in the short term, expansion toward Centreville and Ft. Belvoir along the Route 1 corridor, as has been occasionally discussed, would strengthen transit opportunities for Fairfax's transit-dependent residents in those areas.<sup>94</sup>

The Washington Metropolitan Area Transit Authority provides about 41 percent of the bus service in the county, with the county's "Fairfax Connector" providing the other 59 percent. Since 2009, the Fairfax Connector has expanded its annual hours of service from 475,000 to 720,000 in 2016.<sup>95</sup> The Fairfax Connector significantly expands public transit opportunities for minorities, people with disabilities, and lower-income individuals in the county. All Fairfax Connector buses are compliant with the Americans With Disabilities Act. The county also provides paratransit services. As the county has noted, however, some Fairfax Connector routes run only during peak hours in areas with significant populations of persons with mobility disabilities, inhibiting access to convenient transit in non-peak hours.<sup>96</sup> As in any jurisdiction, availability of accessible transit is further lessened because many bus stops remain inaccessible to people with mobility limitations due to architectural and built environment barriers, challenges obtaining private property easements and rights of way and permitting for improvements, infrastructure costs, and utilization of bus stops.<sup>97</sup>

Crucially, the Washington Metropolitan Area Transit Authority's infrastructure, especially when coupled with the Fairfax Connector, facilitates access to economic opportunities by providing transit service to and from the major employment centers in the area. As the county has identified, the Dulles Corridor, Tysons Corner, Central Fairfax, Springfield, and Fort Belvoir together comprise

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93. *The Comprehensive Plan for the National Capital: District Elements* (Washington, DC: District of Columbia Office of Planning, Oct. 2007) 4–2. Five new stations on the Silver Line have opened since 2007, bringing the total number from the 86 mentioned in Fairfax County's *Comprehensive Plan* to 91.
  94. See, e.g., Tom Jackman, "Extend Metro to Centreville, Woodbridge, and Ft. Belvoir? Connolly and Moran put idea on table" *Washington Post*, March 12, 2013.
  95. Email from Fairfax County Department of Transportation, to Fairfax County Office of Human Rights & Equity Programs, Human Rights Division (Sept. 29, 2016, 2:24 p.m. CST) (on file with Planning/Communications).
  96. *Transit Development Plan* (Fairfax County, VA: Fairfax County Department of Transportation, Dec. 2009) 11:18, and email from Fairfax County Department of Transportation to Daniel Lauber, Planning/Communications (Oct. 25, 2016, 10:04 a.m. CST) (on file with Planning/Communications).
  97. Email from Fairfax County Department of Transportation to Fairfax County Office of Human Rights & Equity Programs, Human Rights Division (Sept. 29, 2016, 2:24 p.m. CST) (on file with Planning/Communications).



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Fairfax's employment hubs,<sup>98</sup> in addition, of course, to the District of Columbia itself. With the exception of Fort Belvoir, Metrorail provides regular service to and around each of these economic zones: the Silver Line provides transit coverage past Tysons Corner toward Dulles and Reston; the Orange Line connects Central Fairfax; and the Blue and Yellow Lines provides coverage to Springfield. Major Metrobus routes provide regular service seven days a week between Vienna, Tysons Corner, Falls Church, Annandale, and Fort Belvoir, coverage supplemented by less frequent lines and the Fairfax Connector.<sup>99</sup>

In its most recent comprehensive policy plan, Fairfax County has also emphasized the “need for significant public transportation improvements in many specific corridors.”<sup>100</sup> These “Enhanced Public Transportation Corridors,” in which the county plans to provide or expand rail, bus and/or high-occupancy vehicle lane coverage, include most major channels of Fairfax County's transportation network connecting more strongly minority areas such as Centreville and the Route 1 corridor.<sup>101</sup> Expanded public transportation in those areas, as the county envisions, would strengthen transit opportunities for minorities, people with disabilities, and lower-income county residents.

As detailed beginning on page 180, the county recognizes the relationship between affordable housing and public transportation.

## Zoning and Availability of Land for Residential Development

### Residential Building Permits

As discussed in detail beginning on page 178, new residential construction in Fairfax County has been shifting for decades from predominantly single-family housing to mostly multifamily dwellings.

The data in the table below illustrates this shift. In 1980, nearly half of the dwelling units for which building permits were issued were single-family detached houses. During the 2010–2014 period studied, the proportion fell further from 23.5 percent to as low as 7.4 percent in 2013. In 2014, it settled in at 15.1 percent. Meanwhile the proportion of single-family attached units plummeted from 36 percent in 1980 to 2.4 percent in 2013 and 3.2 percent in 2014.

Conversely, the proportion of dwelling units for which building permits were

98. Ibid Chapter 3: 10. See also 3:11–3:12.

99. See Washington Metropolitan Area Transit Authority, “Virginia Metrobus System Map,” Dec. 2015. Available online at [http://www.wmata.com/pdfs/bus/Virginia\\_System\\_Map.pdf?](http://www.wmata.com/pdfs/bus/Virginia_System_Map.pdf?).

100. *The Comprehensive Plan for Fairfax County, Virginia, Area I, 2013 Edition*, amended through April 29, 2014 (Fairfax County, VA: 2013), Area I Overview, 13.

101. See the “Fairfax County Transportation Plan Map” in the *Fairfax County Comprehensive Plan, Policy Plan, Transportation, 2013 Edition*, amended through April 29, 2014 (Fairfax County, VA: 2013), 3, 6–7.

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issued that were multifamily skyrocketed from 17.5 percent in 1980 to 90.2 percent in 2013 and 81.7 percent in 2014,

These trends, however, do not necessarily mean that the proportion of housing affordable to households of modest means has risen as rapidly as the proportion of dwelling units that are multifamily. The question of housing affordability is examined at length in Chapter 4 beginning on page 224.

**Table 36: Number and Percentage of Housing Units by Type for Which Building Permits Were Issued By Fairfax County: 1980–2014**

Number and Percentage of Housing Units by Type for Which Building Permits Were Issued By Fairfax County: 1980–2014							
End of Year	Number of Dwelling Units For Which Building Permits Were Issued Each Year				Percentage of Units of Each Housing Type Issued Building Permits in Each Year		
	Multifamily	Single-Family Attached	Single-Family Detached	Total Units	Multifamily	Single-Family Attached	Single-Family Detached
1980	1,165	2,397	3,090	6,652	17.5%	36.0%	46.5%
1990	999	595	969	2,563	39.0%	23.2%	37.8%
2010	1,038	268	401	1,707	60.8%	15.7%	23.5%
2011	3,122	291	716	4,129	75.6%	7.0%	17.3%
2012	1,881	90	391	2,362	79.6%	3.8%	16.6%
2013	1,882	51	154	2,087	90.2%	2.4%	7.4%
2014	2,747	108	508	3,363	81.7%	3.2%	15.1%

Source: For 2010 through 2014, Table 9.3 in the annual demographic reports prepared by the Fairfax County Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research. For 1980 and 1990, the table “Summary of Residential Development Activity Planning District.” The data are for January 1 of the year of the report. Data for 2015 were not available. These Demographic Reports, which are dated 1981, 1991, and 2010 through 2015, are available in PDF files at <http://www.fairfaxcounty.gov/demogrph/demorpts.htm>.

Since 1980, the location of the most residential building activity — and the types of dwellings built — has shifted. In 1980, more dwelling units received building permits in Pohick Planning District than any other district. All of these permits were for single-family detached and attached homes.

In 1990, the most building permits were issued for residential dwellings in the Bull Run Planning District for all three types of dwellings.

In 2010, the most building permits for residential dwellings were issued in the Upper Potomac Planning District, overwhelmingly for multifamily housing.

In each year since then, the most building permits for residential dwellings have been issued in the Jefferson Planning District, overwhelmingly for multifamily housing.

During the study period, the number of building permits issued by the towns of Clifton, Herndon, and Vienna were relatively minuscule. New residential construction was overwhelmingly single-family detached housing.

In 2010, the Town of Herndon issued building permits for ten single-family detached dwellings and 31 single-family attached dwelling units. The Town of Vienna issued building permits for 16 single-family detached dwellings and five

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single-family attached dwelling units. No residential building permits were issued by the Town of Clifton that year.<sup>102</sup>

In 2011, one building permit was issued by Clifton for a single-family detached home. In Herndon, building permits were issued for five single-family detached homes and 37 single-family attached dwelling units. The Town of Vienna issued building permits for 52 single-family detached homes.

In 2012, building permits were issued for ten single-family detached homes by Herndon and 40 by Vienna. None were issued by Clifton.

In 2013, building permits were issued for four single-family detached homes by Herndon and nine by Vienna. None were issued by Clifton.

In 2014, one building permit was issued by Clifton — for a single-family detached home. All five building permits issued by Herndon and all 51 permits issued by Vienna were for single-family detached homes.

## Analysis of County Zoning for Possible Barriers

### Impact of Land Use Controls on Housing Affordability

Land-use controls like zoning can interfere with affirmatively furthering fair housing by imposing regulations and/or procedures that effectively prevent the new construction of for sale and rental housing that households with modest incomes can afford — especially when the median household income for groups such as African Americans or Latinos of any race is significantly lower than for white or Asian households.

Before analyzing Fairfax County's land use controls for possible barriers to affirmatively furthering fair housing, it is essential to understand the relationship between zoning and fair housing issues as well as the standards for evaluating land use controls for these issues.

Apart from housing prices, land-use controls can affect racial and ethnic segregation. In a leading article, Rolf Pendall surveyed the 25 largest metropolitan areas during 1980–1990 and found that low-density zoning, which restricted residential densities to fewer than eight dwelling units per acre, consistently reduced rental housing, which in turn limited the number of Black and Hispanic residents in communities.<sup>103</sup>

Drawing on census data for 1990 and 2000 for the 25 largest metropolitan statistical areas and the local regulatory indicators that Pendall had compiled, Rothwell and Massey found that anti-density zoning increased black segrega-

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102. The source of the data for the three towns for 2010–2014 is Table 9–2 in each of the annual demographic reports cited as the source for the table immediately above, “Number and Percentage of Housing Units by Type for Which Building Permits Were Issued By Fairfax County: 1980–2014.”

103. Rolf Pendall, “Local Land Use Regulation and the Chain of Exclusion,” *Journal of the American Planning Association* (66) (2) (2000), 124–142.



tion by reducing the quantity of affordable housing in white jurisdictions.<sup>104</sup> In a subsequent article, Rothwell, using two datasets on land regulation for the 25 largest metropolitan statistical areas found that “anti-density regulations are responsible for a large share of the observed patterns in segregation between 1990 and 2000. Minority groups are more segregated from [w]hites in metropolitan areas with prevalent exclusionary zoning no matter what their relative incomes and population sizes.” He added, “The estimated effects are large enough that a hypothetical switch in zoning regimes from the most exclusionary to the most liberal would reduce the gap between the most and least segregated [metropolitan statistical areas] by at least 35 [percent] for the ordinary least squares (OLS) estimates.”<sup>105</sup>

### Land Use Control Techniques That Often Affect Housing Affordability

A number of land use controls can artificially raise the cost of new housing, a technique long known as “exclusionary zoning.” These include:

- Designating extensive areas of a community for large lots (generally, one acre and above), without providing sufficient lands zoned for smaller lots.<sup>106</sup>
- Imposing large lot width requirements, which drive up development costs because they require additional street, curb, gutters, and sidewalk length in addition to increasing the cost of each individual lot and subsequently the cost of the housing that is built.
- Requiring minimum building sizes for residential construction, which, in effect, mandates large residences, where smaller ones would suffice.<sup>107</sup>
- Excluding multiple-family dwellings totally or greatly restricting the zoned land available for them.
- Imposing restrictions on the number of bedrooms in multiple-family dwellings to discourage families with children (i.e., requiring that a substantial number of units are one-bedroom units).
- Prohibiting or severely limiting mobile homes and/or manufactured housing which are vehicles for providing housing affordable to households with modest incomes.

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104. Jonathan Rothwell and Douglas S. Massey, “The Effect of Density Zoning on Racial Segregation in U.S. Urban Areas,” *Urban Affairs Review* (14) (6) (2009), 779–806.

105. Jonathan Rothwell, “Racial Enclaves and Density Zoning: The Institutionalized Segregation of Racial Minorities in the United States,” *American Law and Economics Review* (13) (1) (2011), 290–358, 291.

106. This would, of course, exclude areas where large lots are legitimately necessary to accommodate large septic fields because of poor percolation rates.

107. See generally, Norman Williams, Jr. and Thomas Norman, “Exclusionary Land Use Controls: The Case of Northeastern New Jersey,” 22 *Syracuse Law Review* 475, 481, 484–97 (1971). For a contemporaneous discussion of these devices on housing costs, see Lynn Sagalyn and George Sternlieb, *Zoning and Housing Costs: The Impact of Land-Use Controls on Housing Price* (New Brunswick, NJ: Center for Urban Policy Research, 1973), 16–19, 48–58.

- Imposing unjustifiably high minimum parking requirements, particularly for multifamily dwelling units, which increases the necessary land area required for a dwelling.

Other zoning practices can affect housing affordability as well. These include: lengthy review and approval times for new developments, with numerous or sequential public hearings, which add to the carrying costs of the development,<sup>108</sup> and development standards that are not rationally related to the nature of the land use, such as requiring three parking spaces for a one-bedroom apartment.<sup>109</sup>

In 2007, the U.S. Department sponsored a statistical study by the National Association of Home Builders Research Center that examined the subdivision ordinances of 469 communities around the country to estimate how much certain types of regulations added to the cost of single-family housing.

The study focused on several key variables: lot size, floor space requirements, lot width, pavement width, sidewalk requirements, curb and gutter drainage, front yard setbacks, and off-street parking requirements. *The study found that excessive lot size, lot width, and floor area requirements accounted for the largest percentage of total costs.* While only eight percent of the jurisdictions had excessive floor area requirements, the regulatory cost barriers for floor area in those jurisdictions accounted for 17 percent of the total regulatory cost barriers for all land development variables for all jurisdictions studied. Finally, the study found that the average cost of excessive regulation from subdivision standards was about five percent of the average cost of a new single-family home.<sup>110</sup> Of all of the studies, this one is most relevant to the Fairfax County, and will be used later in this analysis to provide benchmarks for evaluating the Fairfax County Zoning Ordinance.

Quigley and Rosenthal conducted an extensive review of the empirical literature on the effects of land use regulation on the price of housing. “When local regulators effectively withdraw land from buildable supplies — whether under the rubric of ‘zoning,’ ‘growth management,’ or other regulation — the land factor and the finished product can become pricier. Caps on development, restrictive zoning limits on allowable densities, urban growth boundaries, and long permit processing delays have all been associated with increased housing price.”<sup>111</sup>

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108. It is difficult to evaluate the impact of processing times on developments without analyses of sample residential projects of varying housing types, sizes, and densities, and this review does not attempt to do so.

109. For a survey of parking standards used by local governments, see Michael Davidson and Fay Dolnik, *Parking Standards*, Planning Advisory Service Report No. 510/511 (Chicago: American Planning Association, November 2002).

110. NAHB Research Center, *Study of Subdivision Requirements as a Regulatory Barrier*, prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research (OPD&R) (Washington, D.C.: OPD&R, November 2007), 1–3. While this study looked at subdivision requirements, it also assessed development standards found in zoning ordinances.

111. John M. Quigley and Larry A. Rosenthal, “The Effect of Land Use Regulation on the Price of Housing. What Do We Know? What Can We Learn?” *Cityscape* (8) (1) (2005): 69–110, at 69.

### As Applied to Fairfax County's Zoning Code

The analysis that follows applies the factors discussed above to the *Fairfax County Zoning Ordinance* including its provisions for the Affordable Dwelling Unit Program and Workforce Housing.

The county's adopted goals, objectives, and policies on housing are examined in the section of this chapter entitled "Fair Housing in Fairfax County Plans" that begins on page 175, immediately after this analysis of the zoning code.

**Range of densities and lot widths.** The *Fairfax County Zoning Ordinance* contains 20 districts in which different types of residential dwellings are allowed as of right or by the equivalent of a special use permit. Of those 20, five are Planned Development Districts, including a Planned Residential Community District in which developments must be at least 750 acres. The densities permitted by district range from one dwelling unit per ten acres in the R-P Rural Preservation district and one dwelling unit per five acres in the R-A Rural Agricultural district and R-C Rural Conservation district to 40 dwelling units per acre in PDH-40 district. Under certain conditions in the PDH-Planned Development Housing district in which the densities can vary, the density can be increased by 125 percent. The PTC-Planned Tysons Corner Urban District places no maximum on density. This analysis, however, focuses on the 15 districts that are not Planned Development Districts.

The Fairfax County Zoning Ordinance is structured to offer smaller lots for residential cluster development and affordable dwelling unit developments. For example, in the R-4 zoning district (four dwelling units per acre), a lot for a single family dwelling in a conventional subdivision requires 8,500 square feet, 6,000 square feet in a cluster subdivision, 6,720 square feet as an affordable dwelling unit in a conventional subdivision, and 4,800 square feet as an affordable dwelling unit in a cluster subdivision.

Given the number of districts and the range of lot area requirements, the minimum lot width requirements are reasonable. For example, in the R-A Rural Agricultural district, with a five-acre minimum lot size, the minimum lot width is 200 feet, which is what one would expect in an area that lacks central sewers. In contrast, in the R-5 district, where the minimum lot area is 5,000 square feet for a single-family detached dwelling, the minimum lot width is 50 feet for an interior lot and 70 feet for a corner lot. The minimum lot width for a single-family attached dwelling is 18 feet.

**Availability of land for multifamily dwellings.** As detailed beginning on pages 179 – 180, the county reports the county has a "short supply of appropriate sites that are planned and/or zoned for multifamily development" and that there is a "diminishing supply of vacant land."

Multifamily dwellings are permitted as of right in four of the 15 residential districts: R-12, R-16, R-20, and R-30. In addition, the R-5 and R-8 districts, which



are single family detached and attached in nature, the zoning code allows as many as half of the dwelling units in an Affordable Dwelling Unit development to be multifamily. The Zoning Administrator's staff reports that Planned Development Districts "are the predominant districts for multiple family dwelling units."

The county follows a policy under which it rezones land in response to an application for development rather than proactively rezoning land to make the zoning consistent with the *Comprehensive Plan's* map which is the more common practice across the nation.<sup>112</sup> The Fairfax County Zoning Ordinance, however, grants to both the Planning Commission and the Board of Supervisors the authority to initiate zoning changes on property, a power they have occasionally exercised.<sup>113</sup>

**Table 37: Number and Percentage of Housing Units by Type for Which Rezoning Were Sought From Fairfax County: 1980–2010**

Number and Percentage of Housing Units by Type for Which Rezoning Were Sought From Fairfax County: 1980–2014							
End of Year	Number of Dwelling Units For Which a Rezoning Was Sought in Each Year				Percentage of Dwelling Units for Which a Rezoning Was Sought in Each Year		
	Multifamily	Single-Family Attached	Single-Family Detached	Total Units	Multifamily	Single-Family Attached	Single-Family Detached
1980	998	7,106	6,779	14,883	6.7%	47.7%	45.5%
1990	10,167	833	1,085	12,085	84.1%	6.9%	9.0%
2010	6,816	373	528	7,717	88.3%	4.8%	6.8%
2011	7,108	251	363	7,722	92.0%	3.3%	4.7%
2012	6,160	736	211	7,107	86.7%	10.4%	3.0%
2013	13,268	783	158	14,209	93.4%	5.5%	1.1%
2014	14,367	249	478	15,094	95.2%	1.6%	3.2%

Source: For 2010 through 2014, Table 9.3 in the annual demographic reports prepared by the Fairfax County Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research. For 1980 and 1990, the table "Summary of Residential Development Activity Planning District." The data are for January 1 of the year of the report. Data for 2015 were not available. These Demographic Reports, which are dated 1981, 1991, and 2010 through 2015, are available in PDF files at <http://www.fairfaxcounty.gov/demogrph/demorpts.htm>.

The above table illustrates how dependent developers of multifamily housing are on rezonings to build multifamily housing as the new construction housing landscape in Fairfax County has shifted since the 1980s. Since 1990, from 84 to 95.2 percent of the dwelling units approved through rezoning have been multifamily.

The table below, "Land Zoned for Residential Use in Fairfax County: January 2015," shows the amount and percentage of land available for development in each of the 15 residential districts. A tad less than six percent of the 181,292 acres are

112. Zoning Evaluation Division, Fairfax County Department of Planning and Zoning, *The Proffer System in Fairfax County* (November 1985, revised August 2009. Available at: [http://www.fairfaxcounty.gov/dpz/resources/proffer\\_system\\_paper-revised.pdf](http://www.fairfaxcounty.gov/dpz/resources/proffer_system_paper-revised.pdf).

113. *Fairfax County Zoning Ordinance*, Sec. 18–201.1 (Planning Commission authority) and Sec. 18–201.2 (Board of Supervisors authority). Telephone interview by Stuart Meck with the Zoning Administrator's office, March 14, 2016.

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available for development. The four districts that permit multifamily development collectively contain 72 acres of available land, or 0.04 percent of the total of the residential districts. Even allowing for possibly significant additional available land for multifamily housing in the Planned Development districts, this very small amount of land poses a supply problem for future multifamily construction.

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Table 38: Land Zoned for Residential Use in Fairfax County: January 2015

Land Zoned for Residential Use in Fairfax County: January 2015					
Zoning Districts That Allow Residential Uses	Minimum Lot Area in Square Feet	Total Acres	Land Available to Develop in Acres	Percentage of All Land Zoned Residential Available to Develop	
R-A Rural Agricultural District	217,800 sq. ft. (5 acres)	157	46	29.2%	
R-P Residential-Preservation District	435,600 sq. ft. (10 acres)	0	0	0.0%	
R-C Residential-Conservation District	217,800 sq. ft. (5 acres); Cluster subdivision: 36,000 sq. ft.	50,032	4,793	9.6%	
R-E Residential Estate District	75,000 sq. ft.; Cluster subdivision: 52,000 sq. ft.	28,008	2,521	9.0%	
R-1 Residential District, One Dwelling Unit/Acre	36,000 sq. ft.; Cluster subdivision: 25,000 sq. ft.	42,380	2,327	5.5%	
R-2 Residential District, Two Dwelling Units/Acre	15,000 sq. ft.; Cluster subdivision: 13,000 sq. ft.	20,357	487	2.4%	
R-3 Residential District, Three Dwelling Units/Acre	10,500 sq. ft.; Cluster subdivision: 8,500 sq. ft. Affordable dwelling units: 8,400 sq. ft. Affordable dwelling units in cluster subdivision: 6,800 sq. ft.	26,199	367	1.4%	
R-4 Residential District, Four Dwelling Units/Acre	8,500 sq. ft.; Cluster subdivision: 6,000 sq. ft. Affordable dwelling units: 6,720 sq. ft. Affordable dwelling units in cluster subdivision: 4,800 sq. ft.	5,006	101	2.0%	
R-5 Residential District, Five Dwelling Units/Acre	Single-family detached: 5,000 sq. ft. Single-family attached: No minimum lot area Affordable single-family detached dwelling units: 4,000 sq. ft. Single-family attached: No minimum lot area Multiple family: No minimum lot area	2,841	5	0.2%	
R-8 Residential District, Eight Dwelling Units/Acre	Single-family detached: 5,000 sq. ft. Single-family attached: No minimum lot area Affordable single-family detached dwelling units: 4,000 sq. ft. Single-family attached: No minimum lot area Multiple family : No minimum lot area	2,539	18	0.7%	
R-12 Residential District, Twelve Dwelling Units/Acre	No minimum lot area requirement	744	36	4.8%	
R-16 Residential District, Sixteen Dwelling Units/Acre	No minimum lot area requirement	41	4	9.4%	
R-20 Residential District, Twenty Dwelling Units/Acre	No minimum lot area requirement	2,479	31	1.2%	
R-30 Residential District, Thirty Dwelling Units/Acre	No minimum lot area requirement Conventional multiple-family developments: 30 units per acre Affordable dwelling unit developments: 36 units per acre	352	1	0.3%	
R-MHP Residential District, Mobile Home Park	Single-family detached: 5,000 sq. ft. Mobile homes: Average 4,000 sq. ft.	158	0	0.0%	
<b>Total Land Zoned for Residential Use</b>		<b>181,292</b>	<b>10,734</b>	<b>5.9%</b>	

Source: Fairfax County Department of Neighborhood and Community Services, February 2, 2015.



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**Restrictions on the number of bedrooms in multifamily units.** Limiting the number of bedrooms in multifamily units is a common exclusionary zoning practice based on the theory that fewer bedrooms discourage families with children who would enroll in the public schools. The *Fairfax County Zoning Ordinance* does *not* contain this kind of exclusionary zoning restriction.

**Regulations affecting mobile and manufactured homes.** As reported beginning on page 184, the *Fairfax County Comprehensive Plan, Policy Plan* recognizes the importance of mobile homes as “an important alternative source of housing affordable to low- and moderate-income households.” The plan includes a policy to “[p]romote and facilitate innovative site design and construction techniques, as well as encourage the use of manufactured housing and manufactured housing components, when aimed at providing affordable housing.”<sup>114</sup>

The *Fairfax County Zoning Ordinance* permits mobile homes in the R-MHP district (a mobile home park), with a minimum park size of 15 acres. As of 2014, just 167 acres were mapped to this district. As part of the Affordable Dwelling Unit provisions, Sec. 2-820 authorizes the Board of Supervisors to take steps to encourage the redevelopment of mobile home parks to house low- and moderate-income families. In conjunction with the review and approval of a rezoning application and proffered generalized development plan, the Board of Supervisors may increase the number of mobile homes or dwelling units per acre permitted in the R-MHP district by as much as 50 percent. The Board may also waive other provisions in the R-MHP district regulations when needed to allow construction of moderately-priced housing units.

The county’s provisions for manufactured homes, which are less expensive to build than conventional homes and consequently can be much more affordable to households with modest incomes, are puzzling. In Sec. 2-906 of the *Fairfax County Zoning Ordinance*, the county defines manufactured homes as “[a] structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.” Manufactured homes are allowed as a permitted use *only* in the R-A Rural Agricultural district which is a substantial restriction since manufactured homes are appropriate in any district that allows residential uses.<sup>115</sup>

**Other development standards.** The HUD report, *Study of Subdivision Requirements as a Regulatory Barrier*, described above,<sup>116</sup> uses a set of benchmarks for single-family subdivisions that can be used to evaluate development standards for single-family homes for their impact on affordability. The benchmark standards are based on the opinions of the experts who responded to a survey of land development professionals, civil engineers, architects, land planners in private practice, and land planners working for planning jurisdictions. The Na-

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114. *Fairfax County Comprehensive Plan, 2013 Edition, Housing*, amended through 4-29-2014 (Fairfax County, VA) 4. Manufactured housing is also known as modular housing.

115. Manufactured housing is appropriate for single-family dwellings and multiple-family structures like garden apartments, but obviously not for high rises. For an example of manufactured home communities, see “Frontier Housing”, available at <http://www.frontierhousing.org>.

116. There are no comparable studies of land development benchmarks for multifamily development.

tional Association of Home Builders and the National Association of Counties recommended the experts who were surveyed.<sup>117</sup>

The benchmark standards show a mean, minimum, and maximum, which represent the opinions of the survey respondents. The experts were asked to submit benchmark standards appropriate to metropolitan statistical areas with “more dense” development. The “more dense” development scenario was defined as having a median lot size of 7,000 square feet, 0.16 acre.<sup>118</sup> Of all of its residential zones, Fairfax County’s R-5 and R-8 districts come closest to “more dense” development.

**Table 39: Comparison of “More Dense” Development Standards with Comparable Fairfax County Zoning Districts**

Comparison of “More Dense” Development Standards with Comparable Fairfax County Zoning Districts				
Zoning Requirement	Land Development Standards for “More Dense” Developments			Comparable Fairfax County Zoning Districts
	Minimum	Mean	Maximum	R-5 and R-8 Districts
Minimum lot size	2,750 square feet	4,250 square feet	7,000 square feet	5,000 square feet
Minimum lot width	30 square feet	39 square feet	60 square feet	Interior lot: 50 square feet Corner lot: 70 square feet
Minimum yard setbacks: Front	0 feet	13 feet	30 feet	20 feet
Side	3.5 feet	5 feet	6 square feet	8 feet
Rear	10 feet	16 feet	30 square feet	25 feet
Minimum floor area	400 square feet	981 square feet	1,750 square feet	No minimum floor area
Number of off-street parking spaces required for single-family detached dwellings	1	1.56	2	Lots on public streets: 2 Lots on private streets: 3

Source: NAHB Research Center, *Study of Subdivision Requirements as a Regulatory Barrier*, prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research (OPD&R) (Washington, D.C.: OPD&R, November 2007), 36, Table 14.1. This analysis omits three other development standards contained in the NAHB publication: paved roadway width, width of planting strip required, and sidewalk width, because the focus of the analysis is on the *Fairfax County Zoning Ordinance* and not the subdivision regulations, where these three standards normally would be found. Note that the R-5 and R-8 districts have been developed with both single-family detached dwellings and single-family attached housing (i.e., townhouses), but the standards here address only single-family detached dwellings.

With one exception, the R-5 and R-8 districts development standards fall within the HUD report’s benchmarks: the six-foot maximum side yard standard in the HUD benchmarks, and the eight-foot minimum side yard standard in the R-5 and R-8 ordinance. While the single-family detached parking standard, two spaces per unit for lots on a public street, is at the maximum range of the

117. NAHB Research Center, *Study of Subdivision Requirements as a Regulatory Barrier*, prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research (OPD&R) (Washington, D.C.: OPD&R, November 2007), 35. The response rate to this small survey of development experts was 50 percent.

118. Ibid.

benchmarks, it is typical.<sup>119</sup> A HUD research publication on land development standards recommends this standard.<sup>120</sup> The same publication recommends two parking spaces for multifamily dwellings with three or more bedrooms, 1.5 parking spaces for one or two bedrooms, and one for efficiency units.<sup>121</sup> In contrast, Section 11–103.5 of the *Fairfax County Zoning Ordinance* requires 1.6 parking spaces for all multifamily units, regardless of the number of bedrooms.

The *Fairfax County Zoning Ordinance* does not include minimum floor area requirements for residential dwellings. Some jurisdictions set an unjustifiably high minimum floor area requirement that artificially increases the cost of construction too high for building housing affordable to households with modest incomes.

**Affordable Dwelling Units and Workforce Housing.** As detailed beginning on page 176, the provision of housing affordable to households with modest incomes is front and center in the *Fairfax County Comprehensive Plan, Policy Plan*. The zoning provisions examined below are intended to implement the county’s goals, objectives, and policies to provide affordable housing throughout the county.

Article 2, Part 8 of the *Fairfax County Zoning Ordinance* creates an “Affordable Dwelling Unit” program. Article 2, Part 11 establishes a “Workforce Housing” Program. The ordinance defines an affordable dwelling unit development as a “[r]esidential development to assist in the provision of affordable housing for persons of low and moderate income” for households whose income is 70 percent or less of the median income for the Washington, D.C. Standard Metropolitan Statistical Area.<sup>122</sup> The county’s zoning code does not define “workforce housing.” The only definition appears in the *Fairfax County Policy Plan*: dwelling units produced through the Workforce Housing initiative, which is designed to encourage proffers of rental and for sale units that are affordable to households at various income limits up to 120 percent of the areawide median income.

The ordinance that created the Affordable Dwelling Unit program mandates

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119. *Fairfax County Zoning Ordinance*, Sec. 11–103.3. The standard for lots with frontage on a private street is slightly different, three parking spaces per unit, provided that “only one (1) such space must have convenient access to a street.” *Ibid.* It is not clear what the rationale is for requiring an additional parking space for a lot on a private street. Similarly, single-family attached units require 2.7 parking spaces per unit “provided, however, that only one (1) such space must have convenient access to the street,” while single-family detached units only require 2 parking spaces per unit. *Ibid.*, Sec. 11–103.3 and Sec. 11–103.4. According to the Institute for Transportation Engineers (ITE) publication, *Parking Generation*, 4th edition (Washington, D.C.: ITE, 2010), 58–61, rental townhouses have an average parking supply ratio of 1.7 parking spaces per dwelling unit and residential condominium townhouses have an average supply ratio of 1.4 spaces per dwelling unit. These numbers suggest that the Fairfax County parking requirements for single-family attached units are excessive.

120. NAHB Research Center, *Proposed Model Land Development Standards and Accompanying Model State Enabling Legislation*, 1993 Edition, prepared for the U.S. Department of Housing and Urban Development Office of Policy Development and Research (OPD&R) (Washington, D.C.: OPD&R, June 1993), 12, Table 3, Parking Requirements.

121. *Ibid.*

122. *Fairfax County Zoning Ordinance*, Sec. 2–801.



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that any site or portion thereof that is the subject of an application for a rezoning, special exception, site plan, or subdivision plat that yields 50 or more dwelling units “at an equivalent density greater than one unit per acre and which is located in an approved service area” unless exempted by the ordinance, must include certain percentages of affordable dwelling units.<sup>123</sup> The percentages depend on the density bonuses granted, the density range specified in the county’s comprehensive plan, and the type of unit. The Affordable Dwelling Unit ordinance is quite complex and challenging to understand and summarize.<sup>124</sup>

The following applies to rezonings and special exceptions approved after March 31, 1998, and proffered rezoning applications approved before March 31, 1998:

- 💧 For *single-family detached dwellings and single-family attached dwelling units*, the lower and upper end of the density range set forth in the adopted comprehensive plan applicable to the property shall be increased by 20 percent when calculating the potential density that the Board of Supervisors may authorize.<sup>125</sup> When a 20 percent bonus is granted, at least 12.5 percent of the units must be Affordable Dwelling Units.<sup>126</sup> According to the office of the Zoning Administrator, “If the full 20 percent bonus is not achieved on the site, then the ADU requirement is a ratio of bonus to ADUs of 20:12.5. For example, if the site only holds 5 percent bonus units then the ADU percentage is 3.125 percent”<sup>127</sup> This is known as the “sliding scale” and it applies to all the categories discussed below.<sup>128</sup>
- 💧 For *non-elevator multiple family dwelling structures up to three stories*, the lower and upper ends of the density range set forth in the adopted comprehensive plan shall be increased by 10 percent for the purpose of calculating the potential density that the Board of Supervisors may approve. The applicant, however, can opt to increase the upper end of the density range by 20 percent when calculating maximum potential density.<sup>129</sup> Six and a quarter percent of the dwelling units must be Affordable Dwelling Units in a multiple-family development that has received a 10 percent bonus.<sup>130</sup>

Since 2004, rezoning applications that seek approval of *elevator multiple-family dwelling unit structures of 4 or more stories* to be constructed as

123. Ibid. Sec. 2–802.

124. A Fairfax County staff member explained that “one of the reasons the ADU ordinance reads the way that it does, at least in part, was that it was originally drafted by a working group/committee involving various stakeholders with competing objectives.”

125. *Fairfax County Zoning Ordinance*, Sec. 2–804.1.A.

126. Ibid. Sec. 2–804.2.B (1).

127. Office of the Zoning Administrator, comment to Daniel Lauber, Planning/Communications, March 24, 2016. On file with Planning/Communications.

128. The “Sliding Scale Requirement for Affordable Dwelling Units” is explained in an appendix to the *Fairfax County Zoning Ordinance* at 2–100 – 103.

129. *Fairfax County Zoning Ordinance*, Sec. 2–804.1.B.

130. Ibid. Sec. 2–804.2.B (2).

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“Building Construction Type 5” (combustible) as specified in the *Virginia Uniform Statewide Building Code*, the lower and upper ends of the density range set forth in the adopted comprehensive plan applicable to the property shall be increased by 17 percent when calculating the potential density that the Board of Supervisors may approve.<sup>131</sup>

At least 6.25 percent of the units must be Affordable Dwelling Units in multiple family developments with *up to 50 percent* of the required parking for multiple-family units provided in above or below ground structures,<sup>132</sup> Five percent of the units must be Affordable Dwelling Units in multiple-family developments with *more than 50 percent* of the required parking for multiple-family units provided in above or below ground structures.<sup>133</sup>

A development can be completely exempted from the Affordable Dwelling Unit requirement:<sup>134</sup>

If the total number of dwelling units approved by the Board of Supervisors or if the total number of dwelling units shown on the subsequent site plan or subdivision plat is less than the total number approved by the Board, provides for density which is at or below the low end of the density range specified in the adopted comprehensive plan prior to the application of the density bonus permitted for affordable dwelling developments, *then no affordable dwelling units shall be required and the applicable zoning district regulations for affordable dwelling unit developments shall not apply. [Emphasis added.]*

In addition, the Affordable Dwelling Unit ordinance lists seven types of exempted developments.<sup>135</sup> According to the Zoning Administrator’s office, “Many of the exemptions are ‘grandfathering’ in nature, related to rezoning/special exception approvals that occurred prior to changes to the *Fairfax County Zoning Ordinance* in 1990, 1998 and 2004. One exemption is for independent living that is 100 percent affordable to 70 percent AMI or less under other affordability programs, so it doesn’t mean we aren’t getting affordable housing, we’re just getting it through some other program.”<sup>136</sup>

The ordinance creates an Affordable Dwelling Unit Advisory Board <sup>137</sup> that can permit an applicant to reduce the total number of Affordable Dwelling Units under certain conditions through the conveyance of an equivalent amount of land to the Fairfax County Redevelopment and Housing Authority, a contribution to the Fairfax County Trust Fund in an amount equivalent to the fair market value for the lot on which the affordable dwelling unit would otherwise have been constructed, or a combination of reduced Affordable Dwelling Units, land,

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131. Ibid. Sec. 2–804.4.

132. Ibid. Sec. 2–804.4.B (1).

133. Ibid. Sec. 2–804.4.B (1).

134. Ibid. Section 2–804.4.A.

135. Ibid. Sec. 2–803.

136. Office of the Zoning Administrator, comment to Daniel Lauber, Planning/Communications, March 24, 2016. On file with Planning/Communications.

137. *Fairfax County Zoning Ordinance*, Sec. 2–814.

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or a contribution to the Trust Fund. However, the *Fairfax County Zoning Ordinance* indicates that “permitting an applicant to meet the requirements of the Affordable Housing Dwelling Unit Program by providing land or contributions ... is not favored.”<sup>138</sup>

The Fairfax County Redevelopment and Housing Authority regulates and monitors for sale and rental Affordable Dwelling Units. It has an exclusive right to purchase up to one-third of the units in a development for 90 days following issuance of a notice of availability.<sup>139</sup> It has a similar right with respect to rental units during the 30-year control period. The control period for ownership units is 30 years following the initial sale, and another 30 years upon resale or transfer to a new owner.<sup>140</sup> The County Executive is responsible for setting initial sales prices and annual rents for Affordable Dwelling Units under Sections 8-210 and 8-211 of the county’s zoning ordinance.

In addition to the Affordable Dwelling Unit Program’s mandatory requirements, the zoning ordinance allows a developer to make a proffer to voluntarily provide additional Affordable Dwelling Units in the R-2 through R-30 and Planned Development Districts. The percentages and bonuses are similar to those that apply to developments of 50 or more units.<sup>141</sup>

With just two sections to it, the Workforce Housing Program’s ordinance is much shorter than the 40-page Affordable Dwelling Unit Program’s ordinance. It simply advises those who wish to build workforce housing in the R-2 through R-30 districts and Planned Development Districts to “utilize the district regulations applicable to Affordable Dwelling Unit Developments.”<sup>142</sup> The resale price of every “for sale” workforce dwelling is controlled for 30 years after each sale of the unit. The rent of rental workforce units is controlled for 50 years. Workforce units are to be scattered throughout a development “to the extent feasible.”<sup>143</sup>

Like the rest of the nation, Fairfax County is still recovering from the Great Recession which has discouraged new construction. Table 4 below shows that both programs produced a total of seven units during 2011 through 2013. The number of units increased slightly in both 2014 and 2015. Collectively, 159 Affordable Dwelling Units and 285 Workforce Units were constructed during these five years, an annual average of 32 and 57 respectively. But as the effects of the Great Recession have eased, the Affordable Dwelling Unit Program had its most robust year in 2015, producing 167 units, 3.58 percent of all dwelling units built in Fairfax County. The county’s comprehensive plan’s target goal continues to be 12 percent of all units constructed as recounted beginning on page 177.

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138. Ibid. Sec. 2-815.3.

139. Ibid. Secs. 2-810 and 2-811.

140. Ibid. Sec. 2-812.

141. Ibid. Sec. 2-802.5.

142. Ibid. Secs. 2-1101 and 2-1102.

143. See the “Board of Supervisors’ Workforce Dwelling Unit Administrative Policy Guidelines,” Adopted October 15, 2007, 1, 8.



Table 40: Production of Affordable Dwelling Units and Workforce Housing in Fairfax County: 2011–2015

Production of Affordable Dwelling Units and Workforce Housing in Fairfax County: 2011–2015						
Measure	2011	2012	2013	2014	2015	Total: 2011–2015
Number of affordable dwelling units built	0	0	6	40	113	159
Number of workforce housing dwelling units built	1	0	0	117	167	285
<b>Total number of dwelling units built</b>	<b>622</b>	<b>640</b>	<b>1,016</b>	<b>2,224</b>	<b>3,155</b>	<b>7,657</b>
<i>Affordable dwelling units as a proportion of all dwelling units built</i>	0.0%	0.0%	0.6%	1.8%	3.6%	2.1%
<i>Workforce housing as a proportion of all dwelling units built</i>	0.2%	0.0%	0.0%	5.3%	5.3%	3.7%
<i>Affordable dwelling units and workforce housing as a proportion of all dwelling units built</i>	0.2%	0.0%	0.6%	7.1%	8.9%	5.8%

Source: Fairfax County Department of Planning and Zoning, February 4, 2016.

An extensive review of the administration of the program, including interviews with Affordable Dwelling Unit builders, developers, and others familiar with the program can disclose why production has lagged. *An obvious gap in the program is that its mandatory requirements apply only to large-scale developments of 50 or more units, completely exempting smaller developments.* Lowering the threshold for mandatory Affordable Dwelling Units would allow the construction of infill residential development on much smaller parcels. In addition, a development is exempt from the mandatory provisions when it includes fewer units than the County's Board of Supervisors approved or is at the low end of the density range in the adopted comprehensive plan as applied to the property before the bonus density increase is applied. An additional difficulty, also discussed below, is that the Affordable Dwelling Unit ordinance is extremely complex and difficult to understand, written in legalese rather than plain English.

## Conclusions and Suggestions

Fairfax County has successfully eliminated the exclusionary provisions from its zoning code of 40 years ago.<sup>144</sup> Today, the *Fairfax*

144. Today's Fairfax County Zoning Ordinance is in stark contrast to the zoning code that existed prior

*County Zoning Ordinance* does **not** contain language or development standards that, on their own, could be perceived as exclusionary. It contains residential zoning requirements that are largely reasonable and justifiable. The ordinance itself allows for the construction of a diverse range of housing types in a range of densities.

The county is well positioned to refine its zoning code to continue its progress toward affirmatively furthering fair housing. The amendments to the county's zoning ordinance suggested below are based on the above analysis and, if adopted, will enhance the county's efforts to achieve its affordable housing goals and enable households of modest means to attain the upward mobility needed to enjoy the full benefits of the American Dream.

The county's ability to implement some of the suggestions immediately below is constrained by Virginia's enabling legislation for the county's Affordable Dwelling Units Program. The state statute mandates that a developer "not suffer an economic loss as a result of providing the required [affordable dwelling units]." <sup>145</sup> Further research is needed to determine whether or not a suggestion might conflict with this state requirement.

### Zoning Amendments to Continue to Affirmatively Further Fair Housing

- Amend Article 1, Part 2, 1–200—Purpose and Intent, to add the following change in paragraph 12 (suggested new language is in italics):
  - 12. to promote the creation and preservation of housing of such type, size and cost suitable for meeting the current and future needs of the County, *including the aggressive provision of affordable housing*, as well as a reasonable proportion of the current and future needs of the planning district in the form of safe, sanitary dwelling units;
- Add a definition of "Affordable housing" to Article 20, Part 3, that aligns with Department of Housing and Urban Development's definition of low- and moderate-income housing for families (or households). At 24 CFR 91.5, HUD defines low-income families as those whose incomes do not ex-

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to 1978. Under the earlier zoning code, the courts had characterized Fairfax County's zoning as "exclusionary." In *Board of Supervisors of Fairfax County v. Williams*, 216 VA 49, 60 (1975), citing *Board of Supervisors of Fairfax City v. Carper* 200 VA. 653, 107 S.E.2d 390 (1959), the court wrote: "Another discriminatory effect, although perhaps unintended, of the [Fairfax County Board of Supervisors'] zoning policies was to elevate the cost of building sites and housing and thus tend to exclude from portions of Fairfax County those persons who do not have the 'substantial means' to 'afford to move into the County.' Zoning action with similar exclusionary effect was held impermissible in [*Carper*]." In *Carper*, the court invalidated the Fairfax Board of Supervisors attempt to change Fairfax County's zoning with "the practical effect" of preventing "people in the low income bracket from living in the western area and forcing them into the eastern area." 390 S.E.2d at 396. As in other jurisdictions with a similar legacy, it is quite *possible* that this history helped create the impression to many African American households that they would not be welcome in Fairfax County. It can take many decades for the impact of this history to dissipate. But with its current zoning code, the county has eliminated the exclusionary provisions of the former code.

145. *Code of Virginia*, Sec. 15.2–2305(F).

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ceed 50 percent of the median family income for the area, and moderate-income families as those families whose income does not exceed 80 percent of the median income for the area, as determined by the Department of Housing and Urban Development with adjustments for smaller and larger families. Thus, “Affordable Housing” could be defined simply as “housing for persons of low-and moderate-income whose household income does not exceed 80 percent of the median income for the Washington Standard Metropolitan Statistical Area, as determined by the U.S. Department of Housing and Urban Development with adjustments for larger and smaller households.”

- Add a definition of “Workforce Housing” to Article 20, Part 3. The term currently is not defined in the *Fairfax County Zoning Ordinance*.
- Allow manufactured homes in all residential districts.
- Conduct an independent evaluation of the Affordable Dwelling Unit program including interviews with Affordable Dwelling Unit builders, developers, and others familiar with the program to determine how it is functioning and how it could be made more effective. The evaluation should look at completely redrafting the Affordable Dwelling Unit ordinance into plain English that a layperson could understand — as suggested below. The evaluation should identify how many affordable units have *not* been built due to the seven types of exemptions from the Affordable Dwelling Unit requirement in Section 2-803 and recommend modifications of these exemptions.
- Minimize or eliminate the provisions in Section 2-804.4.A, that effectively exempt some developments from the Affordable Dwelling Unit requirements.
- Reduce the minimum number of dwellings in a development subject to the mandatory provisions of the Affordable Dwelling Program from 50 to ten units which would be consistent with the county’s policy on affordable housing production.
- To lower the cost of single-family attached dwellings, amend Section 11-103.4 to reduce the number of off-street parking spaces they require. The current standards are not supported by the Institute of Transportation Engineers (ITE) publication, *Parking Generation*, 4th edition (Washington, D.C., ITE, 2010).
- Conduct a study to identify vacant land to map to the zoning districts that permit multiple-family housing as of right. This study would need to identify suitable vacant land areas within the county and in districts that allow multiple-family housing. The comprehensive plan would need to be amended and the property rezoned. A starting point could be the county’s inventory of vacant and underutilized residential parcels that the Department of Neighborhood and Community Services published in 2015.<sup>146</sup> The study might also identify vacant buildings, such as office buildings,

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146. Fairfax County Department of Neighborhood and Community Services, *Inventory of Vacant and Underutilized Residential Parcels, January 2015* (generated on October 23, 2015). Available at:



that could be converted to mixed use. The county clearly has the power to rezone land without waiting for a request from a private landowner. Based on the documents reviewed, the county projects housing needs for all households, but not specifically for households of modest means, also known as low- and moderate-income households. The county could better enhance its efforts to affirmatively further fair housing if it were to also project housing needs for households of modest incomes. These projections would provide essential information needed to help the county meet its *Comprehensive Plan*'s objective for at least 12 percent of total annual housing production (based on the previous year) be affordable to modest income households, including dwellings produced under the Affordable Dwelling Units and Workforce Housing programs as well as units produced by nonprofit and public entities.

- Fairfax County's zoning code is more than 40 years old and has been amended over 500 times. Weighing in at over 1,200 pages, it is now quite complex and difficult to use, even for the most experienced developers, planners, and land-use attorneys, let alone the average citizen. The county can ease this potential barrier by: (1) substituting use tables instead of the separate lists of uses in zoning districts; (2) simplifying the ordinance's extremely complex provisions; (3) reviewing the zoning code for compliance with other county ordinances; (4) making it easier to navigate the ordinance by using simple section headings at the top of each page to find an Article, Part, and Section number; (5) giving readers a clearer idea of physical requirements by integrating illustrative graphics into the text; (6) using internal hyperlinks to connect related portions of the text; (7) changing the passive voice to active voice as much as feasible; and (8) breaking up lengthy, complex sentences into several shorter sentences. The ordinance should be fully searchable to enable users to quickly and thoroughly find relevant provisions.<sup>147</sup>

Such a complex and difficult to use ordinance not only is expensive to administer, but it can affect the ability of a jurisdiction to process applications for affordable housing in a timely manner, and *can* become a barrier to affirmatively furthering fair housing. To prevent this obstacle from developing, the county would be prudent to have an independent evaluation conducted of the *Fairfax County Zoning Ordinance* that reviews and evaluates the ordinance's organization, format, and readability; development procedures; development standards; zoning districts and uses; definitions; enforcement and administration; and graphics. The evaluation should also examine the ordinance for possible conflicts with other county ordinances.

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[http://www.fairfaxcounty.gov/demogrph/demrpts/othrreports/vacant\\_underutilized\\_resid\\_land.xls](http://www.fairfaxcounty.gov/demogrph/demrpts/othrreports/vacant_underutilized_resid_land.xls).

147. For example, in the ADU ordinance, Sec. 2-804, Affordable Dwelling Unit Adjuster, is so complex and so densely written that it requires a "Sliding Scale Requirement for Affordable Dwelling Units" as an appendix at pages 2-100 to 2-103 of the Fairfax County Zoning Ordinance to explain how to calculate the mandated ADU percentage. A helpful reference on drafting is available from the American Planning Association: Benjamin K. Knoble, "Practice: Plain English," *Zoning Practice*, No. 1 (January 2015), 1-6.

## Fair Housing in Fairfax County's Plans

Fairfax County's thorough and extensive comprehensive plan to guide development consists of three parts:

- 💧 The *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition* presents the objectives, policies, and guidelines that guide planning and development review considerations toward implementing the county's goals. The policy plan, adopted in 1990, has been updated at least through 2013 and is available at the county's website<sup>148</sup>
- 💧 A comprehensive plan map that shows planned land uses, transportation improvements and public facilities. For residential uses, the plan map shows 13 categories of varying ranges of density (expressed as dwelling units per acre).
- 💧 Four area plans that provide more detailed recommendations for implementing the policy plan and land use patterns conveyed in the comprehensive plan map. Each area plan also includes a "Concept for Future Development" which emphasizes that future residential development will be concentrated in designated mixed-use activity centers identified in the area plan. If there is a conflict between the plan map and the area plans, the area plans prevail.

This review focuses on the *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition* which applies to the entire county.

As explained in the final chapter of this report, some of the recommendations to mitigate identified impediments to fair housing choice are dual pronged, one local and one regional. Addressing the regional aspect fits within the county's existing goals as the following goal recognizes. The inclusion of this goal suggests that the county understands that many of the planning issues Fairfax County faces do not exist in a vacuum:

Fairfax County's elected officials and staff should continue to participate in leadership roles in cooperative regional activities, recognizing that the physical, economic, and social well-being of the people of Northern Virginia and the Washington metropolitan area are dependent upon regional cooperation.

The *Fairfax County Comprehensive Plan, Policy Plan* refers to fair housing once. It's mentioned only in the housing element within the context of an objective that states:

The county should increase the supply of housing available to special populations, including the physically and mentally disabled, the

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148. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition*, amended through April 29, 2014 (Fairfax County, VA). Public access would be enhanced if the policy plan were also available to download as a single PDF file rather than just as 15 separate PDF files. Download the policy plan at <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/policyplan>.

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homeless, and the low-income elderly.<sup>149</sup>

The third of the five policies to implement this objective reads:

Enforce fair housing laws and nondiscriminatory practices in the sale and rental of housing to all citizens.<sup>150</sup>

Implementing this policy is vital if the county is to actually affirmatively further fair housing. As the Free Market Analysis™ that begins on page 40 found, it is likely that past and/or current housing discrimination, especially against African Americans, has distorted the free housing market in more than three-quarters of Fairfax County. Consequently, significantly fewer Black households that can afford to live in Fairfax County actually live in nearly 80 percent of the county. This situation raises the question, “If private sector housing discrimination continues unabated, what would prevent it from having the same effect on new affordable housing built in Fairfax County?” The issues discussed beginning on page 139 in the “Conclusions” to the Free Market Analysis™ and in the recommendations in the final chapter about expanding housing choice are as applicable to housing affordable to households of modest incomes as they are to market rate housing.

The plan, however, does not mention nor address racial or ethnic segregation. It does not include any goal, objective, or policy to achieve racial and ethnic integration.

### Affordable Housing in Fairfax County’s Comprehensive Policy Plan

The plan does, however, extensively address a major aspect of affirmatively furthering fair housing: affordable housing for households of modest means.

Within the context of affirmatively furthering fair housing choice, Fairfax County’s comprehensive plan focuses on effectively achieving economic integration throughout the county via “affordable housing.” Because median household incomes vary so much between racial and ethnic groups, one might expect economic integration to lead to greater racial and ethnic integration in Fairfax County. But, as noted above, that will happen only if any current housing discrimination is substantially curtailed and its legacy is overcome.

The question of affordable housing, however, is infused *throughout* the *Fairfax County Comprehensive Plan, Policy Plan* in addition to the housing and land use elements which are the two elements most closely related to the *Fairfax County Zoning Ordinance* analyzed above.

Affordable housing is front and center in the policy plan, so much so that the primary goal on land use makes the affordable housing goal a higher priority by expressly stating that the land use policies “should not be construed as incompatible with the county’s affordable housing goal.”<sup>151</sup>

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149. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Housing*, amended through April 29, 2014 (Fairfax County, VA), 6.

150. *Ibid.*

151. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition*, amended through April 29, 2014



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The county's affordable housing goal, also stated as a goal of the county's Board of Supervisors, is:

Opportunities should be available to all who live or work in Fairfax County to purchase or rent safe, decent, affordable housing within their means. Affordable housing should be located as close as possible to employment opportunities without adversely affecting quality of life standards. It should be a vital element in high density and mixed-use development projects, should be encouraged in revitalization areas, and encouraged through more flexible zoning wherever possible.<sup>152</sup>

The objective for implementing this goal, discussed above in the analysis of county zoning, is:

The county should increase the supply of affordable housing each year by an amount that is equal to at least 12 percent of the total housing production in the county for the previous year. These units should serve the full range of incomes of households needing affordable housing and should include units for the disabled and handicapped.<sup>153</sup>

The plan's glossary defines "affordable housing" as:

For purposes of the Policy Plan, housing that is affordable to households with incomes that are 120 percent or less of the Area Median Income (AMI) for the Washington Metropolitan Statistical Area (MSA). Affordable housing includes units created under the Affordable Dwelling Unit (ADU) program that are affordable to households with incomes that are 70 percent or less of the AMI. Affordable housing also includes units produced through the Workforce Housing initiative, which is designed to encourage proffers of rental and for sale units that are affordable to households at various income limits up to 120 percent of the AMI. Affordable housing may also include other units produced through federal, state or local programs by the private, non-profit and/or public sectors. The Area Median Income for the Washington Metropolitan Statistical Area is determined periodically by the U.S. Department of Housing and Urban Development.<sup>154</sup>

Both the county's Affordable Dwelling Unit program and its Workforce Housing Initiative were discussed in detail above in the analysis of the county's zoning. The Affordable Dwelling Unit program employs a qualifying income maximum of 70 percent or less of the area median income. This cap reduces the maximum income of households eligible for the housing from the 80 percent limit that the U.S. Department of Housing and Urban Development uses to de-

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(Fairfax County, VA), 6.

152. Ibid. See page 175

153. Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Housing, amended through April 29, 2014 (Fairfax County, VA), 4.

154. Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, amended through April 29, 2014 (Fairfax County, VA), 1.

fine low- and moderate-income housing.<sup>155</sup>

The housing element of the policy plan is quite forthright about the affordable housing situation in Fairfax County and the impact of affordable housing on a broad array of concerns. “Housing for sale or rent in Fairfax County has become increasingly unaffordable,” it states, noting that this creates a situation where “[t]hose working in lower paying or entry level jobs are likely to experience difficulty in affording to buy or rent in the county.” It adds, “The gap in housing affordability can affect the ability of employers, including the county, to attract employees crucial to the health and safety of the community as well to the area’s economic growth and prosperity.”<sup>156</sup>

Staff in the Fairfax County Department of Planning and Zoning, reports that the mix of housing being built in the county is changing: “Over the past 25 years, single family housing has grown by 28 percent while multifamily housing has grown by over 60 percent. Multifamily has gone from being 22 percent of the total units in 1990 to 28 percent of the total in 2015.”

The actual language in the housing element explains the origins of the affordability issue facing Fairfax County and its impact on the county’s workforce and economy more fully:<sup>157</sup>

Fairfax County is recognized as an area that has some of the highest housing costs in the nation. Much of the escalation in the cost of homes in Fairfax County has been attributed to the high costs of land and development....

Recent market conditions and forces in Fairfax County have not been conducive to the production of a variety of housing types, offering a broad range of housing prices. Multifamily housing, either as rental apartments or as condominiums, has not been produced at a rate comparable to other housing types. As a result, the proportion of multifamily housing units to overall housing has declined. Single-family housing predominates, even in areas where higher residential densities would be appropriate, such as near transit facilities or in close proximity to employment and commercial areas. A possible reason for the imbalance between single-family and multifamily housing is the short supply of appropriate sites that are planned and/or zoned for multifamily development. The production of multifamily housing is also hampered by the high costs of land and construction which necessitate rents and sales prices that are not competitive with existing

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155. U.S. Department of Housing and Urban Development, *FY 2015 Fair Market Rent Summary for Fairfax County*. Available at: [http://www.huduser.gov/portal/datasets/fmr/fmr\\_il\\_history/data\\_summary.odn](http://www.huduser.gov/portal/datasets/fmr/fmr_il_history/data_summary.odn). This summary shows an upper limit for rental low-income housing at 80 percent of the areawide median income, adjusted for family size. For HUD’s definitions of low-, moderate-, and middle-income housing, see 21 C.F.R. 91.5. Available at: [http://www.hud.gov/offices/cpd/about/conplan/pdf/finalrule\\_bookview.pdf](http://www.hud.gov/offices/cpd/about/conplan/pdf/finalrule_bookview.pdf).

156. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Housing*, amended through April 29, 2014 (Fairfax County, VA), 1.

157. The plan’s concerns over the production of multifamily housing should be considered within the context of county staff’s more up-to-date report on the increase in the percentage of multifamily units in Fairfax County from 1990 to 2015 which shows significant progress.

multifamily units in the market and are unaffordable to many who would desire this housing type.

Housing affordability is a growing problem for many residents of the county. A significant number of people in various circumstances cannot afford to rent or purchase a home. The high sales prices of homes often require down payments far exceeding what many young families can afford. Those working in lower-paying or entry level jobs are likely to experience difficulty in affording to buy or rent in the county. The gap in housing affordability can affect the ability of employers, including the county, to attract employees crucial to the health and safety of the community as well as to the area's economic growth and prosperity. The lack of affordable housing has been cited as a factor contributing to the current shortage of workers in the county's service sector.<sup>158</sup>

The housing element states that its objectives and policies are designed to respond to the county's adopted goals and several critical housing issues including:

Housing for sale or rent in Fairfax County has become increasingly unaffordable.

There has been and continues to be a shortage of sites for affordable housing.<sup>159</sup>

The housing element puts forth a number of objectives and policies for implementing the county's Workforce Housing initiative "to encourage more affordable housing in the county's high-density Mixed-Use Centers, including Tysons Corner Urban Center, Transit Station Areas, Suburban Centers, and Community Business Centers. Workforce Housing units are typically smaller in size than market rate units and are targeted to households with incomes above those required by the Affordable Dwelling Unit Program."<sup>160</sup> These include the objective:

The county should increase the supply of affordable housing units each year by an amount that is equal to at least 12 percent of the total housing production in the County for the previous year. These units should serve the full range of incomes of households needing affordable housing and should include units for the disabled and handicapped.<sup>161</sup>

Policies call for providing density bonuses in exchange for including affordable housing in a development, expanding affordable housing by applying the Affordable Dwelling Unit Program, encouraging affordable housing as a development option for infill sites, and giving priority to use county and other government-owners buildings and land for affordable housing.<sup>162</sup>

A second objective calls for the county to "encourage the provision of affordable housing (as defined in the Glossary) in all parts of the county." To imple-

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158. Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Housing, amended through April 29, 2014 (Fairfax County, VA), 1.

159. Ibid.

160. Ibid. 3.

161. Ibid.

162. Ibid. 3-4.



ment this objective, the plan offers policies to expand housing opportunities in or near mixed-use centers and residential areas to diversify the housing stock and expand lower-cost housing options; “promote affordable housing opportunities throughout the county,” especially where supply is low; and “encourage the creation of accessory dwelling units as a means of increasing the supply and distribution of affordable housing.”<sup>163</sup>

The land use element explicitly states the following criterion for all residential development, even developments of any size *not* required to provide any Affordable Dwelling Units:

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the county.<sup>164</sup>

Following this goal are detailed guidelines for the dedication of dwelling units or land and for contributions to the Housing Trust Fund.

The land use element points to a diminishing supply of vacant land as a problem as well.

Another effect of Fairfax County growth has been a diminishing supply of vacant land. If current trends continue the supply of land presently planned for residential development will all but be exhausted after the turn of the century. This impending land shortage has implications not only for the residential development pattern that may emerge, but also for existing residential development. As land values increase due to decreasing supply, the pressure to redevelop existing lower density neighborhoods, as well as nonresidential acreage, will increase. While in selected instances this may be desirable, the practice of redevelopment must be carefully controlled so as to not undermine stable neighborhoods and the provision of public services and facilities.<sup>165</sup>

The plan reports that:

...housing and employment uses have not been well integrated. The pattern of land use in Fairfax County reflects a distinct separation among large areas of residential and nonresidential uses. This separation of housing and employment further burdens the roadway system as people must commute long distances between home and work. Transit has not proven a viable alternative for a major portion of these commuters because the housing and employment areas not only are spatially separated from each other, but developed at low densities. Thus, transit service is inherently less efficient and productive than would be likely in more concentrated, mixed-use settings.<sup>166</sup>

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163. Ibid. 5.

164. Ibid. 29 (Appendix 9).

165. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Land Use*, amended through April 29, 2014 (Fairfax County, VA), 1.

166. Ibid. 3. For an analysis of job-housing ratios in the region and in Fairfax County, see Fairfax

The land use element sets an objective and policies that recognize the need to locate housing close to transit and workplaces for all residents including people with disabilities:

Objective 4: The county should encourage a diverse housing stock with a mixture of types to enhance opportunities for county residents to live in proximity to their workplace and/or in proximity to mass transit.

Policy a. Increase the availability of housing to provide a diversity of housing opportunities in proximity to concentrations of employment.

Policy b. Encourage universal design in the development of housing and communities to expand opportunities for residents of all ages and abilities to live in areas near their employment, mass transit and/or desired services.<sup>167</sup>

Among the guidelines for Transit Oriented Development (TOD), the plan directly addresses housing affordability:

Provide for a range of housing opportunities by incorporating a mix of housing types and sizes and including housing for a range of different income levels.

Housing within TODs should be accessible to those most dependent on public transportation, including older adults, persons with disabilities and other special needs, and persons with limited income. Housing should be provided within the residential component of a TOD for low and moderate income residents. Affordable and workforce housing should be provided on-site or, if an alternative location can provide a substantially greater number of units, in adjacent areas within the TOD. Housing for seniors is encouraged to the extent feasible.<sup>168</sup>

The county's policy plan recognizes the close relationship between public transit and affordable housing. The plan's criteria for evaluating residential develop-

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County Department of Planning and Zoning, Division of Planning, *Jobs–Housing Ratios: National Perspectives and Regional and Local Benchmarks* (December 2012), <http://www.fairfaxcounty.gov/dpz/jobshousingreport.pdf>. This report was prepared to help develop plans for mixed use centers and transit-oriented development. For a critique of this report, see Equitable Housing Institute, *Housing Shortages, Excessive Housing Costs, and Government Planning: Jobs–Housing Ratios and the New Fairfax County* (Virginia) Report (October 28, 2013), <http://www.equitablehousing.org/imges/PDFs/FairfaxCountyJobsHousingRatiosReportEHLanalysisWebsite.pdf>. While praising the Fairfax County report for providing “some valuable information on the causes and effects of jobs–housing imbalances,” the Equitable Housing Institute contends that the Fairfax County report is “fundamentally flawed. For example, its central assertion — that the county’s growth areas generally should be developed or redeveloped with approximately two to four times as many new jobs as housing units (that is, with jobs–housing ratios between 3.0:1 and 6.0:1) — is unwarranted. Such a policy would lead to further major shortages of housing reasonably near jobs in the county, and it is not justified by the national literature or Washington–area experience, contrary to the county’s claims.” At 1.

167. Ibid. 4.

168. Ibid. 34 (Appendix 11).

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ment proposals include providing “convenient access to transit facilities.”<sup>169</sup>

The plan contains a number of additional provisions regarding housing for people with disabilities. The plan notes that people with disabilities such as “mental health, mental retardation and alcohol and drug” need “facilities” that provide necessary services “according to the intensity and longevity of care required....”

Small community group homes provide supervised and supported residential services for three to eight persons.

Large residential facilities offer supervised and supported residential services to nine or more persons and require either a 456 Review or a Special Exception zoning approval.

Treatment centers, and their satellite offices, are located regionally and provide outpatient, case management, day programs, emergency, prevention, and early intervention services for mentally disabled persons or recovering substance abusers.<sup>170</sup>

It then sets an objective and a number of policies to achieve the objective:

Objective 25: Provide for the residential needs of persons with mental illness, mental retardation, and substance abuse problems through small and large supervised and supported residential services located countywide.<sup>171</sup>

The policies are reasonable with one exception (which appears in the plan twice) that is highly questionable under the nation’s Fair Housing Act:

Policy d. Avoid locating group residential facilities for substance abusers within 1,000 feet of public school facilities in keeping with the county’s drug-free zone legislation”<sup>172</sup>

While the existence of drug-free zones does not, in and of itself, pose any fair housing issues, these zones still must comply with the nation’s Fair Housing Act. Community residences for people in recovery are, by definition, drug-free. Implementation of this policy would almost certainly constitute housing discrimination.

County staff note that “group residential facilities” (community residences for up to eight people with disabilities) are allowed as of right in residential districts. Consequently, no zoning mechanism is even available to implement these two policies.<sup>173</sup> However, as noted in this report beginning on page 217, community residences for more than eight people with disabilities are a special exception use or a special permit use, zoning mechanisms that could be used to apply these policies.

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169. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition*, amended through April 29, 2014 (Fairfax County, VA), 25 (Appendix 9).

170. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Human Services*, amended through April 29, 2014 (Fairfax County, VA), 1.

171. *Ibid.* 12.

172. *Ibid.* 13.

173. Email from Fairfax County Office of Human Rights and Equity Programs to Daniel Lauber, Planning/Communications (August 23, 2016, 10:23 a.m. CST) (on file with author).



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We have no evidence one way or the other whether these policies have been applied to these the community residences that house more than eight people in recovery. The county reports that these policies “seem to relate to the human services realm, so maybe that is their internal policy for [group residential facilities] that they may own and/operate, but are *definitely not zoning requirements*.”<sup>174</sup>

In considering redevelopment, the land use element establishes an objective and policies that call for the inclusion of affordable housing:

Objective 11: Redevelopment of existing residential neighborhoods should have as objectives increased affordable housing opportunities and positive impacts on the environment, public facilities and transportation systems.

Policy a. Ensure that redevelopment of residential neighborhoods for residential uses provides on-site, affordable dwelling units or a contribution to the Fairfax County Housing Trust Fund equal, at a minimum, to the replacement value of all affordable units displaced, as well as meets the provisions of the county’s Affordable Dwelling Unit Ordinance or Planning Criteria.

Policy b. Ensure that redevelopment of residential neighborhoods for commercial/ industrial uses provides affordable dwelling units or a contribution to the Fairfax County Housing Trust Fund equal, at a minimum, to the replacement value of all affordable units displaced. In addition, any provisions of a duly adopted program linking employment and affordable housing must be satisfied.<sup>175</sup>

Two guidelines for neighborhood redevelopment get more specific:

3. Proposals for redevelopment of residential neighborhoods for residential uses must make provision, on-site, for affordable dwelling units or a contribution to the Fairfax County Housing Trust Fund at least equal to the replacement value of affordable units displaced in addition to meeting the provisions of the county’s Affordable Dwelling Unit Ordinance or Planning Criteria.

4. Proposals for redevelopment of residential neighborhoods for commercial/industrial uses must provide affordable dwelling units or a contribution to the Fairfax County Housing Trust Fund equal, at a minimum, to the replacement value of affordable units displaced. In addition, any provisions of a duly adopted program linking employment and affordable housing must be satisfied.<sup>176</sup>

The plan also establishes a policy to “[p]lace appropriately located mixed-use development at intensities that will enhance the production of affordable housing.”<sup>177</sup>

Even though mobile homes are a small portion of the housing stock in Fairfax County, the plan recognizes the importance of preserving mobile homes as “an im-

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174. Ibid. Emphasis added.

175. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Land Use*, amended through April 29, 2014 (Fairfax County, VA), 7.

176. Ibid. 22 (Appendix 8).

177. Ibid. 8.

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portant alternative source of housing affordable to low- and moderate-income households.” In addition to recommending further study to “determine whether it is appropriate to replan these sites to continue their use for mobile home parks,” the plan offers interim guidelines regarding mobile home parks.<sup>178</sup>

When considering amendments to its comprehensive plan, the county has conducted small studies of these mobile home parks. The county has reexamined seven designated mobile home parks:<sup>179</sup>

- Dulles Meadows continues to operate with sites for 500 mobile homes. The comprehensive plan amendment recommends continuation of this use. If redeveloped, the plan calls for providing relocation assistance.
- Hybla Valley/Audunon provides sites for 700 mobile homes. The plan continues to designate the site as a mobile home park.
- Woodley Hills Trailer Park still exists, The Fairfax County Residential Housing Authority owns the park which the comprehensive plan continues to designate for use as a mobile home park.
- Penn Daw provides sites for 91 mobile homes. The comprehensive plan provides an option for redevelopment as a different use in compliance with the “Fairfax County Voluntary Guidelines” shown below.
- Gum Springs was designated as a mobile park in the 1986 comprehensive plan map. In 1990, it was developed as townhouses. County staff can find no evidence the site was ever a mobile home park.
- Waples Mill continues to function as a mobile home park and the comprehensive plan recommends continuing this use.
- Engleside and Ray’s Mobile Colony exists. The comprehensive plan provides an option for redevelopment as a different use in compliance with the “Fairfax County Voluntary Guidelines” shown below.

The “Fairfax County Voluntary Guidelines” recognize that mobile homes offer affordable housing and provide a path to preserve existing mobile homes and replace those lost to redevelopment:

In the interim, if an existing mobile home park is to be displaced due to redevelopment of the property under the existing zoning prior to the adoption of revised Area Plans, every effort should be made by the property owner to accommodate the displaced units (pads) on adjacent property if such property exists and can be developed in a manner that does not thwart the achievement of sound land use planning objectives. The Board of Supervisors should exercise the flexibility to consider overriding site-specific land use recommendations on a case-by-case basis as a means to achieve the affordable housing objectives through retention of mobile home parks.

Redevelopment of parcels of land for mobile home park use should

178. Ibid. 32 (Appendix 10).

179. Email from the Planning Division, Fairfax County Department of Planning and Zoning, to Director, Office of Human Rights and Equity Programs (August 24, 2016, 2:29 pm EST) (on file with Planning/Communications).

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only be permitted if it can be accomplished in a manner that does not adversely affect surrounding properties by creating an environment for change in land use, or adversely affect the adequacy and availability of public utilities and services or water quality. Any such project should be effectively screened and buffered from existing or planned residential development and should be sensitive to the environment. The applicant should file a rezoning application on the subject property to R-MHP, for consideration of such a proposal. Further, assistance substantially offsetting the costs of relocation for displaced residents should be provided by the property owner and a significant portion of any new pads created under this provision should remain affordable.<sup>180</sup>

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180. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Land Use*, amended through April 29, 2014 (Fairfax County, VA), 32 (Appendix 10).



## Chapter 4

# Status of Fair Housing in Fairfax County

## Private Sector Compliance Issues

### Fair Housing Complaints and Studies

Complaints of housing discrimination in Fairfax County can be filed with any of three government offices and two nonprofit organizations:

- ◆ U.S. Department of Housing and Urban Development
- ◆ Virginia Fair Housing Office
- ◆ Fairfax County Office of Human Rights and Equity Programs
- ◆ The Equal Rights Center
- ◆ Housing Opportunities Made Equal of Virginia (HOME)

In addition to the federal classes of race, color, religion, national origin, disability, familial status, and sex, the Commonwealth of Virginia prohibits discrimination in housing based on elderliness (55 years and older).<sup>1</sup> Fairfax County's Human Rights Ordinance makes marital status a protected class.<sup>2</sup>

The information presented below consists of the type of protected class involved in the complaint, and, where available, the type of housing involved. In some instances it was impossible to identify whether the housing was rental or ownership, meaning that the total number of complaints under "Rental Housing" and "Sales" is often less than the number of "All Complaints" for each protected class. In addition, a single complaint may allege multiple bases of housing discrimination.

Of the 337 total housing discrimination complaints involving rental housing filed with all five of the agencies between 2011 and 2015, 37 percent were grounded on disability — the most frequent basis for complaints.

The 2013 report *Precaución: Obstacles for Latinos in the Virginia Rental Housing Market* suggests that the number of complaints based on national origin may be artificially low. Testing performed for the report found that Latinos in Fairfax County faced high rates of differential treatment in rents, unit availabil-

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1. §36–96.1, Virginia Fair Housing Law, Code of Virginia.

2. Article 1, Section 11–1–1, *Fairfax County, Virginia, Code of Ordinances*, Chapter 11. Human Rights Ordinance.

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ity, and application requirements, though the number of national origin housing complaints was low across the governmental and non-profit agencies surveyed.<sup>3</sup> The report found that incidents of housing discrimination are “woefully under reported” across Virginia. The number of complaints filed was likely depressed by such factors as “a hostile” environment against immigrants “made worse by the enactment of state and local laws purporting to combat illegal immigration.” In 2011 alone, the Virginia legislature considered twelve anti-immigrant bills, and passed two of them.<sup>4</sup> The report suggests that jurisdictions with these laws and practices hostile to immigrants, such as the City of Manassas and Loudon and Prince William counties, may discourage reporting housing discrimination among some immigrant populations even in jurisdictions like Fairfax County which has not enacted any of these types of measures.

### Housing Discrimination Complaints Filed With the Federal Government

**Table 41: Fair Housing Complaints in Fairfax County Filed With the U.S. Department of Housing and Urban Development: 2011–2015**

Federal Fair Housing Complaints in Fairfax County Filed With the U.S. Department of Housing and Urban Development: 2011 – 2015						
Basis of complaints	All complaints		Rental		Sales	
	Number	Percent	Number	Percent	Number	Percent
Includes Only Protected Classes Under the Federal Housing Act						
Race	35	26%	19	14%	6	5%
National Origin	23	17%	12	9%	6	5%
Color	7	5%	4	3%		0%
Religion	2	2%		0%		0%
Gender	7	5%	3	2%		0%
Familial Status	6	5%	5	4%		0%
Disability	44	33%	30	23%	1	1%
Unknown	9	7%		0%		0%
<b>Total: Federal Protected Classes</b>	<b>133</b>	<b>100%</b>	<b>73</b>	<b>55%</b>	<b>13</b>	<b>10%</b>
Specific Actions in Addition to the Above Protected Classes						
Retaliation	7	—	4	—		—

The “All Complaints” column includes the complaints for which HUD did not report the type of housing — rental or ownership. Some complaints are based on more than one protected class and more than one specific action. Percentages are of the 133 total bases of complaints. Source: U.S. Department of Housing and Urban Development.

3. The Equal Rights Center, *Precaución: Obstacles for Latinos in the Virginia Rental Housing Market* (Washington, DC: April 2013). Available at <http://www.equalrightscenter.org>. Select “Publications” and then “Reports & Research.”
4. Ibid. 11.

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Of the housing discrimination complaints within Fairfax County filed with HUD where the type of housing could be identified, 55 percent involved rentals.<sup>5</sup> The type of housing could not be identified for 35 percent of the complaints in the county.

Discrimination due to disability has been the most frequent basis for fair housing complaints filed with HUD nationally (59 percent of all complaints) and within Fairfax County (33 percent).<sup>6</sup> The 26 percent of complaints within Fairfax County based on race was greater than the national figure of 22 percent, while the 17 percent of complaints to HUD within Fairfax County based on national origin was below the national figure of 26 percent.

### Housing Discrimination Complaints Filed with the Commonwealth of Virginia

**Table 42: Fair Housing Complaints Filed With the Virginia Fair Housing Office: 2011–2015**

Fair Housing Complaints in Fairfax County Filed With the Virginia Fair Housing Office: 2011–2015						
Basis of complaints	All complaints		Rental		Sales	
	Number	Percent	Number	Percent	Number	Percent
<b>Protected Classes Under Federal Law</b>						
Race	9	24%	2	5%		0%
National Origin	3	8%	1	3%	1	3%
Color		0%		0%		0%
Religion	1	3%		0%	1	3%
Gender	4	11%	4	11%		0%
Familial Status	5	14%	1	3%	1	3%
Disability	14	38%	5	14%	2	5%
<b>Total: Federal Protected Classes</b>	<b>36</b>	<b>97%</b>	<b>13</b>	<b>35%</b>	<b>5</b>	<b>14%</b>
<b>Additional Protected Class Under Virginia Law</b>						
Elderliness (55 years and older)	1	3%		0%		0%
<b>Total: All Protected Classes</b>	<b>37</b>	<b>100%</b>	<b>13</b>	<b>35%</b>	<b>5</b>	<b>14%</b>

Some complaints are based on more than one protected class. Percentages are of the total number of 37 bases of complaints.

Source: Virginia Fair Housing Office.

The Commonwealth of Virginia has a state-level version of the federal Fair Housing Act.<sup>7</sup> Enforcement rests with the Virginia Fair Housing Office within the commonwealth's Department of Professional and Occupational Regulation.

5. HUD's reporting system does not specifically identify whether a complaint involved rental or ownership housing. However, we were able to identify the type of tenancy in some complaints from the short descriptions HUD provides. Analysts of HUD's data could better understand the circumstances under which housing discrimination takes place if HUD were to routinely report whether a complaint involves a rental or "ownership" residence.
6. National Fair Housing Alliance, *Where You Live Matters: 2015 Fair Housing Trends Report* (Washington, DC: 2015). Available at <http://www.nationalfairhousing.org>. Select "Fair Housing Resource Center" and then "Reports and Research." Under "NFHA Trends Reports," click on "2015."
7. *Code of Virginia*, §36–96.



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The Fair Housing Board is charged with enforcing national and state fair housing laws.

Like the complaints filed with the federal government, more complaints filed with the Virginia Fair Housing Office were based on disability than on any other protected class, with complaints based on race second. Fourteen percent of complaints filed with the Virginia Fair Housing Office were founded on familial status, almost four times the four percent of complaints filed with the federal government.

In addition to the classes protected under federal law, elderliness (55 years and older) is a protected class in Virginia. Only one complaint based on elderliness was filed between 2011 and 2015.

### Housing Discrimination Complaints Filed With Fairfax County

**Table 43: Fair Housing Complaints Filed With the Fairfax County Office of Human Rights and Equity Programs: 2011–2015**

Fair Housing Complaints Filed With the Fairfax County Office of Human Rights and Equity Programs: 2011 – 2015						
Basis of complaints	All complaints		Rental		Sales	
	Number	Percent	Number	Percent	Number	Percent
<b>Protected Classes Under Federal Law</b>						
Race	38	25%	25	17%	7	5%
National Origin	27	18%	17	11%	10	7%
Color	5	3%	4	3%	1	1%
Religion	1	1%	1	1%		0%
Gender	10	7%	9	6%	1	1%
Familial Status	9	6%	8	5%	1	1%
Disability	54	36%	32	21%	17	11%
<b>Total: Federal Protected Classes</b>	<b>144</b>	<b>95%</b>	<b>96</b>	<b>64%</b>	<b>37</b>	<b>25%</b>
<b>Additional Protected Classes Under Virginia and Fairfax County Law</b>						
Elderliness	4	3%	4	4%		0%
Marital Status	3	2%	2	2%	1	3%
<b>Total: Additional Virginia and Fairfax County Protected Classes</b>	<b>7</b>	<b>5%</b>	<b>6</b>	<b>6%</b>	<b>1</b>	<b>3%</b>
<b>Total: All Protected Classes</b>	<b>151</b>	<b>100%</b>	<b>102</b>	<b>69%</b>	<b>38</b>	<b>27%</b>

Some complaints are included in more than one protected class. Percentages are of the total number of 151 bases of complaints.

Source: Fairfax County Office of Human Rights and Equity Programs.

The Fairfax County Office of Human Rights and Equity Programs is the only entity located within the county that processes fair housing complaints. The Office of Human Rights and Equity Programs enforces the local Fairfax County Fair Housing Act which tracks the federal Fair Housing Act in terms of protected

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classes and many transactions.<sup>8</sup> Fairfax County's Human Rights Ordinance consists of two parts. Article 1 makes housing discrimination based on marital status illegal. Article 2 constitutes the county's fair housing ordinance and includes elderliness as a protected class as authorized by "Virginia's Fair Housing Law."

The Office of Human Rights and Equity Programs appears to be the primary fair housing enforcement entity in Fairfax County. The 118 complaints filed with the office exceeded the 110 filed with HUD, the 37 filed with the state, and the 16 complaints filed with the two non-profit organizations.<sup>9</sup> Complaints filed with Fairfax County generally reflected trends from other enforcement agencies, as disability discrimination complaints were most frequent, followed by those based on race and national origin. The Office of Human Rights and Equity Programs also processed four complaints based on the state's protected class of elderliness.

### Housing Discrimination Complaints Filed With Non-Profit Organizations

While the Equal Rights Center processed only a pair of complaints based on national origin discrimination between 2011 and 2015, it estimates that the number of complaints based on anti-Latino discrimination does *not* parallel the level of anti-immigrant sentiment that may exist in the county.

**Table 44: Fair Housing Complaints Filed With The Equal Rights Center: 2011–2015**

Fair Housing Complaints in Fairfax County Filed With The Equal Rights Center: 2011–2015						
Basis of complaints	All complaints		Rental		Sales	
	Number	Percent	Number	Percent	Number	Percent
<b>Protected Classes Under Federal Law</b>						
<b>Race</b>		0%		0%		0%
<b>National Origin</b>	2	14%	2	14%		0%
<b>Color</b>		0%		0%		0%
<b>Religion</b>		0%		0%		0%
<b>Gender</b>	1	7%		0%	1	7%
<b>Familial Status</b>		0%		0%		0%
<b>Disability</b>	11	79%	10	71%	1	7%
<b>Total: Federal Protected Classes</b>	14	100%	12	86%	2	14%

Some complaints are included more than one protected class. Percentages are of the total number of 14 complaints. All complaints were based on the federal protected classes.

Source: The Equal Rights Center.

The other non-profit fair housing organization providing services in the area, Housing Opportunities Made Equal (HOME), processed just two complaints in

8. Fairfax County Code, Chapter 11

9. Some of the fair housing complaints filed with the different entities were based on more than one type of housing discrimination. For example, a complaint might be based on both racial and national origin discrimination. The tables show the number of bases of complaints. When there are multiple bases for a housing discrimination complaint, the actual number of complaints is less than the number of bases for complaints.

Fairfax County between 2011 and 2015. One alleged discrimination due to religion and the other claimed discrimination on the basis of disability.

## Real Estate Testing: Essential Tool To Identify Housing Discrimination

Given the growing sophistication in discriminatory practices, housing discrimination can be quite difficult to prove and root out. The home seeker responding to an advertisement may be told the dwelling unit is no longer available when it actually is available. For example, a real estate agent might suggest that the Asian home seeker might be happier living in a neighborhood where more Asians live. A real estate agent may steer a white home seeker away from an integrated neighborhood — an illegal discriminatory practice that forces resegregation on an integrated community.

When the challenged real estate person responds, the issue often becomes like that tired “he said/she said” cliché. In the absence of adequate documented evidence, it is quite difficult to prove housing discrimination.

That documented evidence can be found using real estate testing, one of the most accurate and effective tools to identify and prove housing discrimination. Generally speaking, two real estate testers are paired with just a single difference between them — the protected class being tested — such as familial status, national origin, race, gender, color, religion, disability, or lawful source of income like a Housing Choice Voucher.<sup>10</sup> The testers are thoroughly training and their results are meticulously recorded and preserved as possible evidence at trial.<sup>11</sup>

Testing may be conducted in response to a specific housing discrimination complaint or to determine the extent of housing discrimination, if any, in a jurisdiction. Testing uses a paired set of testers who assume the role of rental or purchase applicants with equivalent social and economic characteristics. The testers differ only

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10. Testing for possible discrimination based on a characteristic *not* currently covered by a fair housing law — such a lawful source of income — is conducted to determine whether there is a need to amend the fair housing law to protect households with that characteristic.

11. There is a long history of testing being used to expose and prove housing discrimination. The nation’s courts have long accepted real estate testing as a valid evidentiary tool to help prove housing discrimination. For example, Iowa and Delaware conduct testing to uncover housing discrimination. Alexandria, VA and Seattle, WA operate their own testing programs. For a clear and fairly compact detailed explanation of real estate testing, see “Paired Testing and the Housing Discrimination Study” and “Fair Housing Enforcement Organizations Use Testing to Expose Discrimination” in *Evidence Matters*, Spring/Summer 2014 (Washington, DC: Office of Policy Development and Research, U.S. Dept. of Housing and Urban Development) 12–26. The footnotes on page 26 cite over a dozen additional sources on real estate testing. The periodical is available to download at [http://www.huduser.org/portal/periodicals/em/em\\_archive.html](http://www.huduser.org/portal/periodicals/em/em_archive.html). Testing of linguistic profiling can be conducted by phone. For an example, see *Analysis of Impediments to Fair Housing Choice in the City of Naperville, Illinois 2007*, (River Forest, IL: Planning/Communication, 2007) 38–39. Available at <http://www.planningcommunications.com>. The U.S. Department of Justice has been helping communities conduct testing since 1991. Details are available at [http://www.justice.gov/crt/about/hce/housing\\_testing.php](http://www.justice.gov/crt/about/hce/housing_testing.php). The National Fair Housing Alliance conducts real estate testing for cities around the nation and provides training in testing to localities.



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in terms of the characteristic being tested for discrimination. The two testers in a matched pair do not have any contact with each other during or after the test.

To illustrate how testing works, imagine a Latino husband and wife with two young children. They see an advertisement to rent a three-bedroom apartment located in a predominantly non-Hispanic Caucasian neighborhood served by very good public schools. They call to make sure the unit is still available. Assured that it is, they arrive 30 minutes later and, upon the landlord seeing them, are told that the apartment is no longer available, but the landlord has similar vacant apartments at another building (which just happens to be in a census tract that is 40 percent Latino). Suspicious, they contact a local fair housing organization for guidance and assistance.

Faced with a possible “he said/she said” situation, the fair housing organization decides to conduct a test of the accused landlord.

To test this landlord, the fair housing organization assigns virtually identical profiles to a Latino tester and a “control” tester who is a non-Hispanic Caucasian — the only difference being the ethnicity of their names. Both testers have about the same income, assets, and employment.

When the same landlord advertises another unit in that same building, the Hispanic tester is the first tester to contact and visit the landlord. The control tester contacts the landlord an hour or so later. After each test is conducted, the tester returns to the fair housing organization to be debriefed by trained staff who document what transpired in each attempt to rent the apartment. The experiences of the two testers are compared.

Suppose the landlord told the Latino tester that the advertised apartment was no longer available but showed the advertised apartment an hour or so later to the control tester. That behavior constitutes illegal housing discrimination and the fair housing organization would help the actual Latino couple that was not shown the apartment file a housing discrimination complaint.

But suppose that the landlord showed the apartment to the Hispanic couple, but told them that the security deposit is three months’ rent while later telling the control tester that the security deposit is one month’s rent. That differential term would also constitute illegal housing discrimination.

A landlord who treats both testers the same and offers the same rental terms and conditions is not engaging in discrimination.

Whatever the first test finds, the fair housing organization may still choose to conduct additional tests of the landlord before deciding whether to file a housing discrimination complaint.

As used throughout this report, “real estate testing” includes both rental and “for sale” dwellings.

The systemic real estate testing recommended in the pages that follow can involve conducting a dozen or more paired tests in a geographic area to discover and document the extent of any discriminatory housing practices that may exist. The testing may help explain why the subject geographic area exhibits demographic characteristics of exclusion or a racial or ethnic enclave has developed. Systemic testing identifies illegal discriminatory practices.

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Of even greater relevance to Fairfax County, systemic testing enables prosecution of those real estate practitioners who engage in illegal housing discrimination. Systemic testing can also help reveal the types of illegal discriminatory practices at play and lead to effective efforts to curb them. Systemic testing can also lead to effective training programs in fair housing compliance for real estate professionals.

### Housing Discrimination Complaints or Lawsuits Against Fairfax County

No housing discrimination lawsuits were filed against Fairfax County during the 2011–2015 study period.

Seven housing discrimination complaints were filed against the Fairfax County Department of Housing and Community Development, which includes the Fairfax County Redevelopment and Public Housing Authority. The complaints involved public housing and Housing Choice Vouchers. Three were settled. Four were dismissed as “no cause,” the investigation could not find a legitimate basis for the complaint. The seven complaints were:

- 💧 The department was found to be in violation of Section 504 for misplacing the complainant’s July 2010 reasonable accommodation/modification request and the resulting six-month delay in responding to the disabled complainant’s request to widen the apartment’s hall and doorways and provide grab bars and a soap dish in the complainant’s bathroom. The investigation, however, found no evidence of retaliation on the part of the department. (Case number 03–11–0007–4/D)
- 💧 The department denied the complainant’s pre-application for his seven person household to live in a four bedroom unit. The department asserted that his family was so large that it required a five bedroom unit, but that the building for which he was filling out a pre-application did not have any five bedroom units. The applicant filed a complainant claiming discrimination based on familial status. The Commonwealth of Virginia’s Department of Professional and Occupational Regulation determined there was reasonable cause to believe that the department’s denial constituted housing discrimination. Under the reconciliation agreement, the department rented a four bedroom apartment to the complainant for at least one year and agreed to abide by occupancy standards promulgated by the U.S. Department of Housing and Urban Development. (Case number 03–10–0045–8)
- 💧 After the department notified a tenant with mental disabilities that his income had fallen below the minimum income requirement, the tenant alleged that the department failed to make a reasonable accommodation to reduce his payment to correspond with his social security disability checks, his only source of income since his disabilities manifested themselves. The settlement required the department to pay \$5,500 for the complainant’s legal fees and to issue a Housing Choice Voucher for at least two years. (Case numbers 03–09–0093–4 and 03–09–0095–D)
- 💧 The unit of a tenant with disabilities who held a Housing Choice Voucher repeatedly failed inspections for clutter and infestation issues. The tenant requested a reasonable accommodation to have a live-in aide which the department denied. The department terminated her voucher. Under a concili-

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ation agreement, the department agreed to pay the tenant \$5,000 for her loss involving the termination of her voucher and her eviction. The department agreed to revise its “reasonable accommodation third party verification” letter and provide training to all its employees who have direct responsibility for receiving, reviewing and making decisions concerning reasonable accommodation requests. (Case numbers 03–10–0532–8 and 03–09–0095–D)

- 💧 The complainant was a person with multiple medical issues, including diabetes, hypertension, chronic shoulder pain and depression. He was Pakistani and had lived with his family in this public housing unit for seven years. He alleged that his next door neighbor had habitually called the police about him, called child protective services about him, and complained that he could not speak good English. He alleged that his neighbor has laughed at and cursed him. He alleged that he gave the department a doctor’s note stating that he had multiple medical issues and recommended that he not be subjected to unnecessary conflicts or arguments with neighbors because it would be a detriment to his overall health and could impede his recovery. He sought a reasonable accommodation to have his neighbor moved to another public housing unit further away. The department denied his request and offered mediation which the complainant refused. He filed a complaint based on national origin and disability. The complaint was dismissed for failure to meet any of the elements to establish a prima facie case, including that the complainant was not legally disabled, his request to move his neighbor was not “reasonable,” he refused mediation, and his doctor could offer no basis to validate the complainant’s request to have his neighbor moved as a reasonable accommodation. (Case numbers 03–10–0147–8, 03–10–1047–4, and 03–10–0147–D)
- 💧 The elderly complainant, who lived alone, rented a one bedroom unit in a private building using a Housing Choice Voucher. She requested a transfer to a two bedroom unit and approval for a voucher for such a unit because she needed the extra room to store her collapsible walker when she used her motorized scooter and she will eventually require a live-in health aide. The department denied the voucher request. She filed a complaint alleging a failure to reasonably accommodate. The investigation concluded that she had adequate space for her walker and scooter. The Virginia Fair Housing Board found no reasonable cause to believe the department refused to grant a reasonable accommodation based on the complainant's disability. (Case number 2014–02140)
- 💧 The department terminated the complainant’s Housing Choice Voucher for multiple reasons, including using marijuana and being arrested for it, renting a room to an unauthorized tenant, and threatening staff. The complainant requested a reasonable accommodation to waive the decision to terminate her on the grounds that she had failed to take her medication to assist with her disability — which the department denied. The investigation found no connection between the complainant’s disability and the reasons for terminating her voucher and that she failed to show that she would live in accord with the terms of her lease. The complaint was dismissed. (Case numbers 2015–02971 and 03–15–0268–8)



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## Services and Programs of Fair Housing Organizations

At least two fair housing organizations have conducted activities in Fairfax County since the 2010 Analysis of Impediments was completed: the Equal Rights Center and Housing Opportunities Made Equal of Virginia (HOME). The Equal Rights Center is a national nonprofit organization that focuses on fair housing, employment and access to public accommodations and government services. Founded in 1983, the Equal Rights Center is headquartered in Washington, D.C. HOME, located in Richmond, Virginia, is a nonprofit corporation and a HUD-approved housing counseling agency. Founded in 1971 to fight discrimination in housing access, HOME concentrates on housing counseling and education, direct fair housing services, housing policy, and housing research.

The Equal Rights Center has been perhaps the most active fair housing organization in Fairfax County over the past five years. In 2012, as part of a nationwide initiative funding state and local government fair housing agencies, HUD awarded \$100,150 to Fairfax County's Office of Human Rights and Equity Programs to collaborate with the Equal Rights Center.<sup>12</sup> The Equal Rights Center was contracted to conduct both rental and sales testing to determine whether housing choice is being limited on the basis of protected class status. The county and the Equal Rights Center focused on rental testing since the Equal Rights Center was unable to recruit enough African-American testers to test ownership housing. The Equal Rights Center plans to test for lending discrimination in the future.

The Equal Rights Center has also conducted accessibility compliance surveys for the county, including 20 surveys in 2013. Given its previous surveying practices, the Equal Rights Center informed Fairfax County that it had difficulty finding properties that did not comply with accessibility requirements which suggests that accessibility compliance is the norm in Fairfax County.

The Equal Rights Center also processes housing discrimination complaints lodged by area residents. The data for those complaints is presented and analyzed beginning on page 190. HOME has a staff of four fair housing lawyers and provides some direct legal services for fair housing matters. HOME represents some individuals with their fair housing cases and refers others to local and state enforcement agencies. HOME also has two housing counselors on staff that provide foreclosure assistance to homeowners statewide. Data were unavailable for how much assistance the foreclosure counselors provided in Fairfax County specifically over the past several years, though HOME reports that the counselors' services are available in Fairfax County and across Virginia.

The Equal Rights Center and HOME also offer services to prevent discrimination in Fairfax County through outreach and education programs on fair housing issues. These services are available to both housing consumers and members of the housing industry, including property managers, real estate agents, and service providers. The presentations include some basic fundamentals of fair housing law and best practices, but are usually tailored for the interests and needs of

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12. See [http://www.equalrightscenter.org/site/PageServer?pagename=pr\\_12\\_02\\_28](http://www.equalrightscenter.org/site/PageServer?pagename=pr_12_02_28).

particular audiences. Both groups provide their educational and outreach programs in Fairfax County only when they are specifically requested.

Staff at HOME and at the Equal Rights Center were unaware of any in-person educational presentations in Fairfax County in recent years, though both organizations confirmed they still offer those services in Northern Virginia. HOME previously received HUD funding to conduct fair housing "webinars" which would have been accessible in Fairfax County, though participation by groups in Fairfax County could not be confirmed. HOME has also increased education and outreach efforts through its social media presence, which is designated specifically to its communications manager, and now has active accounts on Facebook, Twitter, and Google+. HOME's online presence also includes a policy blog and a YouTube channel.

As part of the county's implementation of the previous analysis of impediments, the Equal Rights Center collaborated with the county's Office of Human Rights and Equity Programs to produce a fair housing brochure, entitled "Harassment Free Housing: It's Your Right," which was posted online and of which 1,000 print copies were distributed throughout the county.

Staff at HOME opined that the organization's relative lack of educational and outreach programs in Fairfax County may be due in part to the county's Office of Human Rights and Equity Programs already being "pretty good at policing their own backyard" and because HOME does not receive many housing discrimination complaints involving property in Fairfax County.

## Incidents of Hate Crimes

A hate crime, or "bias crime," is a criminal offense committed against a person, property, or society that is partially or wholly motivated by the offender's bias against the victim's race, religion, disability, sexual orientation, and/or ethnicity or national origin.

It has long been known that most hate crimes are not reported to the police.<sup>13</sup> The percentage of hate crimes reported to the police has actually declined in recent years. Nationally, 46 percent of hate crimes were reported to police during 2003–2006. From 2007 through 2011, the percentage reported fell to 35 percent.<sup>14</sup> Given these national figures, it is likely that the number of hate crimes reported in Fairfax County is one-third of the number that were actually committed.

As shown in the table below, offenses against African Americans were the most common type of hate crime in Fairfax County between 2010 and 2015, constituting almost 40 percent of reported hate crimes. Anti-Semitic crimes were the next most frequent, comprising roughly 23.2 percent of reported hate crimes.

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13. From 2000 through 2003, just 44 percent of hate crimes were reported to the police. Caroline Wolf Harlow, "Hate Crimes Reported by Victims and Police" in *Bureau of Justice Statistics Special Report* (Nov. 2005) 4.
  14. Nathan Sandholtz, Lynn Langton, and Michael Planty, *Hate Crime Victimization, 2003–2011* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, March 2013) 5. Available at <http://bjs.gov/index.cfm?ty=pbdetail&iid=4614>.

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Table 45: Hate Crimes Reported in Fairfax County: 2010–2015

Hate Crimes Reported in Fairfax County: 2010–2015							
Bias Motivation	Number of incidents per bias motivation each year						Total 2010–2015
	2010	2011	2012	2013	2014	2015	
Disability			1				1
Ethnicity/National Origin	9	1	2	5	2	2	21
Arab	2	1	2	2			7
Hispanic	5			3	2	2	10
All Other Ethnicities	2					2	4
Victim's Race	16	19	11	21	5	13	85
African American	13	18	11	19	5	10	76
Asian/Pacific Islander				1		1	2
Multi-Racial				1		2	3
White (Caucasian)	3	1					4
Victim's Religion	12	18	8	7	11	11	67
Catholic			1	1			2
Jewish	9	15	3	5	7	6	45
Muslim	3	1	3	1	3	4	15
Multiple Religions			1		1	1	3
Protestant		1					1
All Other Religions		1					1
Sexual Orientation	1	5	6	2	1	1	16
Bisexual				1			1
Gay (Male)		3	3	1			7
Lesbian (Female)	1	2	3		1	1	8
Unknown Motivation	1	1	2				4
<b>Total All Motivations</b>	<b>39</b>	<b>44</b>	<b>30</b>	<b>35</b>	<b>19</b>	<b>27</b>	<b>194</b>

Source: Captain Dean Lay, Fairfax County Police Department, October 2015. Data for 2015 include January 1, 2015 through September 30, 2015.

Overall, about 11 percent of reported hate crimes were related to the victim's ethnicity or national origin; 43.8 percent to the victim's race; 34.5 percent to the victim's religion; and eight percent to the victim's sexual orientation. While the annual number of hate crimes reported in the county declined 56 percent from 39 in 2010 to 19 in 2014, already 27 more hate crimes were reported by the end of September 2015 which was 42 percent more than in all of 2014.

## Home Mortgage Lending Practices

### Issuance of Home Mortgage Loans

Discrimination by private sector lenders based largely on race has been one of the barriers to fair housing choice throughout the nation for more than half a century. These practices have led to minorities, especially African Americans



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and, usually to a lesser extent, Hispanics, being denied home loans much more frequently than Caucasians, and being approved at significantly lower rates.

The Home Mortgage Disclosure Act requires lenders to report the race, ethnicity, and income of applicants for mortgage loans and how the applications were resolved: whether a mortgage was issued or denied as well as whether the applicant did not accept an approved mortgage, withdrew his application, or the application was closed as incomplete.

In 2013 and 2014, 16 percent of the applications for home mortgage in Fairfax County were for government-supported FHA, FSA/RHS, and VA loans, as compared to 38 percent of the loan applications in the Metropolitan Statistical Area in which Fairfax County sits. Because the rates of approval and denial differ between the two types of home loans, the analysis that follows examines the data for conventional home mortgage loans separately from FHA, FSA/RHS, and VA home mortgage loans.

Data for the county's Metropolitan Statistical Area provides some perspective to better understand the loan data for the county.

#### **Home Mortgage Loans in the Metropolitan Statistical Area: 2013–2014**

In both 2013 and 2014, the data in the table below show that mortgages were issued to each “minority” group at significantly lower rates than to non-Hispanic whites, and denied at much higher rates than to non-Hispanic Caucasians.

**DRAFT****Table 46: Results of Applications for Conventional Home Mortgages in the Washington, DC–Arlington VA–Alexandria, VA–Maryland–West Virginia Metropolitan Statistical Area: 2013–2014**

Results of Applications for Conventional Home Mortgages in the Washington, DC–Arlington VA–Alexandria, VA–Maryland–West Virginia Metropolitan Statistical Area: 2013–2014										
Reporting Year: 2013										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	2,057	1,373	66.7%	96	292	14.2%	248	12.1%	48	2.3%
American Indian or Alaskan Eskimo	123	73	59.3%	4	26	21.1%	15	12.2%	5	4.1%
Asian	8,264	5,903	71.4%	320	801	9.7%	987	11.9%	253	3.1%
Black or African American	3,976	2,462	61.9%	244	697	17.5%	463	11.6%	110	2.8%
Native Hawaiian / Pacific Islander	134	90	67.2%	6	21	15.7%	14	10.4%	3	2.2%
White (non-Hispanic)	24,722	19,462	78.7%	910	1,565	6.3%	2,411	9.8%	374	1.5%
Multiple Races	1,317	1,003	76.2%	50	99	7.5%	148	11.2%	17	1.3%
Race Unknown	10,457	7,446	71.2%	496	932	8.9%	1,338	12.8%	245	2.3%
All Men	15,452	11,685	75.6%	623	1,596	10.3%	1,769	11.4%	397	24.9%
All Women	10,707	7,843	73.3%	459	1,061	9.9%	1,121	10.5%	222	20.9%
Total (Does Not Include Gender Rows)	51,863	38,455	74.1%	2,164	4,451	8.6%	5,722	11.0%	1,071	2.1%
Reporting Year: 2014										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	2,367	1,601	67.6%	81	361	15.3%	279	11.8%	45	1.9%
American Indian or Alaskan	110	77	70.0%	7	18	16.4%	6	5.5%	2	1.8%
Asian	7,474	5,308	71.0%	244	823	11.0%	869	11.6%	230	3.1%
Black or African American	4,386	2,879	65.6%	205	661	15.1%	537	12.2%	104	2.4%
Native Hawaiian / Pacific Islander	100	71	71.0%	1	14	14.0%	11	11.0%	3	3.0%
White (non-Hispanic)	23,841	18,823	79.0%	685	1,444	6.1%	2,535	10.6%	354	1.5%
Multiple Races	1,355	1,056	77.9%	53	87	6.4%	139	10.3%	20	1.5%
Race Unknown	10,650	7,691	72.2%	480	910	8.5%	1,319	12.4%	250	2.3%
All Men	14,907	10,789	72.4%	499	1,493	10.0%	1,759	11.8%	367	24.6%
All Women	10,748	7,973	74.2%	376	1,038	9.7%	1,154	10.7%	207	19.9%
Total (Does Not Include Gender Rows)	50,226	38,142	75.9%	1,776	4,315	8.6%	5,779	11.5%	1,014	2.0%

Source: Home Mortgage Disclosure Act Table 4–2 for the Washington, DC–Arlington VA–Alexandria, VA–Maryland–West Virginia MSA.

In 2013, mortgages were issued to African American applicants (61.9 percent) at a 21.3 percent lower rate than for white non-Hispanics (78.7 percent); to Hispanics (66.7 percent) at a 15 percent lower rate; and to Asians (71.4 percent) at a 9 percent lower rate. The next year, the difference in issuance rates between non-Hispanic Caucasians (79 percent) and Blacks (65.6 percent) changed a bit to 14.5 percent; Hispanics (67.6 percent) to 11.4 percent; to Asians (71 percent) to 10 percent. Other “minority” groups fared as poorly compared to non-Hispanic whites while mortgages were issued to applicants of multiple races at about the same rates as they were to non-Hispanic Caucasians.

The differentials in denial rates were even more pronounced. In 2013, the denial rate for applications by African Americans (17.5 percent) was almost three times the rate at which non-Hispanic whites (6.3 percent) were denied; Hispan-



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ics (14.2 percent) more than twice as high; Asians (9.7 percent) more than twice as high. The next year the difference narrowed for all except Hispanics. Other “minority” groups fared as poorly compared to non-Hispanic whites in both years. The denial rates to applicants of multiple races were very close to those of non-Hispanic whites in both years. Denial rates to female and male applicants were nearly identical in both years.

**Table 47: Results of Applications for FHA, FSA/RHS, and VA Home Mortgages in the Washington, DC–Arlington VA–Alexandria, VA–Maryland–West Virginia Metropolitan Statistical Area: 2013–2014**

Results of Applications for FHA, FSA/RHS, and VA Home Mortgages in the Washington, DC–Arlington VA–Alexandria, VA–Maryland–West Virginia Metropolitan Statistical Area: 2013–2014										
Reporting Year: 2013										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	4,038	2,793	69.2%	112	563	13.9%	457	11.3%	113	2.8%
American Indian or Alaskan Eskimo	115	79	68.7%	3	23	20.0%	10	8.7%	0	0.0%
Asian	1,740	1,157	66.5%	39	301	17.3%	185	10.6%	58	3.3%
Black or African American	8,799	5,584	63.5%	351	1,478	16.8%	1,105	12.6%	281	3.2%
Native Hawaiian / Pacific Islander	122	69	56.6%	3	26	21.3%	22	18.0%	2	1.6%
White (non-Hispanic)	12,280	9,613	78.3%	325	997	8.1%	1,163	9.5%	182	1.5%
Multiple Races	839	656	78.2%	25	67	8.0%	79	9.4%	12	1.4%
Race Unknown	4,536	2,947	65.0%	199	630	13.9%	653	14.4%	107	2.4%
All Men	11,777	8,331	70.7%	389	1,570	13.3%	1,208	10.3%	281	2.4%
All Women	7,432	4,846	65.2%	241	1,024	13.8%	978	13.2%	222	3.0%
Total (Does Not Include Gender Rows)	32,786	23,164	70.7%	1,075	4,071	12.4%	3,716	11.3%	760	2.3%
Reporting Year: 2014										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	4,217	2,936	69.6%	124	588	13.9%	477	11.3%	92	2.2%
American Indian or Alaskan	110	75	68.2%	0	12	10.9%	17	15.5%	6	5.5%
Asian	1,497	976	65.2%	42	264	17.6%	182	12.2%	33	2.2%
Black or African American	8,489	5,408	63.7%	326	1,382	16.3%	1,138	13.4%	235	2.8%
Native Hawaiian / Pacific Islander	97	66	68.0%	6	8	8.2%	16	16.5%	1	1.0%
White (non-Hispanic)	10,625	8,208	77.3%	259	789	7.4%	1,196	11.3%	173	1.6%
Multiple Races	810	614	75.8%	33	68	8.4%	84	10.4%	11	1.4%
Race Unknown	4,131	2,710	65.6%	200	516	12.5%	614	14.9%	91	2.2%
All Men	11,065	7,798	70.5%	322	1,398	12.6%	1,321	11.9%	226	2.0%
All Women	6,838	4,479	65.5%	240	1,005	14.7%	913	13.4%	201	2.9%
Total (Does Not Include Gender Rows)	30,154	21,157	70.2%	992	3,613	12.0%	3,755	12.5%	637	2.1%

Source: Home Mortgage Disclosure Act Table 4–1 for the Washington, DC–Arlington, VA–Alexandria, VA–Maryland–West Virginia MSA.

As with conventional loans, mortgages were issued to non-Hispanic Caucasians who applied for FHA, FSA/RHS, and VA home mortgages in 2013 and 2014 at significantly higher rates than to African Americans, Hispanics, Asians, American Indians and Alaskan Eskimos, and Native Hawaiians and Pacific Islanders. Issuance rates to applicants of multiple races were very close to those of



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non-Hispanic whites. In both years, the issuance rate to women applicants was about five percentage points lower than the issuance rate to men.

In 2013, mortgages were issued to African American applicants (63.5 percent) at a 19 percent lower rate than for white non-Hispanics (78.3 percent); to Hispanics (69.2 percent) at a 12 percent lower rate; and to Asians (66.5 percent) at a 15 percent lower rate. The next year, the difference in issuance rates between non-Hispanic Caucasians (77.3 percent) and Blacks (63.7 percent) barely changed to 18 percent; Hispanics (69.6 percent) to 10 percent; to Asians (65.2 percent) to 16 percent. Other “minority” groups fared as poorly compared to non-Hispanic whites.

In 2013, the differentials in denial rates generally were *less* pronounced than they were for conventional mortgages. In 2013, the denial rate for applications by African Americans (16.8 percent) was just double the rate at which non-Hispanic whites (8.1 percent) were denied; Hispanics (13.9 percent) just 72 percent higher than for non-Hispanic Caucasians. But for Asians (17.3 percent), the denial rate was more than twice as high as for non-Hispanic Caucasians. Denial rates for the two other “minority” groups were 20 and 21.3 percent, far greater than for any other classification.

But in 2014, Black (16.3 percent) applicants were denied at a rate more than twice that of non-Hispanic whites (7.4 percent); Hispanics (13.9 percent) at almost twice that of non-Hispanic Caucasians; Asians (17.6 percent) at nearly two and a half times that of non-Hispanic whites. The two other “minority” groups fared far better than in 2013 with much lower denial rates of 10.9 and 8.2 percent in 2014. The denial rates to applicants of multiple races were very close to those of non-Hispanic whites in both years. Denial rates to female and male applicants were nearly identical in both years.

Although approval rates for white non-Hispanics were still significantly higher and denial rates substantially lower than for African Americans and Hispanics, both Blacks and Hispanics fared better with their applications for these loans than for conventional loans in both 2013 and 2014. African Americans and Hispanics had relatively higher approval rates and relatively lower denial rates for FHA and related loans than for conventional loans, but lagged further behind non-Hispanic whites in both categories when compared to conventional loans. Paradoxically, Asians and American Indians and Alaskan Eskimos fared less well with FHA and related loans than with conventional loans.

#### Home Mortgage Loans in Fairfax County: 2013–2014

In 2013, mortgages were issued to African American applicants (55.2 percent) at a 24 percent lower rate than for white non-Hispanics (72.6 percent); to Hispanics (57.2 percent) at a 21 percent lower rate; and to Asians (65.7 percent) at a 9 percent lower rate. The next year, the difference in issuance rates between non-Hispanic Caucasians (68.4 percent) and Blacks (51.4 percent) soared to a third; Hispanics (50.1 percent) rose 27 percent; Asians (62.6 percent) decreased to 8.5 percent. Other “minority” groups fared as poorly compared to non-Hispanic whites while mortgages were issued to applicants of multiple races at about the same rates as they were to non-Hispanic Caucasians.

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The differences in denial rates were even more pronounced. In 2013, the denial rate for applications by African Americans (25.2 percent) was more than two and one-half times the rate at which non-Hispanic whites (10.5 percent) were denied. Hispanic applicants (22 percent) experienced denial rates more than twice as high as non-Hispanic Caucasians; Asians (14.7 percent) more than 40 percent higher. The next year the difference narrowed slightly for African Americans and Asians, and increased modestly for Hispanics. Other "minority" groups fared as poorly compared to non-Hispanic whites in both years. The denial rates to applicants of multiple races were very close to those of non-Hispanic whites in both years. Denial rates to female and male applicants were nearly identical in both years.

**Table 48: Results of Applications for Conventional Home Mortgages in Fairfax County: 2013–2014**

Results of Applications for Conventional Home Mortgages in Fairfax County, VA: 2013–2014										
Reporting Year: 2013										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	3,542	2,027	57.2%	189	781	22.0%	375	10.6%	170	4.8%
American Indian or Alaskan Eskimo	135	73	54.1%	6	30	22.2%	18	13.3%	8	5.9%
Asian	11,067	7,269	65.7%	511	1,626	14.7%	1,140	10.3%	521	4.7%
African American	2,746	1,515	55.2%	175	692	25.2%	243	8.8%	121	4.4%
Native Hawaiian / Pacific Islander	162	104	64.2%	6	36	22.2%	8	4.9%	8	4.9%
White (non-Hispanic)	32,549	23,630	72.6%	1,549	3,407	10.5%	2,864	8.8%	1,099	3.4%
Multiple Races	327	228	69.7%	16	52	15.9%	26	8.0%	5	1.5%
Race Unknown	11,542	7,291	63.2%	430	1,588	13.8%	1,553	13.5%	680	5.9%
All Men	38,204	26,446	69.2%	1,772	4,778	12.5%	3,664	9.6%	1,544	4.0%
All Women	16,941	11,284	66.6%	847	2,511	14.8%	1,605	9.5%	694	4.1%
Total (Does Not Include Gender Rows)	62,070	42,137	67.9%	2,882	8,212	13.2%	6,227	10.0%	2,612	4.2%
Reporting Year: 2014										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	2,259	1,132	50.1%	91	618	27.4%	298	13.2%	120	5.3%
American Indian or Alaskan	68	29	42.6%	1	17	25.0%	16	23.5%	5	7.4%
Asian	6,471	4,049	62.6%	232	1,115	17.2%	772	11.9%	303	4.7%
Black or African American	1,636	841	51.4%	68	443	27.1%	219	13.4%	65	4.0%
Native Hawaiian / Pacific Islander	98	48	49.0%	4	25	25.5%	16	16.3%	5	5.1%
White (non-Hispanic)	17,142	11,727	68.4%	653	2,145	12.5%	2,051	12.0%	566	3.3%
Multiple Races	217	124	57.1%	7	50	23.0%	26	12.0%	10	4.6%
Race Unknown	6,304	3,887	61.7%	186	943	15.0%	997	15.8%	291	4.6%
All Men	20,428	13,194	64.6%	737	3,126	15.3%	2,575	12.6%	796	3.9%
All Woman	9,803	6,180	63.0%	397	1,634	16.7%	1,195	12.2%	397	4.0%
Total (Does Not Include Gender Rows)	34,195	21,837	63.9%	1,242	5,356	15.7%	4,395	12.9%	1,365	4.0%

Source: Home Mortgage Disclosure Act Table 4–2 for Fairfax County, Virginia. Data compiled by Mira Tanna.

While overall approval rates are generally higher among applications for FHA, FSA/RHS, and VA home mortgages than for conventional mortgages in Fairfax County, significant gaps remain just as with the conventional loans.

In 2013, mortgages were issued to African American applicants (64 percent) at a 13 percentage point lower rate than for white non-Hispanics (73.6 percent);



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to Hispanics (65.6 percent) at a 11 percentage point lower rate; and to Asians (63.2 percent) at a 14 percentage point lower rate. The next year, the difference in issuance rates between non-Hispanic Caucasians (70.4 percent) and Blacks (58.3 percent) had increased to 17 percentage points; Hispanics (62.4 percent) to 11.4 percentage points; to Asians (57.3 percent) to nearly 19 percentage points. Other "minority" groups fared as poorly compared to non-Hispanic whites, with Native Americans doing particularly poorly in both years.

**Table 49: Results of Applications for FHA, FSA/RHS, and VA Home Mortgages in Fairfax County: 2013–2014**

Results of Applications for FHA, FSA/RHS, and VA Home Mortgages in Fairfax County, VA: 2013–2014										
Reporting Year: 2013										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	1,138	746	65.6%	40	144	12.7%	160	14.1%	48	4.2%
American Indian or Alaskan Eskimo	24	7	29.2%	3	7	29.2%	2	8.3%	5	20.8%
Asian	980	619	63.2%	36	151	15.4%	126	12.9%	48	4.9%
African American	971	621	64.0%	41	148	15.2%	115	11.8%	46	4.7%
Native Hawaiian / Pacific Islander	44	31	70.5%	2	5	11.4%	3	6.8%	3	6.8%
White (non-Hispanic)	5,825	4,289	73.6%	207	525	9.0%	626	10.7%	178	3.1%
Multiple Races	90	57	63.3%	4	20	22.2%	6	6.7%	3	3.3%
Race Unknown	2,033	1,310	64.4%	79	250	12.3%	291	14.3%	103	5.1%
All Men	7,375	5,262	71.3%	268	737	10.0%	827	11.2%	281	3.8%
All Women	2,471	1,617	65.4%	91	343	13.9%	324	13.1%	96	3.9%
Total (Does Not Include Gender Rows)	11,105	7,680	69.2%	412	1,250	11.3%	1,329	12.0%	434	3.9%
Reporting Year: 2014										
Race/Ethnicity	Total Applications	Number Issued	Percent Issued	Approved Not Accepted	Number Denied	Percent Denied	Withdrawn	Percent Withdrawn	Closed Incomplete	Percent Incomplete
Hispanic of Any Race	842	525	62.4%	27	139	16.5%	111	13.2%	40	4.8%
American Indian or Alaskan	13	4	30.8%	0	6	46.2%	2	15.4%	1	7.7%
Asian	634	363	57.3%	16	115	18.1%	114	18.0%	26	4.1%
Black or African American	655	382	58.3%	25	115	17.6%	93	14.2%	40	6.1%
Native Hawaiian / Pacific Islander	44	30	68.2%	3	7	15.9%	3	6.8%	1	2.3%
White (non-Hispanic)	3,799	2,675	70.4%	81	386	10.2%	517	13.6%	140	3.7%
Multiple Races	53	33	62.3%	1	7	13.2%	6	11.3%	6	11.3%
Race Unknown	1,239	757	61.1%	30	178	14.4%	226	18.2%	48	3.9%
All Men	4,993	3,339	66.9%	122	628	12.6%	702	14.1%	202	4.0%
All Woman	1,510	960	63.6%	43	213	14.1%	227	15.0%	67	4.4%
Total (Does Not Include Gender Rows)	7,279	4,769	65.5%	183	953	13.1%	1,072	14.7%	302	4.1%

Source: Home Mortgage Disclosure Act Table 4–1 for Fairfax County, Virginia. Data compiled by Mira Tanna.

In 2013, the different rates at which government-supported mortgages were denied generally were less pronounced than for conventional mortgages. In 2013, the denial rate for applications by African Americans (15.2 percent) was 70 percent greater than the rate at which non-Hispanic whites (9.0 percent) were denied; Hispanics (12.7 percent) roughly 40 percent greater than for non-Hispanic Caucasians. The denial rate for Asian applicants (15.4 percent) mirrored that for African Americans. Denial rates for Native Americans were dramatically



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higher (more than three times the denial rate for non-Hispanic whites), but the number of applicants was small, so it is uncertain how significant this gap was.

In 2014, the gap between denials for minority applicants and non-Hispanic whites grew incrementally. Black (17.6 percent) applicants were denied at a rate 73 percent greater than non-Hispanic whites (10.2 percent); Hispanics (16.5 percent) were denied at a rate 62 percent greater; and Asians (18.1 percent) experienced denial rates 77 percent greater than non-Hispanic whites. Again, denial rates for Native Americans were astronomically higher than for non-Hispanic whites — over four and one-half times greater. The denial rates to applicants of multiple races were very close to those of non-Hispanic whites in both years. Denial rates to female and male applicants were nearly identical in both years.

Surprisingly, low income (less than 50 percent of the “area median income”) non-Hispanic whites and Asians were denied FHA and similar loans in 2013 at the highest rate of all racial and ethnic groups, but the differences among racial and ethnic groups were very small the next year. There were only modest differences in approval rates across racial and ethnic groups in the low income cohort during 2014. In the moderate income group (50 to 79.9 percent of the area median income), differences in denial rates were generally modest in both 2013 and 2014. Hispanics were approved the most often and African Americans the least often in 2014. Whites and Asians did significantly better than other racial and ethnic groups as their incomes increased through middle income (80–99.9 percent of the area median income), upper middle income (100–119.9 percent of the area median income) and upper income (greater than 120 percent of the area median income) groups. In all three of these latter income cohorts, African Americans and Hispanics consistently lagged in approval rates and had higher than average denial rates.

### Lending Discrimination Only Basis for Differences in Approval Rates

In a mortgage market unfettered by discrimination, one would expect that the approval rate for mortgage applicants of any race or ethnicity in the highest income bracket would be greater than the approval rate for households of any race or ethnicity in the lowest income bracket. But in Fairfax County mortgage applications by African Americans of any income, including those in the highest income brackets, were approved less frequently in 2013 and 2014 than applications from non-Hispanic Caucasians in the Middle Income bracket. In 2013, the approval rate for conventional mortgages for non-Hispanic whites in the moderate income bracket was 69 percent while the approval rate for African Americans in the upper income bracket was only 61 percent. The approval rate for all African American applications was just 56 percent. The highest approval rates for any African American income bracket were the 62 percent approval rate for upper middle income Black households during 2013 and the 61 percent approval rate for upper income African Americans in 2014.<sup>15</sup>

15. The tables are too large to be readable in print. The spreadsheets with the tables are entitled “Fairfax County Conventional Loans 2013–2014.xlsx” and “Fairfax County FHA etc Loans 2013–2014.xlsx.” See the worksheets for “Table 5–2” and “Table 5–1” respectively. The spread-

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To identify a possible explanation for these differences in approval rates, we also examined the reasons for denial for different races, ethnicity (Latino or not Latino), minority status (white, non-Hispanic versus all others), gender, and household income as a percentage of the Metropolitan Statistical Area median income.<sup>16</sup> For African American, American Indian and Alaska Eskimo, and Hispanic applicants in 2013 and 2014, the most frequent reason for denial was credit history. For Asians and non-Hispanic whites, it was debt-to-income requirements. With mild deviations, collateral issues ranked third for each racial and ethnic group. For low income applicants in 2013 and 2014, debt-to-income ratio was the most common reason for denial followed by collateral. The same held true for moderate income applicants in 2013.

In 2013 and 2014, the most often cited reason for denial of FHA and related home mortgages to African Americans, Asians, American Indians and Alaskan Eskimos, and Native Hawaiians and Pacific Islanders was credit history, followed closely by debt-to-income ratio. Collateral was a less significant factor in denials to such applicants when compared to non-Hispanic whites.

Some researchers note that loan officers tend to look for “compensating factors” to enable them to approve marginal mortgage applications from Caucasians far more often than they do with applications from African Americans with a virtually identical credit report.<sup>17</sup> Loan officers who apply compensating factors differently based on the race or ethnicity of the applicant violate the Fair Housing Act.<sup>18</sup>

Neither income differences, nor reasons for denial, nor any other data explain the much higher denial rates for African Americans and Hispanics compared to non-Hispanic Caucasians. Collectively the data strongly suggest that in Fairfax County, mortgage lending may be characterized by illegal discrimination against such groups. The relatively small number of applications from American Indians, Alaskan Eskimos, Native Hawaiians and Pacific Islanders makes it difficult to draw conclusions with respect to those groups.

### “High Cost” Mortgage Loans

“High cost” mortgages include the sort of loans typically labeled “subprime” and/or “predatory.” They include mortgages based on higher rates, typically three percentage points or more above the yield on a comparable term treasury security. These include mortgages with variable interest rates that can skyrocket in the years after the loan is issued.

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sheets are available from the Fair Housing Program Coordinator, Fair Housing Program, Fairfax County Office of Human Rights & Equity Programs, Human Rights Division.

16. These large worksheets are tables 8–2 and 8–1 in the spreadsheets cited in the footnote immediately above.
17. C.W. Calomiris, C.M. Kahn, and S.D. Longhofer, “Housing–Finance Intervention and Private Incentives: Helping Minorities and the Poor,” *Journal of Money, Credit, and Banking* (Vol. 26, No. 3, part 2, August 1994), 634–674.
18. S. Kim, S and G. Squires, “The Color of Money and the People Who Lend It,” *Journal of Housing Research* (Vol. 9, No. 2, 1998), 272–273.

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The widespread use of these high cost mortgages is part of the increase in abusive lending practices that generated last decade's nationwide crisis for homeowners that has continued into the current decade. Their use accelerated significantly in the past decade as lenders sought to extend credit to home purchasers who had poor credit histories and a poor understanding of mortgage loans. These lenders frequently target people with minimal understanding of the terms that constitute a prime mortgage, usually seniors and minorities and poor families buying for the first time. The mortgages to which they steer these folks have abusive terms that can lead to a loss of home equity and loss of the home. These include loans with the moniker "exploding ARMs" under which an adjustable interest rate can soar substantially after two or three years unlike in the prime market where adjustable rate mortgages usually have a cap on annual increases of one or two percent and a lifetime cap of six percent.

According to research by the Center for Responsible Lending, 20 percent of high cost mortgages result in foreclosure, over eight times the rate for mortgages in the prime market. Subprime prepayment penalties and balloon payments only exacerbate the crisis.<sup>19</sup>

A recent National Bureau of Economic Research study of seven housing markets concluded that even after adjusting for credit scores and other risk factors, African Americans were more than twice as likely as non-Hispanic whites to have high cost mortgages and Hispanics were 78 percent more likely than non-Hispanic whites to high cost mortgages. The report concluded that the primary reason for such disparities is that, because of uneven geographic offerings, African Americans and Hispanics are more likely to live in areas primarily served by high cost lenders.<sup>20</sup>

As the following figure shows, a much smaller percentage of Fairfax County residents obtained high cost mortgages and refinancings than the nation each year from 2011 through 2014.

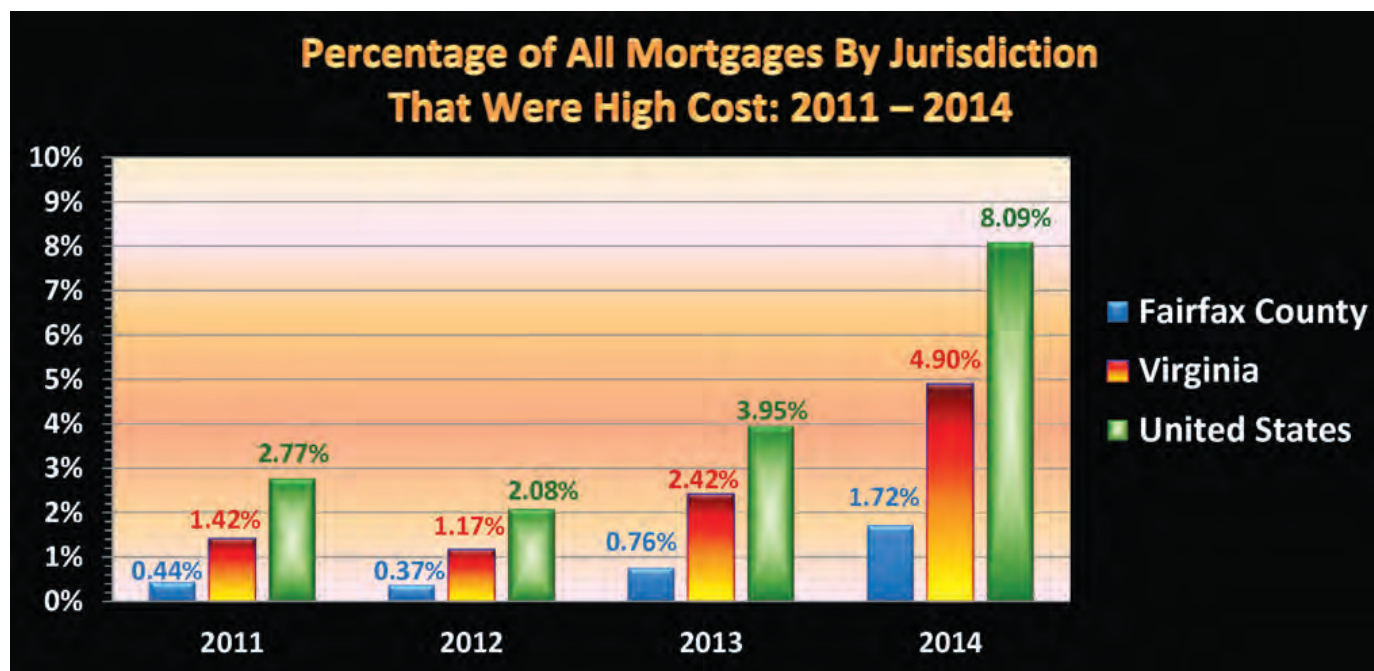
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19. Detailed information on the signs of a predatory loan are explained in detail online at <http://www.responsiblelending.org/mortgage-lending/tools-resources/8-signs-of-predatory-lending.html>.

20. Patrick Bayer, et al., National Bureau of Economic Research, *What Drives Racial and Ethnic Differences in High Cost Mortgages: The Role of High Risk Lenders* (Feb. 2016).



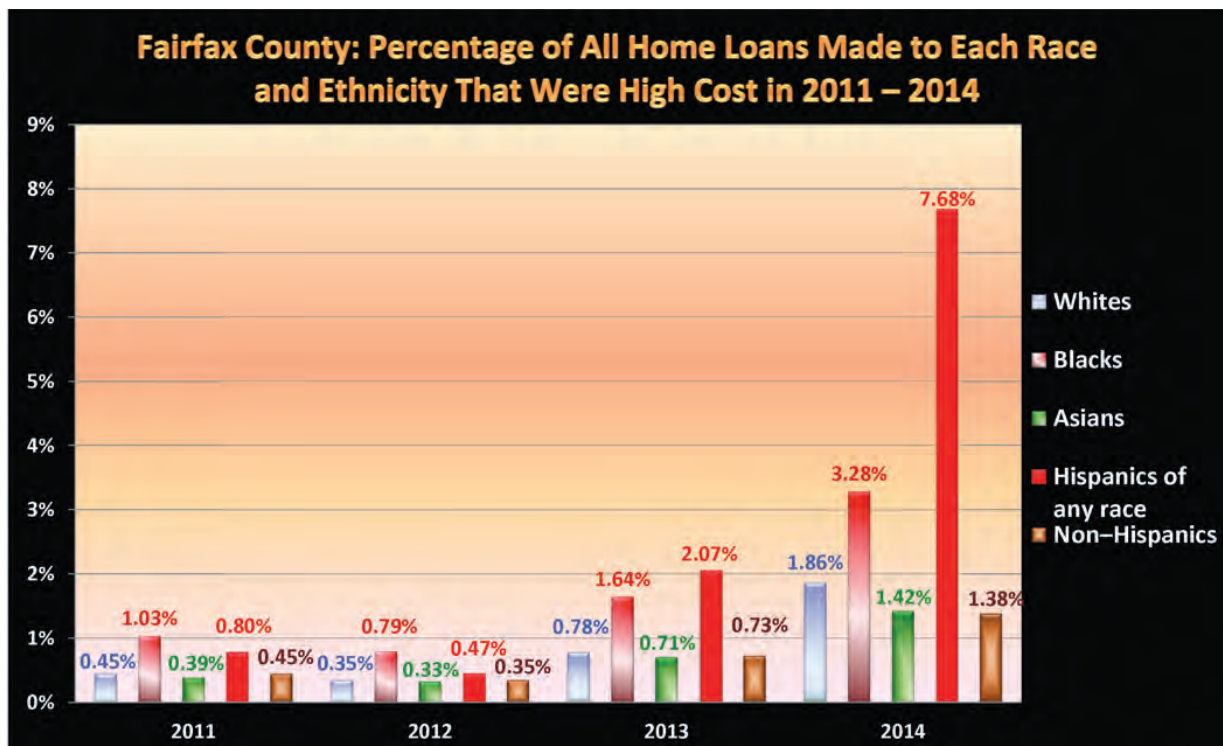
Figure 14: Percentage of Mortgages and Refinancings That Were High Cost: 2011–2014



Source: PolicyMap.com “HMDA Report” for Fairfax County, Virginia. 2015.

High cost mortgages become a fair housing issue when lenders limit the offering of prime mortgage products to African Americans, Hispanics, Asians and other minority groups, or when lenders steer minority applicants toward high cost mortgages. While lenders have placed Fairfax County home buyers of all races into high cost mortgages, the data in the next figure show that lenders have been steering African Americans and Hispanics to high cost loans far more frequently than any other group, and that the prevalence of such loans has grown exponentially since 2011.

As the figure below shows, for the past four years for which data are available, significantly larger proportions of African American and Hispanic mortgage loan applicants in Fairfax County have received a high cost loan than non-Hispanic white or Asians. In 2011, 0.44 percent of all mortgage loans in Fairfax were categorized as high cost. While whites (0.45 percent) and Asians (0.39 percent) received such loans at rates that mirrored the average, Hispanics (0.80 percent) were 80 percent more likely, and African Americans (1.03 percent) were more than twice as likely to receive such loans. In 2012, when 0.37 percent of all mortgages in the County were high cost, whites (0.35 percent) and Asians (0.33 percent) were again less exposed to such loans, while Hispanics (0.47 percent) were 27 percent more likely, and African Americans (0.79 percent) more than twice as likely to receive such loans.

**DRAFT****Figure 15: Percentage of High Cost Mortgages and Refinancings By Race and Ethnicity in Fairfax County: 2011–2014**

Source: PolicyMap.com “HMDA Report” for Fairfax County, Virginia. 2015.

Fairfax County should pay particular attention to how high cost loans appear to be increasingly targeted to Hispanic and African American families in 2013 and 2014. For example, high cost loans amounted to just 0.76 percent of all loans in the county in 2013. The proportions of whites (0.78 percent) and Asians (0.71 percent) receiving high cost loans were close to the mean. But Hispanics (2.07 percent) were nearly three times as likely to receive high cost mortgages and African Americans (1.64 percent) were more than twice as likely. In 2014, the percentage of high cost loans in Fairfax County more than doubled from 2013 to 1.72 percent of all mortgage loans. As in 2013, the proportions of whites (1.86 percent) and Asians (1.42 percent) saddled with high cost mortgages were at or below the mean while Hispanics (7.68 percent) were over four times more likely to possess such loans, and African Americans (3.28 percent) nearly twice as likely.

The data strongly suggest that from 2011 through 2014, the private sector lending industry engaged in widespread steering of Hispanics and, to a somewhat lesser extent, African Americans, into high cost mortgages. With more than one of every 14 Hispanic borrowers receiving a high cost loan, there is some urgency to conduct further research to determine why such high proportions of Latino and Black borrowers are having difficulty securing prime loans to purchase a home in Fairfax County.

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## Home Appraisal Practices

No studies of appraisal practices were published during the time period covered by this study.

## Real Estate Advertising

We reviewed more than 325 print and online real estate advertisements in the Fairfax County area housing market.

### Print Advertising

Based on our review, the *Washington Post* appears to be the primary print source for housing advertisements in the Fairfax County area. Of the 242 print ads for properties in the Fairfax County area that we reviewed, 177 were for sales and 65 for rentals. The issues we examined were published from November 2015 through March 2016, and included both the *Post*'s Sunday real estate section and classified ads.

The *Post* publishes a notice that it requires print ads to comply with the Fair Housing Act. No ads contained obvious violations of the Fair Housing Act. Most large display ads showed HUD's equal opportunity logo. Most of the medium-sized display ads did not include the logo, while the logo did appear on each page. In these ads, the inclusion of the logo varied by real estate company, which could suggest to some readers that certain real estate firms are more inclusive than others. Very few classified ads included the equal opportunity logo.

All ads were in English. Display ads with photographs of families or residents generally showed a racially and ethnically diverse set of individuals. One ad stated that vouchers were "welcome & accepted," and another maintained "disabled/vet welcome." Two ads referred to "great schools," and one to a specific school. Language about schools can engender steering concerns if it carries an implication about the racial composition of a neighborhood. Fairfax County would do well to stay attentive to this issue in local housing markets.

### Online Advertising

Since more and more home seekers conduct their search online, we also examined a sample of 85 online property listings in the Fairfax County area in early 2016: 35 from the *Washington Post*'s "Apartment Showcase" website, and 50 posted on the popular "Craigslist" website.

There were no blatant violations of the Fair Housing Act in the listings we reviewed. None of the ads on the "Apartment Showcase" website included the fair housing logo, though the logo is prominently displayed at the bottom of web pages. On "Craigslist," the presence of a fair housing statement or logo was irregular, though "Craigslist" does include an Fair Housing Act compliance policy and guidance on its website. Unlike in the print advertising we reviewed, several listings on "Apartment Showcase" or "Craigslist" mentioned "Agent speaks Spanish" or "Se Habla Español." One listing stated that "disability access is provided with no barriers," and another also mentioned disability access. Several



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listings did include characterizations of the local schools, like “great schools just across the street” or “Fairfax schools for children are the best in the country.” As noted earlier, these kinds of representations can pose steering risks.

In addition to examining advertisements for possible housing discrimination, we analyzed the websites of seven local real estate brokerages that serve Fairfax County. Of the seven, two small real estate firms did not include the fair housing logo on their websites, nor any language about equal housing opportunity. The remaining five either displayed the logo prominently, displayed statements affirming their commitment to equal housing opportunity, or both. Most websites featured photos of models posing as prospective homeowners or past clients. The photos on three of these websites featured only white families and individuals and just one nonwhite family.

It’s long been known that real estate agents are the gatekeepers of the neighborhoods they serve. The presence of agents of different races, ethnicities, and national origins sends a clear message to potential home buyers that the firm welcomes a diverse clientele. A real estate firm with a virtually all-white real estate agent staff sends a whites-only message to home seekers while a firm with a solely Asian set of real estate agents sends an Asians-only message to home seekers. So the race or ethnicity of the agents who appear in real estate advertising can send a message to viewers that only certain races or ethnicities are welcome to buy the housing that firms represents.

We examined the photographs of each firm’s real estate agents their websites. The vast majority of agents were white: across several firms, only about five percent of agents were Asian, African American, or Latino. For example, 95 percent (475 of 500) of the Fairfax County area agents listed at a large, national real estate brokerage were Caucasian. Fewer than 15 of the 350 agents at another firm (four percent), were Hispanic, Asian, or African American.

It appears that there is a need much greater racial and ethnic diversity among the real estate agents that serve Fairfax County for the real estate community to convey that minorities are welcome to live in Fairfax County.

## Public Sector Compliance Issues

### Land-Use Controls and Building Codes

#### Housing for People With Disabilities

All people with disabilities are protected from housing discrimination under both federal and Virginia law. As noted at the beginning of this chapter, discrimination on the basis of disability is the most common basis of fair housing complaints filed in Fairfax County under both Virginia and federal fair housing laws.

As the table that follows shows, the disabilities of the vast majority of county residents are not so severe that they are unable to live with family or on their own, with or without supportive services. For many others with more severe disabilities, the family-like, supportive living arrangement of a community resi-

dence is the only way they can live in the community rather than in a more restrictive and often inappropriate institutional setting.

Just 1.5 percent of 18 to 64 year olds in Fairfax County have difficulty living independently while 12 percent of residents 65 and older do. As the table below shows, these proportions are lower than for the Commonwealth of Virginia and the nation.

**Table 50: Disabilities in Fairfax County, Virginia, and United States: 2010–2014**

Disabilities in Fairfax County, Virginia, and United States: 2010–2014			
Population Group	Percentage of Population With a Disability		
	Fairfax County	Virginia	United States
Total civilian noninstitutionalized population	6.4%	11.0%	12.3
Difficulty living independently: 18 to 64 years old	1.5%	3.1%	3.6%
Difficulty living independently: 65 years and older	12.0%	15.0%	15.7%
Under 5 years old	0.6%	0.7%	0.8%
5 to 17 years old	2.7%	4.7%	5.3%
18 to 64 years old	4.7%	9.1%	10.2%
65 years and older	26.6%	34.2%	36.3%
African American	6.3%	12.7%	13.8%
American Indian and Alaska Native	—	17.4%	16.3%
Asian	4.7%	5.0%	6.6%
Caucasian (not Hispanic)	7.6%	12.0%	13.4%
Native Hawaiian and Other Pacific Islander	—	7.6%	9.9%
Some other race	2.9%	3.9%	7.8%
Two or more races	5.7%	8.0%	11.0%
Hispanic of any race	4.3%	4.9%	8.5%

— = Sample size was too small to be reliable.

Source: 2010–2014 American Community Survey 5–Year Estimates, Table S1810, Disability Characteristics.

The percentages of people with disabilities in Fairfax County is less than for the entire state and nation in every category shown above. This consistent pattern may be due to the lower incomes that people with disabilities typically have, a county housing stock that lacks enough dwelling units accessible and affordable to people with disabilities, and/or an inadequate supply of community residences for people with disabilities.

With already more than one in ten Fairfax County seniors experiencing difficulty living independently and the “Baby Boomer” cohort aging, there is a strong likelihood that the need for affordable and accessible housing will increase in Fairfax County as well as in the rest of the nation.

Income data are available on individuals with disabilities rather than for households where an adult has a disability. The median earnings for Fairfax County resi-

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dents with a disability was \$34,441 in 2013, nearly one-third less than the \$52,174 earnings of county residents without a disability.<sup>21</sup> This differential places the vast majority of Fairfax County dwellings beyond the financial capacity of individuals with disabilities who are not part of a household with another wage earner. For details on the cost of ownership and rental housing in Fairfax County, see the discussion of housing affordability that begins on page 225.

### Community Residences for People With Disabilities

In 1988 the Fair Housing Act (FHA) was amended to add people with disabilities to the classes it protects against housing discrimination. The amendments recognized that in order to live in the community, some people with disabilities need housing combined with supportive services. Community residences, which include group homes, sober living homes, recovery communities, and small half-way houses, offer a family-like environment as an alternative to an often inappropriate nursing home or other long-term care institution. The legislative history of the Fair Housing Amendments Act of 1988 (FHAA) which added disability as a protected class stated that:

“The Act is intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice within the community.”<sup>22</sup>

It is well settled that a community residence is a residential land use, not a business or commercial land use. Many homeowner and condominium associations, subdivisions, and individual properties have restrictive covenants that prohibit businesses or commercial uses. All too often, these associations attempt to improperly exclude community residences for people with disabilities based on this prohibition. However, the Fair Housing Amendments Act of 1988 specifically invalidates restrictive covenants that would exclude community residences from residential areas by misclassifying them as business or commercial uses rather than residential uses. The Fair Housing Act renders these restrictive covenants unenforceable against community residences for people with disabilities.<sup>23</sup>

While some suggest the Fair Housing Amendments Act of 1988 prohibits all zoning regulation of community residences,<sup>24</sup> its legislative history suggests otherwise. The act did not seek to prohibit *all* zoning restrictions on community residences. Instead it makes unlawful restrictions that treat community residences for people with disabilities in a discriminatory fashion or in a manner based on unfounded fears about people with disabilities:

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21. Table S1811: “Selected Economic Characteristics for the Civilian Noninstitutionalized Population By Disability Status.” *2010–2014 American Community Survey 5–Year Estimates*.
  22. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.C.A.N. 2173.
  23. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2184.
  24. Daniel R. Mandelker, “Housing Quotas for People with Disabilities: Legislating Exclusion” *The Urban Lawyer*, Vol. 43, No. 4, Fall 2011, 915–947.



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“Another method of making housing unavailable has been the application or enforcement of otherwise neutral rules and regulations on health, safety, and land-use in a manner which discriminates against people with disabilities. Such discrimination often results from false or over-protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose. These and similar practices would be prohibited.”<sup>25</sup>

Many states, counties, and cities across the nation continue to base their zoning regulations for community residences on these “unfounded fears.” Consequently they often run afoul of the Fair Housing Act either:

- 💧 By treating community residences for people with disabilities differently than other groups of unrelated people that constitute a “family” or “household” under their zoning codes, or
- 💧 By failing to make a *reasonable accommodation* in their zoning rules and regulations to enable community residences for people with disabilities to locate in the same residential districts as any other residential use.

This “reasonable accommodation” requires a jurisdiction to waive or change zoning provisions upon request of the operator of a community residence when necessary to give people with disabilities an equal opportunity to live in the community.<sup>26</sup>

To illustrate these two prongs, consider how a zoning code treats community residences for people with disabilities under the typical zoning provision that establishes the maximum number of unrelated people who can dwell together.

**Differential Treatment.** The usual zoning ordinance employs its definition of “family” or “household” to establish a cap on the maximum number of unrelated people allowed to live together in a single dwelling unit.<sup>27</sup> If a proposed community residence complies with the cap in a zoning code’s definition of “family,” any community residence that abides within that cap must be allowed as of right as a permitted use.<sup>28</sup> The courts have made it abundantly clear that, under the Fair Housing Act, imposing any additional zoning requirements on a community residence for people with disabilities that complies with this cap on unrelateds constitutes illegal discrimination on its face. When a definition of “family” places no limit on the number of unrelated individuals who can dwell together, then *all* community residences for people with disabilities must be allowed as of right in

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25. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.C.A.N. 2173.

26. 42 U.S.C. §3604(f)(B) (1988).

27. The U.S. Supreme Court sanctioned this type of restriction in *Village of Belle Terre v. Borass*, 416 U.S. 1 (1974) and later modified its ruling in *Moore v. City of East Cleveland, Ohio*, 431 U.S. 494. (1977).

28. Some jurisdictions use the term “household” instead of “family.” For the sake of brevity, this discussion employs only the term “family” even though it applies equally to the use of the term “household.”

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all residential districts.<sup>29</sup> No additional regulations can be imposed under a “capless” definition of “family.” In both situations, treating the group of people with disabilities any differently than other groups of unrelated people constitutes illegal differential treatment under the nation’s Fair Housing Act.

**Reasonable Accommodation Required.** However, when a proposed community residence would house more unrelated people than the definition of “family” allows, a jurisdiction must make the “reasonable accommodation” that the Fair Housing Act requires to realistically enable such community residences for people with disabilities to locate in residential districts.<sup>30</sup> This reasonable accommodation can be achieved by waiving the limit on the number of unrelated people that constitutes a family on a case-by-case basis or by amending the zoning code to enable these community residences to locate in all zoning districts where residential uses are allowed subject, at most, to a rationally-based spacing distance between a proposed community residence and existing community residences and a carefully crafted licensing requirement.<sup>31</sup> The foundation for such zoning amendments should be fact-based and in accord with sound zoning and planning principles. The debate in legal circles on whether these two standards can be required is still active. A proposed community residence for people with

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29. This principle is most clearly articulated in *United States v. City of Chicago Heights*, 161 F.Supp.2d 819 (N.D.Ill. 2001). Also see *Marbrunak, Inc. v. City of Stow, Ohio*, 974 F.2d 43 (6th Cir. 1992). If a jurisdiction does *not* define “family” or “household,” the legal effect is the same as when a jurisdiction’s definition of “family” allows any number of unrelated individuals to dwell together as a single housekeeping unit.
  30. The vast majority of community residences for people with disabilities house more than four people. While the trend for people with developmental disabilities is towards smaller group home households, valid therapeutic and financial reasons have led community residences for people with mental illness and for people in recovery from drug and/or alcohol addiction to house eight to 12 residents.
  31. A rationally-based spacing distance between a proposed community residence and any existing community residence serves several legitimate government purposes by the least drastic means necessary. First, it prevents clustering of community residences on a block, clustering which has been documented for over 40 years. See Daniel Lauber with Frank Bangs, Jr., *Zoning for Family and Group Care Facilities* (Chicago, IL: American Society of Planning Officials Planning Advisory Service Report No. 300, 1974). and General Accounting Office, *An Analysis of Zoning and Other Problems Affecting the Establishment of Group Homes for the Mentally Disabled* (1983). Second, by preventing clustering it facilitates the ability of community residences to achieve their core goals of normalization and community integration. Third, spacing helps prevent segregation of community residences for people with disabilities in a neighborhood. Fourth, over 50 studies have found that community residences that are not clustered on a block have no effect on property values or neighborhood safety. It has long been established that preserving property values and public safety legitimate bases for zoning regulations. Collectively these studies make it clear that a one-block spacing distance preserves these values. Fifth, licensing establishes minimum levels of care that offers protection from abuse and exploitation of the vulnerable populations that live in community residences — again legitimate government interests as illustrated by the continued widespread and judically-sanctioned state licensing of community residences. Any zoning requirement for licensing should be used for the protection the occupants of community residences and not as a zoning barrier to these homes.

disabilities that does not meet the two standards should then be subject to the heightened scrutiny of a special or conditional use permit.<sup>32</sup>

**Different Types of Community Residences.** Because the different types of community residences have dissimilar characteristics, they warrant varying zoning treatment depending on the type of tenancy and similarities to the fundamental characteristics of single-family and multiple family housing.

A community residence that offers a relatively permanent living arrangement in which there is no limit to how long somebody can live there (the typical group home, sober living home, and recovery community) should be a permitted use allowed as of right in every zoning district where residential uses are allowed subject, at most, to the rationally-based spacing distance between community residences and a carefully crafted licensing requirement as discussed above.

On the other hand, a community residence for people with disabilities that sets a limit on length of residency is more akin to multifamily rental housing and may be subject to a special use permit in single-family districts, although this too is subject to debate in legal circles.<sup>33</sup> There is little doubt that they should be allowed as of right in multifamily districts although there is debate over whether a spacing distance from other community residences or a license can be required.

To further clarify, while a jurisdiction can certainly exclude transitional homes for people *without* disabilities from the residential districts of its choosing, the Fair Housing Act prohibits this kind of zoning exclusion for those occupied by people with disabilities.<sup>34</sup> While most recovery communities and sober living homes are like group homes and offer a relatively permanent living arrangement with no limit on length of tenancy,<sup>35</sup> some of them are like halfway houses and impose a limit on how long a resident can live there. Tenancy is measured in months. The turnover rates are much more akin to multiple family housing and boarding homes than single-family housing.

These community residences with a relatively temporary living arrangement should be allowed as of right in multifamily districts with, at most, the same sort of spacing and licensing requirement as discussed above. Those that do not meet both standards warrant the heightened scrutiny of a special use permit. In single-family districts, the heightened scrutiny of a special use permit (called a spe-

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32. The rationale and legal basis for this approach is articulated in detail in Daniel Lauber, "A Real LULU: Zoning for Group Homes and Halfway Houses Under the Fair Housing Amendments Act of 1988" *John Marshall Law Review*, Vol. 29, No 2, Winter 1996, 369–407.
  33. Instead of "special use permits," Fairfax County's zoning code provides for "special permit uses" and "special exception uses."
  34. It is extremely well-settled that people with drug and/or alcohol addictions who are not currently using an illicit drug are people with disabilities under the *Fair Housing Act* and the *Americans With Disabilities Act*. See 42 U.S.C. 3602(h) and 24 C.F.R. 100.201(a)(2). See, also, *City of Edmonds v. Washington State Building Code Council*, 115 S. Ct. 1776 (1995).
  35. Tenancy in most recovery communities or sober living homes is usually relatively permanent, like a group home for people with developmental disabilities, mental illness, or physical disabilities. There is no limit to how long a recovering alcoholic or drug addict who is *not using* can live there. Tenancy is measured in years just as it is for conventional single-family housing.



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cial permit use or special exception use in Fairfax County) is warranted for these more temporary living arrangements.

These principles do *not* apply to community residences for people *without* disabilities or to people with disabilities “whose tenancy would pose a direct threat to the health or safety of other individuals.... there must be objective evidence from the person’s prior behavior that the person has committed overt acts which caused harm or which directly threatened harm.”<sup>36</sup>

### Regulating the Number of Occupants

The first efforts in the early 1970s to bring zoning for community residences for people with disabilities into the twentieth century recommended allowing smaller community residences for as many as seven or eight people as a permitted use in all residential districts subject to “certain conditions concerning licensing and concentration of facilities” and larger community residences for more than seven or eight people as a permitted use in all multiple-family districts subject to those same two factors and as a special use in single-family districts.<sup>37</sup> At the time, the number of residents was used to classify the two types of community residences because that was the commonly-used technique back then.

Over time it has become clear that the zoning code is *not* the proper regulatory vehicle to govern the number of occupants of community residences for people with disabilities. Fairfax County’s zoning code improperly regulates this use based on the number of residents under the monikers “group residential facility,” “group housekeeping unit,” or “congregate living facility.”

The U.S. Supreme Court’s 1995 decision *City of Edmonds v. Oxford House*<sup>38</sup> made it axiomatic that the zoning code is not the proper nor legal means to control the number of occupants of a community residence for people with disabilities. The proper regulatory tool is a jurisdiction’s occupancy standard to prevent overcrowding that applies to *all* residential uses. This standard typically appears in a jurisdiction’s property maintenance code or building code. The standard usually requires, for example, 70 square feet of space for the first occupant of a bedroom and 50 or 70 additional square feet for each additional bedroom occupant. The key point is that this standard applies to *all* residential uses and, under the nation’s Fair Housing Act, this standard applies to all community residences for people with disabilities no matter what nomenclature a jurisdiction uses because they are residential uses just like any other residence.<sup>39</sup>

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36. H.R. Report No. 711, 100th Cong., 2d Sess. 311 (1988), reprinted in 1988 U.S.C.C.A.N. 2173, 2189–2190..

37. Daniel Lauber with Frank Bangs, Jr., *Zoning for Family and Group Care Facilities* (Chicago, IL: American Society of Planning Officials Planning Advisory Service Report No. 300, 1974).

38. 115 S.Ct. 1776 (1995).

39. To see the Court’s reasoning, see *City of Edmonds v. Oxford House*, 115 S.Ct. 1776 (1995).

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### Applying the Principles to Fairfax County Zoning

The review of a jurisdiction's zoning treatment of community residences begins with how its zoning code defines "family" or "household." Fairfax County's zoning code, however, does not define these terms. Instead the code takes a fairly unique, complex, and extensive approach to regulating the occupancy of dwelling units. In practice, the county treats community residences for people with disabilities under four different categories starting with items 3, 4, and 5 in the zoning provisions that govern occupancy of a dwelling unit:

A dwelling unit, except an accessory dwelling unit which shall be subject to the provisions of Part 9 of Article 8, may be occupied by not more than one (1) of the following:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children and with not to exceed two (2) roomers or boarders as permitted by Article 10.
2. Two (2) single parents or guardians with not more than a total of six (6) of their dependent children, including natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.
3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.
4. A group residential facility.
5. Any group housekeeping unit which may consist of not more than ten (10) persons as may be approved by the BZA in accordance with the provisions of Part 3 of Article 8.
6. One (1) person or two (2) persons one of whom shall be elderly and/or disabled as defined in Sect. 8-918, and one (1) or both of whom own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage, and with any number of natural children, foster children, step children or adopted children.
7. A bed and breakfast, as may be approved by the Board of Supervisors in accordance with the provisions of Part 5 of Article 9.<sup>40</sup>

The ordinance defines a "group residential facility" as:

A group home or other residential facility with one or more resident counselors or other staff persons, in which no more than: (a) eight (8) mentally ill, intellectually disabled or developmentally disabled persons reside and such home is licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) eight (8) intellectually disabled persons or eight (8) aged, infirm or disabled persons

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40. The Zoning Ordinance of Fairfax County, Virginia, §2-502 Limitation on the Occupancy of a Dwelling Unit.

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reside and such home is licensed by the Virginia Department of Social Services; or (c) eight (8) handicapped persons reside, with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988. The terms handicapped, mental illness and developmental disability shall not include current illegal use or addiction to a controlled substance as defined in Sect. 54.1-3401 of the Code of Virginia or as defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802).

For the purpose of this Ordinance, a group residential facility shall not be deemed a group housekeeping unit, or ASSISTED LIVING FACILITY and a dwelling unit or facility for more than four (4) persons who do not meet the criteria set forth above or for more than eight (8) handicapped, mentally ill, intellectually disabled or developmentally disabled persons shall be deemed a CONGREGATE LIVING FACILITY.<sup>41</sup>

The fourth category of community residences are “congregate living facilities” which the zoning code defines as:

A facility which provides housing and general care on a permanent or temporary basis including the provision of supportive services, such as special care, treatment and training, in a supervised setting with on-site counselors and/or other staff. This term shall not include a group housekeeping unit, GROUP RESIDENTIAL FACILITY or ASSISTED LIVING FACILITY.<sup>42</sup>

The zoning code treats community residences for people with disabilities differently based on the number of occupants:

- 💧 When a community residence houses no more than four people with disabilities, Fairfax County allows it as of right in all residential districts, the same as any other “group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.”
- 💧 “Group residential facilities” can house up to eight people and are allowed as of right in all Fairfax County zoning districts where residential uses are permitted.
- 💧 “Group housekeeping units” house nine or ten people and are treated as a “Group 3 institutional use” which is a special permit use requiring approval from the Zoning Board of Appeals in the R-3, R-4, R-5, R-8, R-12, R-16, R-20 and R-30 districts.<sup>43</sup> They are not allowed at all in the R-A

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41. Ibid. Part 3: 20-300 Definitions.

42. Ibid.

43. Ibid. Part 3, 8-301. County staff report that a community residence for nine or ten people with disabilities is treated as a “group housekeeping unit.” Email from the Zoning Administration Division, Fairfax County Department of Planning and Zoning, to Daniel Lauber, Planning/Communications (April 8, 2016, 4:51 a.m. CST) (on file with Planning/Communications) and email from the Special Projects/Applications Management Branch, ZED, Fairfax County Department of Planning



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Rural Agricultural and R-P Residential Preservation districts or in the R-MHP, C-1, C-2, C-3, and C-4 districts — all of which allow residential uses. The application fee for a special permit is \$1,100. Unless the applicant requests a deferral, the public hearing must be held within 90 days after the county reviews and “accepts” the application. The “Special Permit/Special Permit Amendment Application Information” packet is 48 pages long.

- “Congregate living facilities” house more than ten people and are treated as a “quasi-public use” allowed only as a Category 3 special exception use in the R-C, R-E, R-1, R-2, R-3, R-4, R-5, R-8, R-12, R-16, R-20, R-30, R-MHP, C-1, C-2, C-3, and C-4 districts.<sup>44</sup> The R-A Rural Agricultural District and the R-P Residential Preservation District do not allow congregate living facilities at all.<sup>45</sup> All of these districts allow residential uses. The approval process takes five to seven months according to the “Special Exception Application Information” packet which runs 34 pages. The application fee is \$16,375.<sup>46</sup>

*The county is treating community residences for up to four people with disabilities the same as any other family in accord with the nation’s Fair Housing Act.*

*Allowing community residences for as many as eight people with disabilities as a permitted use in all residential districts also complies with the county’s Fair Housing Act as well as Virginia’s statewide zoning statute examined beginning on page 221.*

*The county’s zoning scheme, however, imposes significant practical obstacles for community residences for more than eight people with disabilities that, as presently constituted, fail to make the “reasonable accommodation” that the Fair Housing Act requires local zoning codes to do. The ordinance completely excludes community residences for more than eight individuals with disabilities in several zoning districts where residences are allowed as of right. It allows these community residences only as a special exception use or special permit use in the rest of the zoning districts where residential uses are allowed as of right.*

Requiring the lengthy and expensive special exception use or special permit use process may have a chilling effect on the ability of people with disabilities to live in the community by creating inherently difficult-to-surmount zoning roadblocks.

As noted above, the special exception use process required for a proposed “congregate living facility” (community residence for more than ten people with disabilities) takes five to seven months to complete. The special permit use pro-

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and Zoning, to Daniel Lauber, Planning/Communications (April 8, 2016, 8:43 a.m. CST) (on file with Planning/Communications). However, the language in the final paragraph of the description of a “group residential facility” is sufficiently confusing that it could easily be interpreted in a manner different than what county staff reports.

44. Ibid. Article 3, Part C 3–C00.

45. Ibid. Article 3, Part A 3–A00 and Part P 3–P00.

46. The application packets for special permit uses and special exception uses are available at <http://www.fairfaxcounty.gov/dpz/zoning/applications>.

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cess required of a “group housekeeping unit” (community residence for nine or ten people with disabilities) takes as many as 90 days just to hold the public hearing after the date on which the county accepts the application. Any operators of a proposed community residence will be hard pressed to find a homeowner who would agree to sell a single-family home contingent on the county approving a special exception use in five to seven months or a special permit use in three months or longer. It happens, but these requirements inherently restrict the number of dwellings available for use as a community residence housing more than eight people with disabilities.

In addition to the delays that make acquiring a residential property more difficult, few, if any, operators could afford the disproportionately high \$16,375 application fee for a special exception use to establish a “congregate living facility.”<sup>47</sup> County staff report that the county supervisor in whose district a community residence would be located can move to waive the fees for “just and reasonable cause” with the stated caveat that the motion does not indicate support for the application. However staff does not know of any instances of fees being waived for a group housekeeping unit or a congregate living facility.<sup>48</sup>

While the case law on zoning for community residences for people with disabilities is very fact-specific, the current zoning approach to regulating community residences for more than eight people with disabilities is of questionable validity under the Fair Housing Act.

Sound zoning principles and the nationwide case law under the Fair Housing Amendments Act of 1988 have established that a zoning ordinance should not differentiate in its zoning treatment of community residences for people with disabilities based on the number of residents in the home. Arbitrarily dividing community residences into three categories based on the number of residents — “group residential facilities,” “congregate living facilities,” and “group housekeeping units” — appears to be an effort to fit the square peg of community residences into the round hole of an existing zoning scheme rather than revising the zoning to comply with the Fair Housing Act.<sup>49</sup> Any distinction should rest on the performance characteristics of whether the home offers a relatively permanent

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47. Several years ago the county found an Oxford House with a total of ten recovering women and children residents to be in violation of the zoning code. Oxford House sought a “reasonable accommodation” as authorized by the Fair Housing Act to house ten instead of eight residents. The county declined to administratively make this “reasonable accommodation.” The county required this Oxford House to apply for a special exception. Asked to waive the then \$16,375 application fee as a “reasonable accommodation,” the county declined. Email from Steve Polin, Oxford House attorney, to Daniel Lauber, Planning/Communications (July 23, 2015, 3:18 p.m. CST).
  48. Email from the Zoning Evaluation Division, Fairfax County Department of Planning and Zoning, to Daniel Lauber, Planning/Communications (April 8, 2016, 8:43 a.m. CST) (On file with Planning/Communications).
  49. Fairfax County’s zoning code was first adopted in 1978 and has been amended hundreds of times. It is possible that the county formulated its zoning scheme for community residences for people with disabilities decades ago with perfectly good intentions prior to the development of the case law under the Fair Housing Amendments Act of 1988 and back when the number of residents, rather than the home’s performance characteristics, was the typical basis for determining in which zoning districts community residences would be allowed as of right or by permit. That may ex-

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family-like living environment or a relatively temporary family-like living environment as explained beginning on page 215 and as recommended in the final chapter of this study.<sup>50</sup>

As detailed in the final chapter of this study, Fairfax County needs to revise its zoning treatment of community residences for more than eight people with disabilities including establishing a single broad category of “community residences for nine to 12 people with disabilities” with two subcategories:<sup>51</sup>

- 💧 “Family community residences” that provide a relatively permanent family-like living arrangement and
- 💧 “Transitional community residences” that provide a relatively temporary family-like living arrangement.<sup>52</sup>

The former subcategory should be allowed as of right in all zoning districts where residences are permitted uses subject to a rationally-based spacing distance between community residences<sup>53</sup> and a requirement that the proposed home be licensed, certified, or recognized by Congress. The latter subcategory should be allowed as of right in all zoning districts where multiple-family residences are permitted uses subject to a rationally-based spacing distance and a requirement that the proposed home be licensed, certified, or recognized by Congress. They should be allowed via a carefully crafted “reasonable accommodation” process in all single-family residential districts subject to standards specifically for community residences. For both categories, the county should adopt a carefully designed “reasonable accommodation” process to allow these homes that do not meet both the objective spacing and licensing standards.

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plain the current zoning regulations, but does not excuse any jurisdiction for not revamping them to comply with the Fair Housing Act.

50. For a comprehensive, detailed, and still current discussion of this principle, see Daniel Lauber, “A Real LULU: Zoning for Group Homes and Halfway Houses Under the Fair Housing Amendments Act of 1988” *John Marshall Law Review*, Vol. 29, No 2, Winter 1996, 369–407.
51. The county also needs to establish a “reasonable accommodation” procedure to allow for the possibility of a proposed community residence for more than 12 people with disabilities. See the discussion that begins on page .
52. Due to the statutes of the Commonwealth of Virginia, these recommendations apply only to community residences that house more than eight people with disabilities. See the discussion beginning on page 221.
53. More than 50 studies have found that community residences not clustered together on a block generate no adverse impacts on the surrounding community. For community residences to succeed, the neighbors are supposed to serve a role models which is undermined when community residences locate too close to each other. A spacing distance the length of a typical block (usually 660 feet) between community residences for people with disabilities allowed as permitted uses achieves these legitimate government goals. This can vary a bit by jurisdiction. As discussed above, additional zoning provisions are necessary to provide a “reasonable accommodation” for a proposed community residence that does not meet both the spacing and licensing standards to be a permitted use. For full details, see Daniel Lauber, “A Real LULU: Zoning for Group Homes and Halfway Houses Under the Fair Housing Amendments Act of 1988” *John Marshall Law Review*, Vol. 29, No 2, Winter 1996, 369–407.



As explained beginning on page 216, the proper vehicle for regulating the number of people in a community residence is the locality's property maintenance code or building code.

Fairfax County follows the Virginia Maintenance Code's provisions to prevent overcrowding that establish a minimum of 70 square feet of bedroom space when one person occupies a bedroom.<sup>54</sup> It requires at least 100 square feet for two bedroom occupants and 150 square feet for three bedroom occupants. So any dwelling unit with enough room for five people under this formula can house only five individuals, whether occupied by a biological family or five people with disabilities living in a community residence.<sup>55</sup>

Fairfax County should be regulating the number of occupants of all residential property, including "group residential facilities," "congregate living facilities," and "group housekeeping units" according to this formula.<sup>56</sup>

It is important to note, however, that it is very likely legal under the Fair Housing Act to still establish an upper limit on the number of people with disabilities that can constitute a community residence. At some point the number of residents becomes too large to successfully emulate a biological family and the group takes on a more institutional atmosphere. The maximum allowed should be based on the point at which the group becomes too large to successfully emulate a biological family. Based on 40 years of experience with community residences, it seems rational to set the cap at 12 people which, in practice, has been the upper limit for the vast majority of community residences for people with disabilities. However, the zoning code should allow for a low-cost administrative "reasonable accommodation" process to allow more residents than the codified maximum for those instances where, for therapeutic and/or financial reasons, an operator needs a larger number of residents and that larger number can emulate a biological family.

The applicant operator would have to factually show that it needs more residents for therapeutic and/or financial reasons and demonstrate that the home will be able to emulate and function like a biological family — the core essence of community residences as explained above. Any fee for an application for a "reasonable accommodation" should be low enough so that it is not a financial burden for the applicant (certainly no more than a few hundred dollars).

The county's comprehensive plan establishes a policy to avoid locating community residences for people in recovery within 1,000 feet of a school in a drug-free zone. As reported earlier in Chapter 3 under "Affordable Housing in

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54. *Virginia Maintenance Code*, Sec. 404.4.2. The Virginia Maintenance Code is based on the International Property Maintenance Code 2012. Telephone interview with the Code Authority, Fairfax County Department of Code Compliance (April 19, 2016).

55. *Ibid.* Enforcement of these provisions is complaint-based. The county has not received any complaints of overcrowding under the *Virginia Maintenance Code* during the two and a half years the Code Authority staff member has been there.

56. As noted above, the three uses, as applied to housing for people with disabilities, should be replaced with a single use category along the lines of "community residence for eight to 12 people with disabilities."

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Fairfax County’s Comprehensive Policy Plan,” implementation of this policy, however well intended, would almost certainly constitute housing discrimination.

### Impact of the State Statutes on Local Zoning for Community Residences

While the Commonwealth of Virginia’s statewide zoning provisions dictate how Fairfax County can regulate community residences for up to eight people with disabilities, they do not necessarily provide a “safe harbor” on which Fairfax County or any other Virginia jurisdiction can rely.<sup>57</sup>

As revised in 2014, the state statute reads:<sup>58</sup>

A. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1–3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, “residential facility” means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to this Code.

B. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, “residential facility” means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code.

The Commonwealth’s statute applies only to community residences for people with disabilities licensed by the Department of Behavioral Health and Developmental Services or the Department of Social Services. Consequently, this requirement that local zoning treat these licensed homes no more restrictively than residences occupied by persons related by blood, marriage, or adoption does not apply to any community residence not licensed by these state agencies.

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57. Many of the statewide zoning provisions for community residences for people with disabilities that 39 states have adopted do not necessarily comply with the nation’s Fair Housing Act.

58. VA. Code Ann. §15.2–2291. Assisted living facilities and group homes of eight or fewer; single-family residence.

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Under the state statute, local governments can impose greater zoning restrictions on a proposed Oxford House recovery community — which Congress has recognized, but for which a state license is not required — than on a recovery community that the Department of Social Services licenses. It is questionable whether such a distinction is legally permissible.

*To its credit, Fairfax County has been treating all community residences for up to eight people with disabilities, including recovery communities like Oxford House for up to eight people in recovery, as a permitted use in all residential districts, exactly the same as the community residences that the state licenses.*<sup>59</sup> However, for both therapeutic and financial reasons, many recovery communities like Oxford House need more than eight residents to function properly. As discussed above, the county needs to adopt a low-cost administrative “reasonable accommodation” process for such homes.

Due to the way the state statutes are worded, they preclude local jurisdictions from preventing clustering of community residences on the same block or in a neighborhood. Such clustering undermines the ability of a community residence to foster normalization and community integration, the two lynchpins of the community residence concept.<sup>60</sup> If any local jurisdiction in Virginia were to find that clustering of community residences for up to eight people with disabilities is occurring, the state statute prevents the county from doing anything to prevent greater concentrations from developing.<sup>61</sup>

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59. Emails from Steve Polin, Oxford House attorney, to Daniel Lauber, Planning/Communications (July 23, 2015, 11:41 a.m. and 11:43 a.m. CST) (On file with Planning/Communications).

60. For a detailed discussion of these core goals and their influence on legal zoning for community residences, see Daniel Lauber, “A Real LULU: Zoning for Group Homes and Halfway Houses Under the Fair Housing Amendments Act of 1988” *John Marshall Law Review*, Vol. 29, No 2, Winter 1996, pp. 369–407.

61. To determine whether clustering on a block or in a neighborhood is occurring, Fairfax County should conduct a planning study to identify the locations of community residences for people with disabilities. The locations of state-licensed community residences are readily available from the state licensing agencies. The county can attempt to identify community residences for which the state does not require a license from other public sources. If the county finds that clustering is occurring, it should seek to amend the state statute to allow local governments to establish a rationally-based spacing distance — not to exceed the length of a typical block in a jurisdiction — between community residences for people with disabilities that are allowed as of right.

The Virginia statutes, however, do not apply to community residences for more than eight people with disabilities. Consequently, for such homes allowed as of right, Fairfax County can establish a spacing distance from existing community residences as well as a requirement for a state license, some form of certification, or recognition by Congress. It would also need to establish a low-cost “reasonable accommodation” process for those proposed community residences that do not meet these two objective standards as discussed in this study.



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## The Affordability of Housing in Fairfax County

Fairfax County government is acutely aware that Fairfax County is an expensive place to live and of how expensive housing is in the county.<sup>62</sup> As reported in the last section of Chapter 3, “Affordable Housing in Fairfax County’s Comprehensive Policy Plan,” the issue of affordable housing is infused throughout the *Fairfax County Comprehensive Plan, Policy Plan* in addition to the comprehensive plan’s housing and land use elements. The county’s plans extensively examine the question of affordable housing and offer a plethora of objectives, policies, and programs to achieve the county’s affordable housing goals.

As the nation continues to recover from the most severe collapse in housing prices since the Great Depression, most ownership housing is unaffordable to most current residents of Fairfax County and most rental housing is unaffordable to most current minority residents of the county.

As the tables that follow show, the median value of both attached and detached single-family homes remain unaffordable to most of Fairfax County’s *current* residents. The median rent is higher than what the median income minority tenant household can afford even as the rental vacancy rate rose from 6.2 percent in 2010 to 7.6 percent in 2014.

### Fostering Affordable Housing Does Not Reduce Opportunities

Developments that include housing with a full range of housing costs constitute an essential path to affirmatively furthering fair housing and facilitating the upward mobility of the American Dream by reducing economic stratification, thus enabling households of modest incomes to live where they have access to greater opportunities.

There is *no evidence* that adding housing affordable to households with modest incomes to areas that offer their residents high opportunities reduces those opportunities for current residents. The introduction of affordable housing and households with modest incomes simply does *not* reduce existing opportunities — as long as these affordable dwelling units are scattered throughout a development and throughout a neighborhood.

Economists and housing experts have long used the rule of thumb that a home is affordable when its purchase price is no more than two and a half or three times the buyer’s gross annual income.<sup>63</sup> Their other test that applies to both

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62. Fairfax County Human Services System, *The Path Toward Tomorrow: The 2016 Fairfax County Human Services Need Assessment* (Fairfax County, VA: May 2016), 49.

63. For purposes of this analysis, we will err on the conservative side and use three times the median income to establish the price of an affordable house in Fairfax County rather than two and a half times.

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owner and tenant households is that housing is affordable if the household spends no more than 30 percent of its gross monthly income on housing.

These are not arbitrary figures. Spending more than 30 percent on housing, leaves a typical household less money for essentials such as food, clothing, furniture, transportation, health care, savings, and health insurance.<sup>64</sup> Local businesses suffer the most from this reduction in discretionary spending money due to high housing costs. Spending more than 30 percent on housing denies monies to other sectors of the economy unless households strapped for cash go into serious debt.

The county recognizes that expensive housing affects its economic competitiveness. “The inability to afford local housing also affects the capacity of businesses to attract and retain workers. High housing rental costs affect workers of all ages, particularly younger individuals, who in general earn less than older and more experienced workers.”<sup>65</sup>

Households that spend more than 30 percent of their gross monthly income on housing costs (rent; or mortgage, property tax, and condominium or home owner association assessments) are considered to be “cost burdened.”

For this analysis we have used medians of home values calculated by Fairfax County based on the actual sale price of homes sold in the past year and the latest tax assessment value for those not sold in the past year.<sup>66</sup> This approach is much more reliable than the very subjective median home values reported in the American Community Survey. Those medians are based on the home value reported by the households that respond to the American Community Survey. Home owners are making subjective estimates that are not as reliable as actual home sale values, probably because relatively few home owners know the actual current value of their homes.

To make sense of the data, researchers report on median household incomes and median home values. The median is the middle. For example, half of the county’s households have incomes above the median and half below it. The value of half of the homes was greater than the median and the value of the other half was below the median.

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64. Fairfax County Human Services System, *The Path Toward Tomorrow: The 2016 Fairfax County Human Services Need Assessment* (Fairfax County, VA: May 2016), 22.

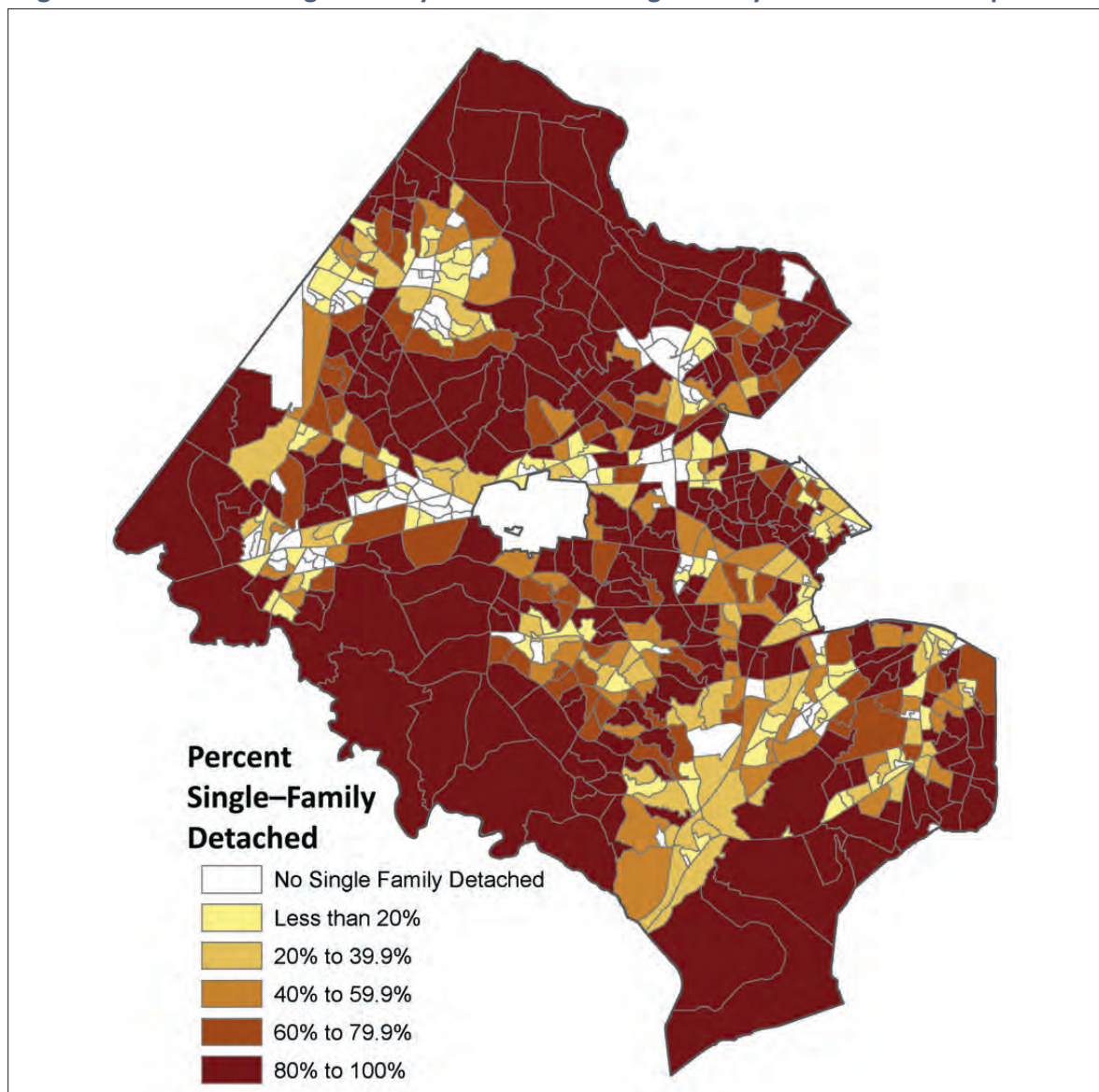
65. Ibid. 23.

66. For housing units not sold in the previous year, market value was derived by comparing the spread between current sales prices and assessments of properties that sold during the previous year. *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, Virginia: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016).

### Composition of Fairfax County's Housing Stock

In 1950, single-family detached houses constituted more than 75 percent of the county's housing stock. Today they comprise less than half.<sup>67</sup> However, as the maps that follow show, single-family detached housing still accounts for most of the dwelling units in most of the county's census tracts.

**Figure 16: Percent of Single-Family Detached Dwelling Units By Census Block Group**



Source: *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, Virginia: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016). City of Fairfax not included.

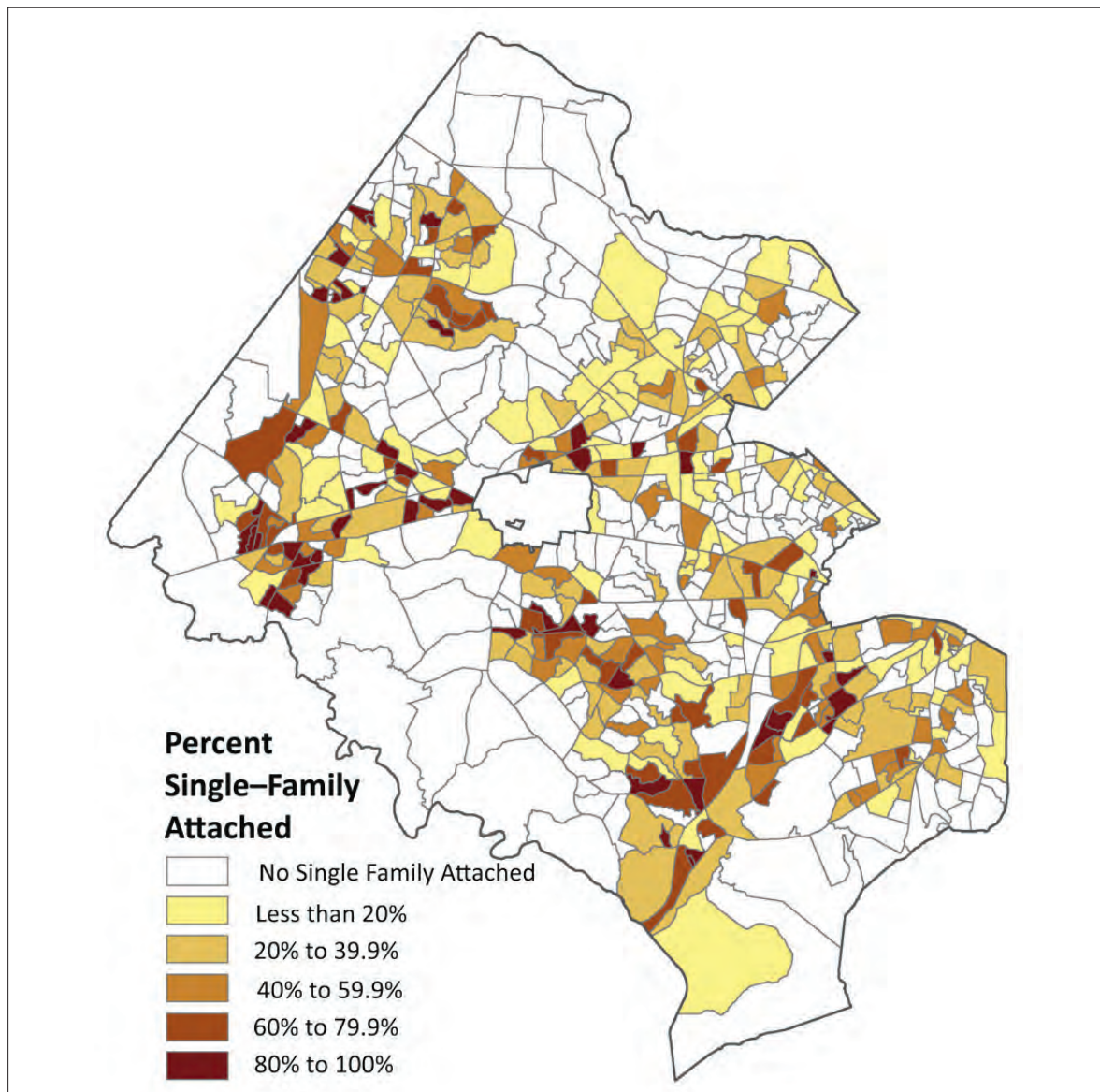
67. Fairfax County Human Services System, *The Path Toward Tomorrow: The 2016 Fairfax County Human Services Need Assessment* (Fairfax County, VA: May 2016), 15.



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As the figure below suggests, single-family attached dwellings are the most common form of housing in a relatively small part of the county.

**Figure 17: Percent of Single-Family Attached Dwelling Units By Census Block Group**

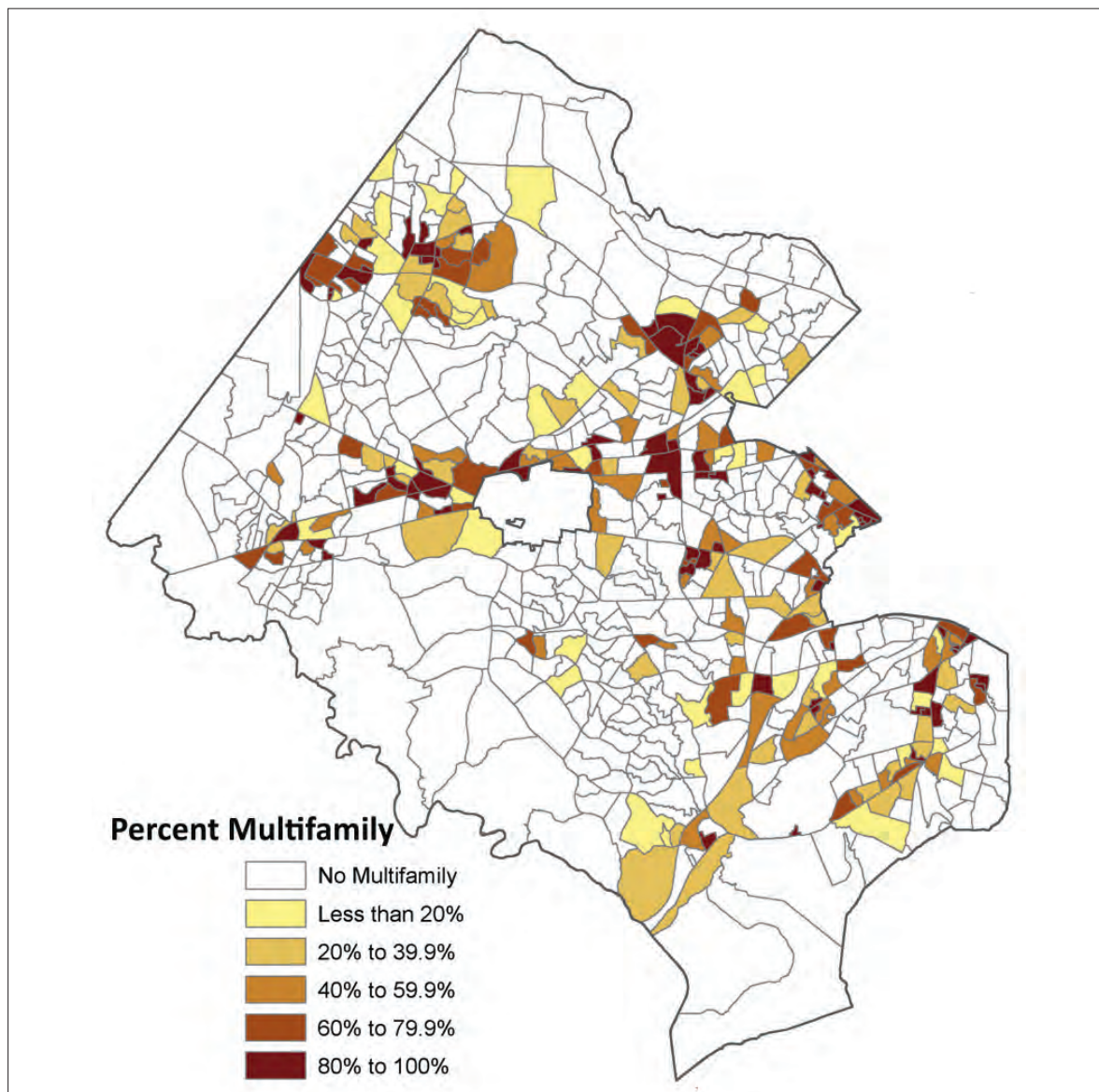


Source: *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, Virginia: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016). City of Fairfax not included.

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As the map below shows, multiple-family dwellings, both rental and ownership, are concentrated in relatively small areas of the county and are absent from the vast majority of Fairfax County.

**Figure 18: Percent of Multifamily Dwelling Units By Census Block Group**



Source: *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, Virginia: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016). City of Fairfax not included.

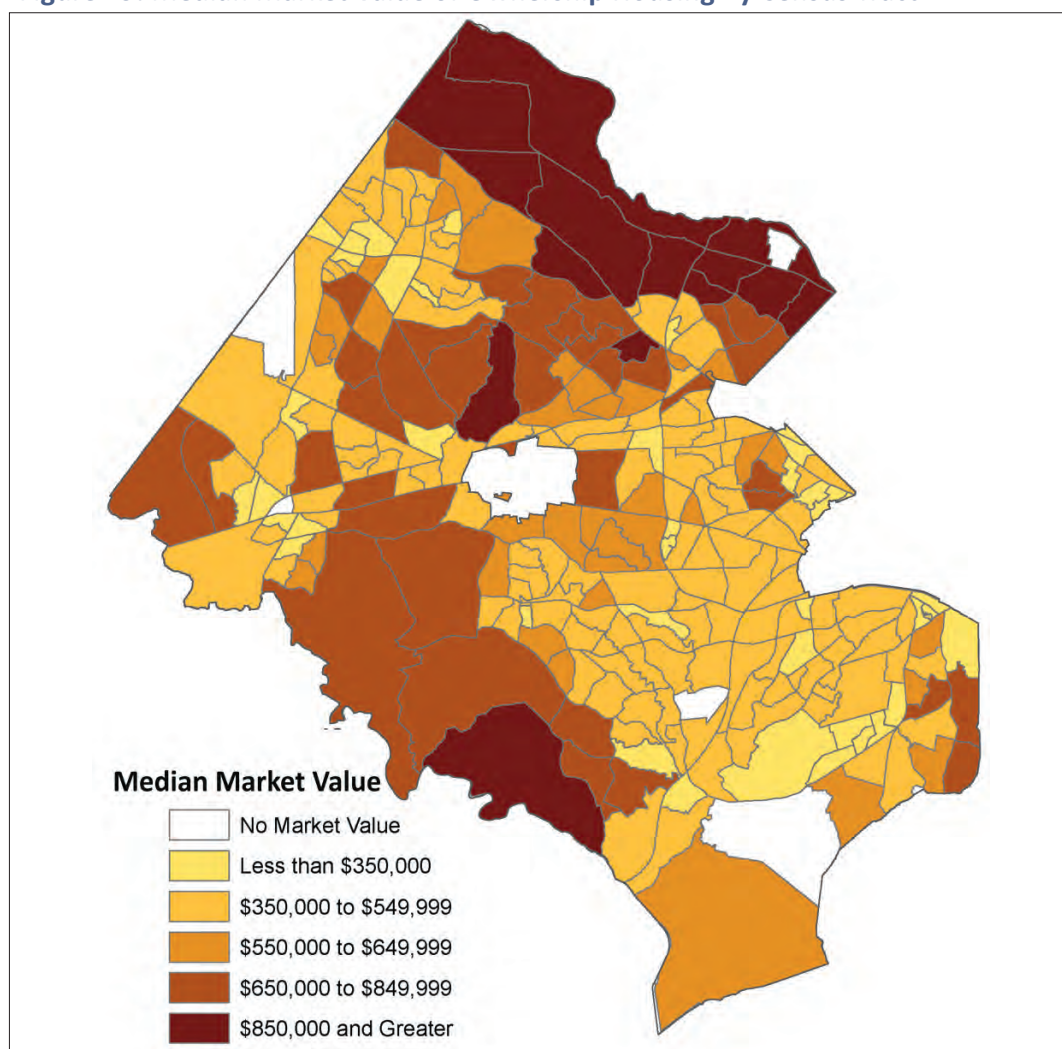
Of the county's estimated 409,108 housing units, 391,794 are occupied. Of those occupied, 68.2 percent are owner occupied and 31.8 percent are rental.<sup>68</sup>

68. U.S. Census Bureau, *2010–2014 American Community Survey, 5–Year Estimates*, Table DP04, "Selected Housing Characteristics."

## Ownership Housing

To place the data that follow in some perspective, the median value price of single-family detached housing in Clark County, Nevada, the epicenter of the housing industry's collapse, declined 56 percent from 2006 to 2010. Ownership housing in Fairfax County did not suffer such a precipitous decline. Between 2006 and 2010 the median sale value of homes in Fairfax County fell just 22 percent, from \$538,940 in 2006 to \$418,440 in 2010. Since 2010, the median value rose nearly seven percent to \$447,541 in 2014 with a leap of 9.97 percent to \$492,126 in 2015.<sup>69</sup>

**Figure 19: Median Market Value of Ownership Housing By Census Tract**



Source: *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, Virginia: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016). City of Fairfax not included.

69. Ibid.



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The county's plans and policies discussed earlier recognize that the cost of ownership housing in Fairfax County is high. As the table below shows, in 2010 and 2014, a median income Fairfax County household could afford the median value multifamily condominium, but could *not* afford a median market value single-family home, attached or detached. In other words, more than half the county's households cannot afford more than half of the county's ownership housing.

**Table 51: Affordability of Fairfax County Ownership Housing By Type: 2010–2014**

<b>Affordability of Fairfax County Ownership Housing By Type: 2010–2014</b>				
<b>Year</b>	<b>Estimated Median Household (HH) Income</b>	<b>Minimum HH Income to Afford Median Value Home</b>	<b>Maximum Market Value the Median Income Household Can Afford</b>	<b>Median Market Value</b>
<b>All Ownership Housing</b>				
<b>2010</b>	\$103,010	\$143,052	\$309,030	\$429,155
<b>2014</b>	\$111,079	\$164,042	\$333,237	\$492,126
<b>Single-Family Detached Homes</b>				
<b>2010</b>	\$103,010	\$179,955	\$309,030	\$539,866
<b>2014</b>	\$111,079	\$204,364	\$333,237	\$613,091
<b>Single-Family Attached / Townhouses</b>				
<b>2010</b>	\$103,010	\$110,039	\$309,030	\$330,117
<b>2014</b>	\$111,079	\$127,148	\$333,237	\$381,444
<b>Multifamily (Includes condominiums; excludes cooperatives)</b>				
<b>2010</b>	\$103,010	\$72,079	\$309,030	\$216,238
<b>2014</b>	\$111,079	\$81,919	\$333,237	\$245,758

According to the source material, “market value” for each unit is derived from that year’s tax assessment and is adjusted to reflect the dwelling unit’s market value or sales price if the unit sold during the prior year. “Market value” refers to the estimated value as of January 1, 2011 (for 2010) and 2015 (for 2014). The “single-family attached” category includes townhouses, duplexes, and multiplex units. The “multifamily” category includes condominium and other units in structures with a common entryway. The data exclude units in rental complexes, units in nonresidential structures, and units in certain ownership statuses like cooperatives.

Sources: Tables 2.8 and 8.4 in *Demographic Reports 2011 Fairfax County, Virginia* (Economic, Demographic and Statistical Research, Fairfax County Department of Neighborhood and Community Services: May 2012), and *Demographic Reports 2015 Fairfax County, Virginia* (Economic, Demographic and Statistical Research, Fairfax County Department of Neighborhood and Community Services: January 2016).

Housing continues to become less affordable even for current Fairfax County residents. The affordability gap is widest for detached single-family homes where the actual median value in 2014 was nearly double what a median household could afford, \$613,091 compared to \$333,237. This gap grew 44 percent from 2010.

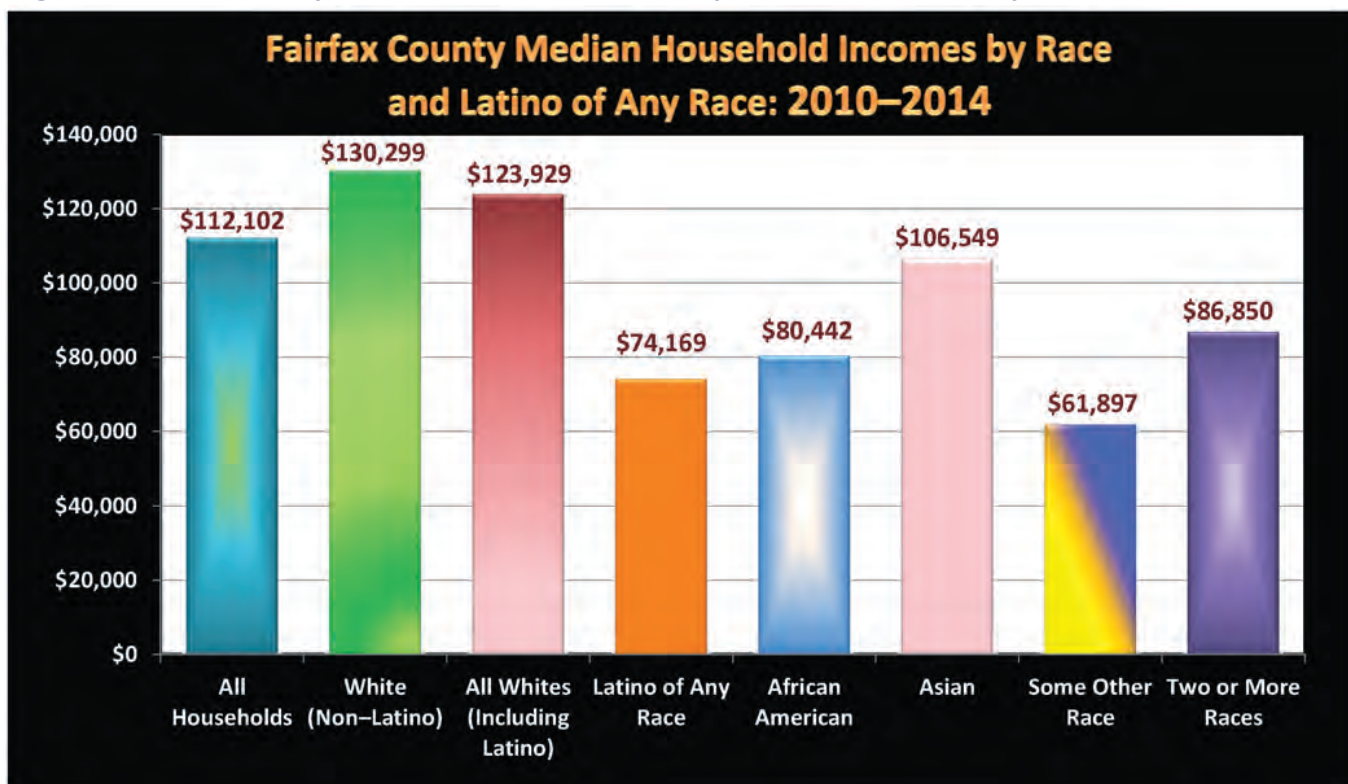
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The affordability gap for single-family attached homes was significantly less even though this gap increased by 128 percent from \$21,087 in 2010 to \$48,207 in 2014.

Only median value multifamily housing — almost all condominiums — was affordable to a household at the county's median household income, comfortably so.

The impact of these affordability gaps are greatest on African Americans, Latinos of any race, households of some other race, or two or more races due to the median household income of each group being significantly lower than the median household income needed to afford the median value single-family home in Fairfax County.

**Figure 20: Fairfax County Median Household Incomes by Race and Latino of Any Race: 2010–2014**



Source: Table S1903: Median Income in the Past 12 Months (in 2014 inflation-adjusted dollars), 2010–2014 American Community Survey 5-Year Estimates.

As the table below shows, more than one-fourth of Fairfax County's homeowners with a mortgage are cost burdened, spending 30 or more percent of their monthly household income on monthly ownership costs.



**DRAFT****Table 52: Cost-Burdened Owners With a Mortgage By Jurisdiction: 2010–2014**

<b>Cost-Burdened Owners With a Mortgage By Jurisdiction: 2010–2014</b>			
Percentage of Household Income Spent on Monthly Ownership Costs	Percentage of Owner Households With a Mortgage		
	Fairfax County	Virginia	United States
Less than 15 percent	23.3%	20.0%	19.6%
15 to 19.9 percent	20.0%	18.9%	18.2%
20 to 24.9 percent	16.3%	16.8%	16.0%
25 to 29.9 percent	12.4%	12.5%	11.7%
30 to 34.9 percent (Cost Burdened)	7.8%	8.4%	8.1%
35 percent to 39.9 percent (Cost Burdened)	4.7%	5.5%	5.6%
40 to 49.9 percent (Cost Burdened)	5.5%	6.3%	6.8%
50 percent or more (Severely Cost Burdened)	9.7%	11.2%	13.5%
<b>Total Cost Burdened</b>	<b>27.8%</b>	<b>31.4%</b>	<b>34.0%</b>

Source: Table DP04, "Selected Housing Characteristics," 2010–2014 American Community Survey 5–Year Estimates.

Note, however, that the proportion cost burdened in Fairfax County is less than throughout the Commonwealth of Virginia and even lower than for the nation.

Since mortgage and property tax payments are the two largest components of monthly ownership costs, a much smaller proportion of homeowners *without* a mortgage are cost burdened in Fairfax County, Virginia, and nationally.

**Table 53: Cost-Burdened Owners Without a Mortgage By Jurisdiction: 2010–2014**

<b>Cost-Burdened Owners Without a Mortgage By Jurisdiction: 2010–2014</b>			
Percentage of Household Income Spent on Monthly Ownership Costs	Percentage of Owner Households Without a Mortgage		
	Fairfax County	Virginia	United States
Less than 15 percent	72.3%	65.6%	59.8%
15 to 19.9 percent	8.6%	10.9%	11.9%
20 to 24.9 percent	4.7%	6.5%	7.4%
25 to 29.9 percent	3.0%	4.0%	4.8%
30 to 34.9 percent (Cost Burdened)	2.3%	2.8%	3.3%
35 percent to 39.9 percent (Cost Burdened)	1.7%	1.9%	2.3%
40 to 49.9 percent (Cost Burdened)	1.9%	2.5%	2.9%
50 percent or more (Severely Cost Burdened)	5.0%	4.8%	6.2%
<b>Total Cost Burdened</b>	<b>11.0%</b>	<b>11.9%</b>	<b>14.8%</b>

Source: Table DP04, "Selected Housing Characteristics," 2010–2014 American Community Survey 5–Year Estimates.



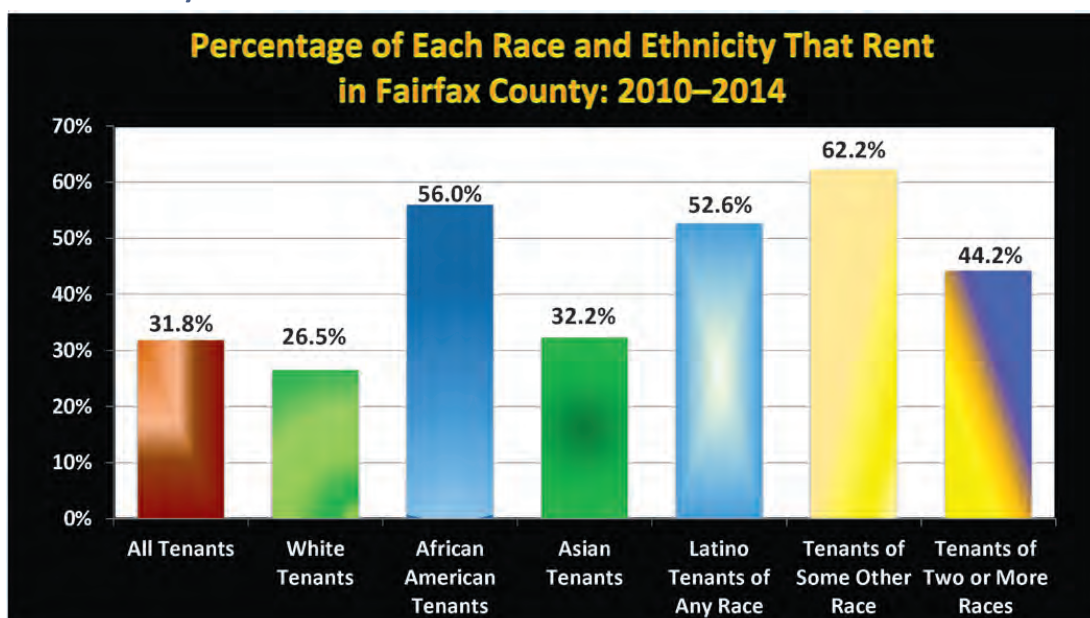
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To provide some perspective, in 2009 in the center of the housing crash, Clark County, Nevada, half of the homeowners with a mortgage were cost burdened while 16.9 percent of those without a mortgage were cost burdened.<sup>70</sup>

## Rental Housing

While nearly 32 percent of all occupied dwelling units in Fairfax County were rental during 2010–2014, much greater proportions of African American, Latino of any race, some other race, and two or more race households rented than did whites. The proportion of Asian households renting was just 5.7 percentage points greater than for Caucasian households.

**Figure 21: Percentage of Tenant Occupied Dwelling Units By Race and Ethnicity in Fairfax County: 2010–2014**



Source: Source: Tables B25003, B25003A, B25003B, B25003D, B25003F, B25003G, B25003I: "Tenure," 2010–2014 American Community Survey 5–Year Estimates.

The greater use of rental housing for these classifications is no surprise because the cost of ownership housing is simply out of range for most of these households due to:

- 💧 Monthly rents in Fairfax County, as elsewhere, tend to be lower than the monthly costs of home ownership,
- 💧 These classifications have lower median annual household incomes as shown in the figure on page 232, and
- 💧 Smaller proportions of these classifications, as shown in the table below, fall into the higher income ranges.

70. Planning/Communications, *Clark County, Nevada Analysis of Impediments to Fair Housing Choice 2011* (River Forest, IL: April 2011), 113.

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The annual household income of more than 49 percent of the county's renters in each of the four classifications shown in the table immediately below was at least \$75,000. That figure is 40 percent greater than the *median* annual income of \$53,482 for all U.S. households.<sup>71</sup> Even among minority groups in Fairfax County, incomes skew substantially higher than in the rest of the nation.

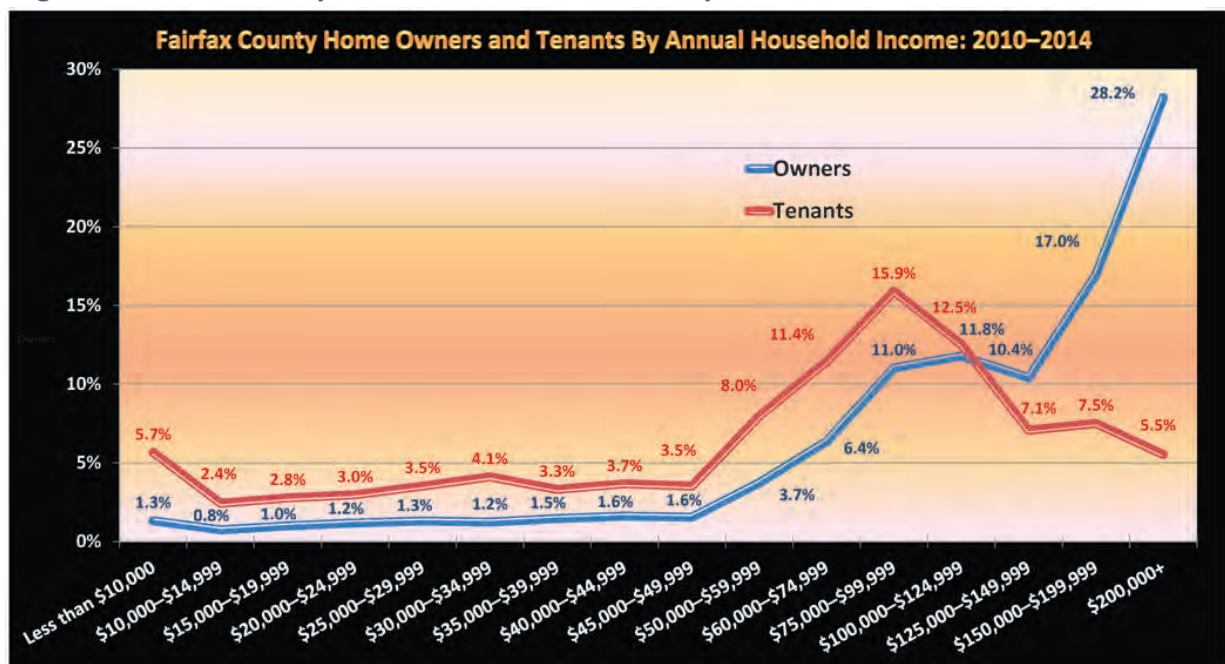
**Table 54: Annual Household Income Distribution By Race or Ethnicity in Fairfax County**

Annual Household Income Distribution By Race or Ethnicity in Fairfax County				
Annual Household Income 2010-2014	Percentage of Each Group in Each Income Range			
	White	African American	Asian	Hispanic of Any Race
Up to \$24,999	5.9%	13.0%	8.3%	11.3%
\$25,000 to \$49,999	9.0%	15.6%	12.0%	19.8%
\$50,000 to \$74,999	11.8%	17.8%	13.6%	19.5%
\$75,000 to \$99,999	11.9%	15.6%	12.0%	15.6%
\$100,000 and more	61.5%	38.0%	54.1%	33.8%

Source: Tables B19001, B19001A, B19001B, B19001D, B19001I, *2010–2014 American Community Survey 5–Year Estimates*. Margins of error for other classifications are too large to be reliable.

The following figure provides a visualization of the overall income differences between the county's home owner and tenant households for 2010 through 2014. While the proportions of home owner and tenant households with annual incomes below \$125,000 are fairly similar, a huge difference exists in the proportions of tenant and home owner households with annual incomes of \$125,000 or more. Far greater proportions of the owner households are in the upper income ranges than renter households. Throughout the nation, higher-income households simply tend to own rather than rent.

71. Table S1901, "Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars), 2010–2014 *American Community Survey 5–Year Estimates*."

**DRAFT****Figure 22: Fairfax County Home Owners and Tenants By Annual Household Income: 2010–2014**

Source: Economic and Market Analysis Division – HUD, “Special Tabulations of 2014 ACS 5–Year Survey Data.” “Households by Income, Tenure, Age of Householder, and Housing Conditions.” Available at <http://www.huduser.gov/portal/datasets/spectabs.html>.

Perhaps reflecting the distribution of incomes visualized above, substantially greater proportions of tenants than home owners are cost burdened except at the lowest and highest ends of the income spectrum.

**Table 55: Fairfax County Cost–Burdened Households By Tenancy and Household Income: 2010–2014**

Fairfax County Cost–Burdened Households By Tenancy and Household Income: 2010–2014		
Annual Household Income	Percentage of Households Spending 30 Percent or More of Annual Household Income on Housing	
	Owner–Occupied Dwellings	Renter–Occupied Dwellings
Less than \$20,000	93.0%	88.9%
\$20,000 to \$34,999	78.3%	94.3%
\$35,000 to \$49,999	61.8%	87.1%
\$50,000 to \$74,999	51.2%	61.5%
\$75,000 or more	14.0%	11.1%

Source: Table B25016, “Tenure by Housing Costs as a Percentage of Household Income in the Past 12 Months,” *2010–2014 American Community Survey 5–Year Estimates*.



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Given the generally higher household incomes of home owners, it is not surprising that, in Fairfax County, greater proportions of tenants are cost burdened than home owners with or without a mortgage.

**Table 56: Cost–Burdened Tenants By Jurisdiction: 2010–2014**

<b>Cost–Burdened Tenants By Jurisdiction: 2010–2014</b>			
<b>Percentage of Monthly Household Income Spent on Gross Rent</b>	<b>Percentage of Tenant Households</b>		
	<b>Fairfax County</b>	<b>Virginia</b>	<b>United States</b>
<b>Less than 15 percent</b>	11.2%	10.5%	10.8%
<b>15 to 19.9 percent</b>	14.7%	11.5%	11.2%
<b>20 to 24.9 percent</b>	16.3%	12.7%	11.5%
<b>25 to 29.9 percent</b>	12.6%	11.4%	10.6%
<b>30 to 34.9 percent (Cost Burdened)</b>	9.8%	8.7%	8.4%
<b>35 percent to 39.9 (Cost Burdened)</b>	6.4%	6.5%	6.3%
<b>40 to 49.9 percent (Cost Burdened)</b>	8.7%	8.7%	8.7%
<b>50 percent or more (Severely Cost Burdened)</b>	18.6%	22.5%	24.9%
<b>Total Cost–Burdened</b>	43.5%	46.4%	48.3%

Source: Table B25070, “Gross Rent as a Percentage of Household Income in the Past 12 Months,” 2010–2014 American Community Survey 5–Year Estimates.

While a smaller percentage of Fairfax County’s tenants are cost burdened and severely cost–burdened than tenants in all of Virginia or the nation, the proportions of cost–burdened and severely cost–burdened tenants in Fairfax County are still substantial enough to warrant the concern that Fairfax County has expressed about affordable housing in its research, plans, and policies.

The high cost of housing and the lack of affordable housing options mean that residents of Fairfax County are particularly vulnerable when any life shocks occur. Feedback from community members indicated that a divorce, a serious illness in the family, losing one’s job, having a bad credit history, or fleeing an abusive relationship can place serious economic strains on households, leaving few housing options. In particular, older adults and individuals with disabilities living on fixed incomes are often more vulnerable to housing insecurities than others.<sup>72</sup>

The county’s concerns take on an added dimension because the affordability of rental housing in Fairfax County varies by race and ethnicity, just as it does throughout the nation. While tenant incomes in Fairfax County are generally higher than elsewhere, rents are also generally higher. Consequently, median income African–American, Latino of any race, some other race, and two or more

72. Fairfax County Human Services System, *The Path Toward Tomorrow: The 2016 Fairfax County Human Services Need Assessment* (Fairfax County, VA: May 2016), 23.

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race households cannot afford the median rent in Fairfax County as shown in the following table.

With their higher household incomes, the median income owner household of any classification could afford the median rent in Fairfax County.

**Table 57: Affordability of Fairfax County Rental Housing By Race and Ethnicity: 2010–2014**

Affordability of Fairfax County Rental Housing By Race and Ethnicity: 2010–2014				
Tenancy	Estimated Median Household Income	Minimum Annual Household Income to Afford Median Rent	Maximum Monthly Rent Median Income Household Can Afford	Actual Median Rent
<b>All Householders</b>				
Tenant Households	\$72,953	\$68,960	\$2,026	\$1,724
Owner Households	\$137,901	\$68,960	\$3,831	\$1,724
<b>White Householder (Including Latinos)</b>				
Tenant Households	\$65,186	\$68,960	\$1,811	\$1,724
Owner Households	\$146,359	\$68,960	\$4,066	\$1,724
<b>All Non–Latino White Householder</b>				
Tenant Households	\$68,798	\$68,960	\$1,911	\$1,724
Owner Households	\$151,407	\$68,960	\$4,206	\$1,724
<b>Latino of Any Race Householder</b>				
Tenant Households	\$46,578	\$68,960	\$1,294	\$1,724
Owner Households	\$96,271	\$68,960	\$2,674	\$1,724
<b>African American Householder</b>				
Tenant Households	\$49,633	\$68,960	\$1,379	\$1,724
Owner Households	\$116,158	\$68,960	\$3,227	\$1,724
<b>Asian Householder</b>				
Tenant Households	\$64,888	\$68,960	\$1,802	\$1,724
Owner Households	\$123,597	\$68,960	\$3,433	\$1,724
<b>Some Other Race Householder</b>				
Tenant Households	\$40,047	\$68,960	\$1,112	\$1,724
Owner Households	\$80,776	\$68,960	\$2,244	\$1,724
<b>Two or More Races Householder</b>				
Tenant Households	\$55,497	\$68,960	\$1,542	\$1,724
Owner Households	\$112,297	\$68,960	\$3,119	\$1,724

Source: Table B25070, "Gross Rent as a Percentage of Household Income in the Past 12 Months," 2010–2014 American Community Survey 5–Year Estimates; Table B25119: Median Household Income the Past 12 Months (in 2014 inflation-adjusted dollars) by Tenure — Universe: Occupied housing units," 2010–2014 American Community Survey 5–Year Estimates; Table 25119: Median Household Income the Past 12 Months (in 2010 inflation-adjusted dollars) by Tenure — Universe: Occupied housing units," 2006–2010 American Community Survey Selected Population Tables.

### Housing Costs in Perspective

As one might expect, the high housing costs in Fairfax County make it more difficult for most households in the metropolitan area to move here. The median



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household income for the Metropolitan Statistical Area is \$91,756, 18 percent less than the \$112,102 median household income of Fairfax County households.<sup>73</sup>

A closer look at different groups in Fairfax County and for the entire Metropolitan Statistical Area shows that the median value home of most types is beyond the means of the median household of several different types as shown in the table below.

**Table 58: Affordability of Fairfax County Housing By Type of Household and Type of Housing: 2014**

Affordability of Fairfax County Housing By Type of Household and Type of Housing: 2014					
Type of Household	Estimated Median Household Income	Median Household Income Required to Afford Median Value Home			
		Median Rent (\$1,724) Requires \$68,960	Median Value Condominium (\$245,758) Requires \$81,919	Median Value Single-Family Attached Home (\$381,444) Requires \$127,148	Median Value Single-Family Detached Home (\$613,091) Requires \$204,364
All Fairfax County Households	\$112,102	Yes	Yes	No	No
<b>Family Households</b>					
With Own Children Under 18	\$125,813	Yes	Yes	No	No
Married With Children Under 18	\$144,415	Yes	Yes	Yes	No
Married, No Children	\$149,591	Yes	Yes	Yes	No
Female Headed, No Spouse With Children Under 18	\$51,002	No	No	No	No
Female Headed, No Spouse or Children	\$81,111	Yes	No	No	No
Male Headed, No Spouse With Children Under 18	\$81,276	Yes	Yes	No	No
Male Headed, No Spouse or Children	\$88,589	Yes	Yes	No	No
Female Householder, No Spouse	\$65,318	No	No	No	No
Male Householder, No Spouse	\$87,277	Yes	Yes	No	No
<b>Nonfamily Households</b>					
All Nonfamily Households	\$77,042	Yes	No	No	No
Female Living Alone	\$63,379	No	No	No	No
Female Not Living Alone	\$115,752	Yes	Yes	No	No
Male Living Alone	\$79,008	Yes	No	No	No
Male Not Living Alone	\$117,500	Yes	Yes	No	No
Householder 65 years and older	\$86,414	Yes	Yes	No	No
All Households in the Metropolitan Statistical Area	\$91,756	Yes	Yes	No	No

Source: Table S1903: "Median Income in the Past 12 Months (in 2014 inflation-adjusted dollars)" and Table B25119: "Median Household Income the Past 12 Months (in 2014 inflation-adjusted dollars) by Tenure — Universe: Occupied housing units," *2010–2014 American Community Survey 5–Year Estimates*; Tables 2.8 and 8.4 in *Demographic Reports 2015 Fairfax County, Virginia* (Economic, Demographic and Statistical Research, Fairfax County Department of Neighborhood and Community Services: January 2016).

A median income household of any of these groups could not afford the median value detached single-family home. Only married couples could afford the median value attached single-family home. Six groups could not afford the median value condominium and three could not afford the median-priced rental. This evaluation, however, does not take into account the wealth households have accumulated (such information is not available at this detailed a level). Conse-

73. Table S1901: "Income in the Past 12 Months (in 2014 inflation-adjusted dollars), 2010–2014 American Community Survey 5–Year Estimates."



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quently it is likely that there are median income households that have accumulated enough wealth to afford some of the median value homes.

### Conclusions on Affordable Housing

County officials are fully aware that the cost of all types of housing in Fairfax County is high. As throughout the nation, many of the county's long-time residents cannot afford to purchase their homes today. The affordability issue for many home owners may not be as severe as the data suggest because home owners tend to acquire equity in their homes and build their wealth through a variety of means which enhances their ability to purchase a home that costs more than their income would suggest they can afford.

Groups with lower median households incomes face the steepest affordability barriers in Fairfax County. These include Latinos of any race, African Americans, householders of two or more races, householders of "some other race," especially female-headed households, and tenants in general. The county has identified that African Americans and the elderly are most at risk of homelessness.<sup>74</sup>

As the next section of this report explains, the county administers a number of programs that enable many members of these groups to continue to live in Fairfax County and move to Fairfax County.

### County Efforts to Meet Affordable Housing Needs

The county reports substantial shortages of rental units affordable to households of modest means, also known as low- and moderate-income households. The county has identified a shortage of about 31,600 rentals affordable to households that earn \$68,000 or less annually.<sup>75</sup> The county estimates that a net of 50,000 new housing units affordable to households that earn up to 120 percent of the area median income are needed based on projected job growth through 2032.<sup>76</sup>

To address these needs, the county has established the Affordable Dwelling Unit and Workforce Housing programs that were discussed earlier in Chapter 3. In addition, the Fairfax County Redevelopment and Housing Authority administers Housing Choice Vouchers, public housing, the Fairfax County Rental Program-Multifamily (FCRP), and FCRP: Senior Housing Programs. The authority also oversees three additional programs: Bridging Affordability, First-Time Homebuyers Program (FTHB), and Home Repair for the Elderly (HREP).

The average income of households served in these programs was \$24,190 in fiscal year 2015 — about 25 percent of the area median income for a family of three (the federal definition of "extremely low income").

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74. Fairfax County Human Services System, *The Path Toward Tomorrow: The 2016 Fairfax County Human Services Need Assessment* (Fairfax County, VA: May 2016), 23.

75. Ibid.

76. *Housing Blueprint; At a Glance –FY 2017*, available at [http://www.fairfaxcounty.gov/rha/housingblueprint/fy\\_2017-063016.pdf](http://www.fairfaxcounty.gov/rha/housingblueprint/fy_2017-063016.pdf).

## Housing Choice Vouchers

The Fairfax County Redevelopment and Housing Authority administers over 3,900 housing choice vouchers (formerly known as “Section 8”) that allow families to rent in the private market with a rent subsidy so they spend no more than 30 to 45 percent of their annual adjusted income on rent. In fiscal year 2015, more than 9,325 people were using housing vouchers. Their average household income was \$17,739 which is considered “extremely low income.” Most new vouchers are being used by households earning up to 30 percent of the area median income.<sup>77</sup>

The area median income was \$74,000 for a one-person household; \$85,600 for a two-person household; \$96,300 three-person household; \$107,000 four-person household; \$115,560 five-person household; \$124,100 six-person household.<sup>78</sup>

The waiting list for housing choice vouchers is currently closed but is expected to be reopened in 2017. To place this in perspective, 53 percent of Housing Choice Voucher waiting lists were closed throughout the nation.<sup>79</sup>

The county has established three local preferences that place applicants ahead of applicants who do not meet any of these preferences. In order of priority, the preferences are:

- 💧 **Work Preference.** Applies if the head of the household or spouse is employed, attends school, or participates in a job training program or a combination of these in Fairfax County for at least 30 hours a week. Alternatively, this preference applies if the head of the household or spouse is at least 62 years old, is disabled, or is the only adult in the household who works fewer than 30 hours a week and is the primary caretaker of a dependent who has a disability.
- 💧 **Residency Preference.** Applies if the applicant works or lives in Fairfax County or the City of Falls Church, City of Fairfax, or Town of Herndon.
- 💧 **Rent Burden Preference.** Applies if the household spends more than 30 percent of its gross annual income for rent and utilities, or earns less than half of the area median income.<sup>80</sup>

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77. “FCRHA/Fairfax County Rental Housing Programs: An Overview,” Fairfax County Redevelopment and Housing Authority, June 2016, 2.

78. Memorandum “Approval of Workforce Housing (WDU) Condominium Pricing,” to Edward L. Long, Jr., County Executive, from Kurt Creager, Director Fairfax County Department of Housing and Community Development, January 12, 2015.

79. Another four percent were open only to one or more specific populations such as homeless families and individuals, veterans, people with a disability, or local residents. Nearly two-thirds of the closed waiting lists had been closed for at least a year with 13 percent closed for at least five years. “The Long Wait for a Home,” in *Housing Spotlight* Vol. 6, Issue 1 (Washington, DC: National Low Income Housing Coalition: Fall 2016) 8.

80. *Low and Moderate Income Housing Guide* (Fairfax County, VA: Fairfax County Department of Housing and Community Development, Nov. 2012) 2. Available at <http://www.fairfaxcounty.gov/rha>.

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The housing authority also has a “Housing Choice Voucher/Public Housing Homeless Preference” for housing choice vouchers and public housing. Under this preference, up to half of the “annual admissions come from a homeless preference that includes applicants on the waiting list who are referred by human service providers and enrolled in certain human services programs including transitional housing and special needs homeless assistance programs. While these referrals may continue even when the wait lists are closed to the general public, the number of referrals are limited on an annual basis.”<sup>81</sup> In very recent years, the proportion of new admissions under these preferences has been closer to 25 percent than 50 percent.

Given the median household incomes within Fairfax County and the demographic composition of heads of households in Fairfax County, one might expect that members of the demographic groups with the lowest household incomes would be more dependent on housing choice vouchers — which is the case as suggested in the table that follows.

**Table 59: Fairfax County Housing Choice Vouchers: Racial and Hispanic of Any Race Composition of Heads of Household, May 2016**

Fairfax County Housing Choice Vouchers: Racial and Hispanic of Any Race Composition of Heads of Household, May 2016		
Race or Ethnicity	Number	Percentage
White	1,348	34.2%
African American	2,025	51.4%
Asian	548	13.9%
Other Race	21	0.5%
Hispanic of Any Race	548	13.9%

Source: Fairfax County Department of Housing and Community Development, May 2016.

Within the context of affirmatively furthering fair housing, the concern with housing choice vouchers is whether voucher holders are moving to locations where they have an integrative, segregative, or neutral impact on the surrounding neighborhood.

As the figure that follows shows, housing choice vouchers are being used throughout the county in the areas where multifamily housing exists. Although the number and proportion of multifamily dwelling units in the Pohick Planning District (1,364 units, 3 percent of all dwelling units) are far fewer than in the Vienna Planning District (4,268 and 17 percent), there are far more housing choice

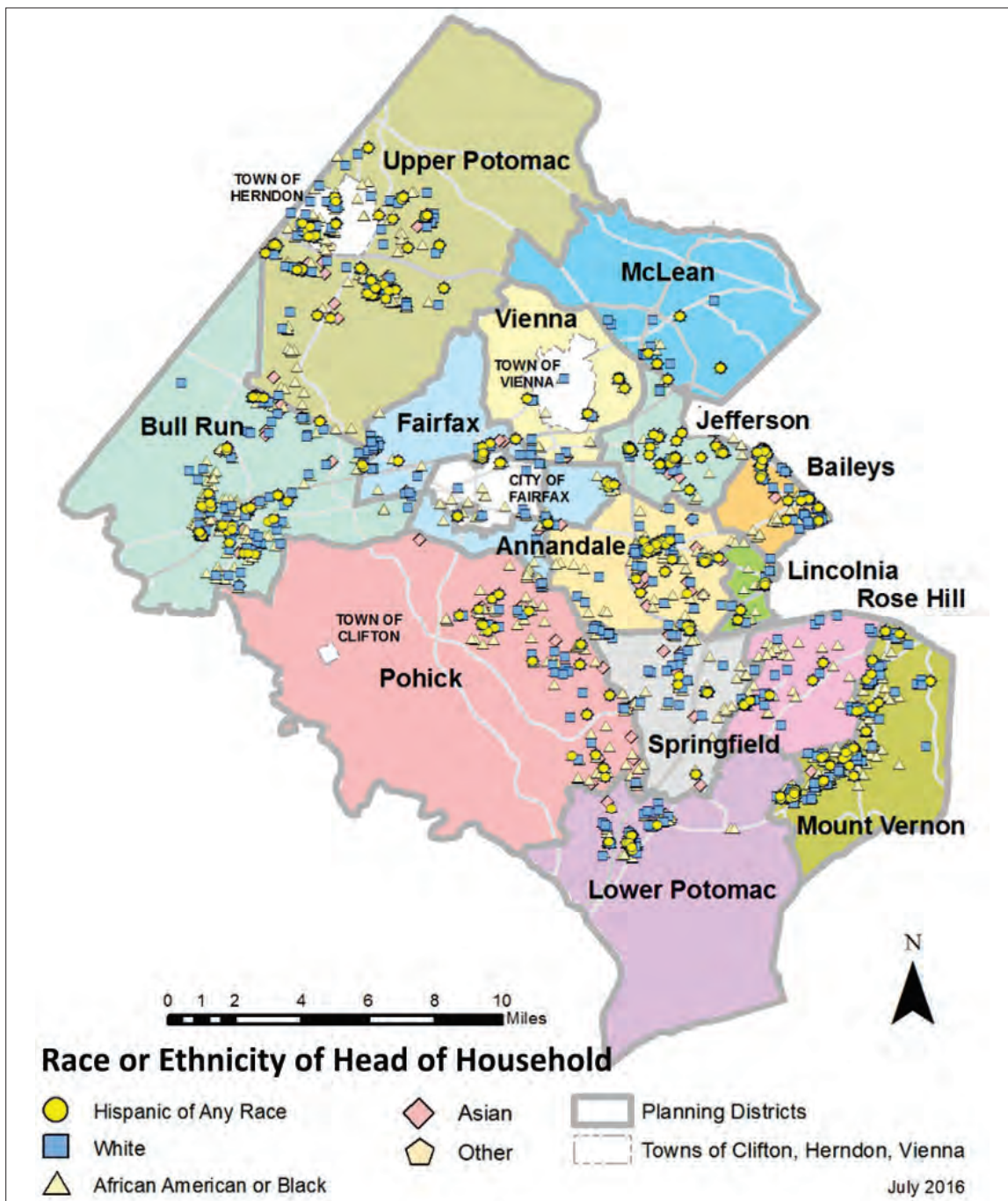
81. Ibid.



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vouchers in use in the former. This *could* be due, in large part, to the significantly higher cost of housing in the Vienna Planning District.

**Figure 23: Where Housing Choice Vouchers Are Used By Race and Ethnicity of the Head of Household**

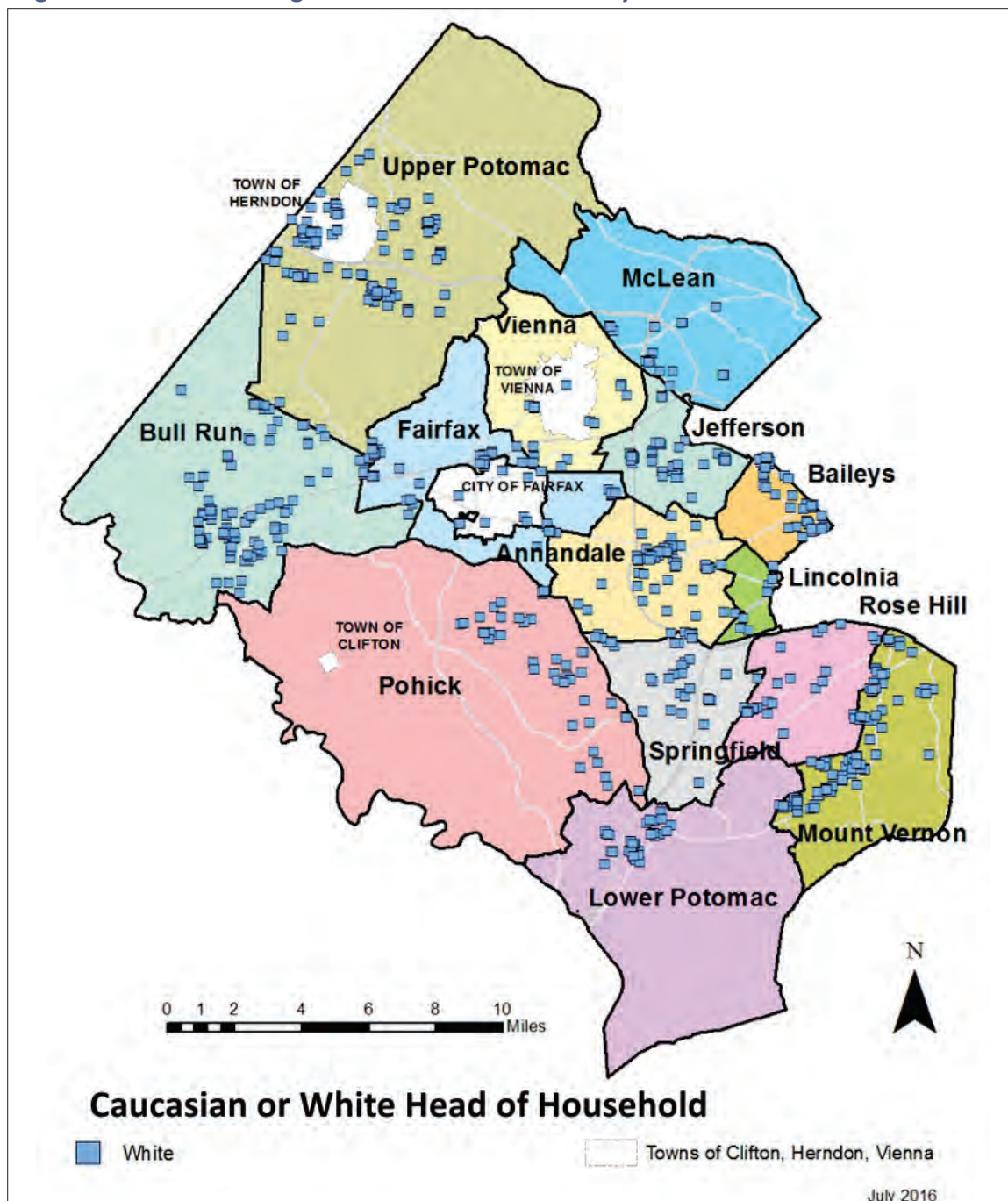


Source: Fairfax County Department of Housing and Community Development, July 2016.

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The following maps show the distribution of housing choice vouchers throughout Fairfax County by the race or Latino ethnicity of the head of the household.

**Figure 24: Where Housing Choice Vouchers Are Used By Caucasian Heads of Households**

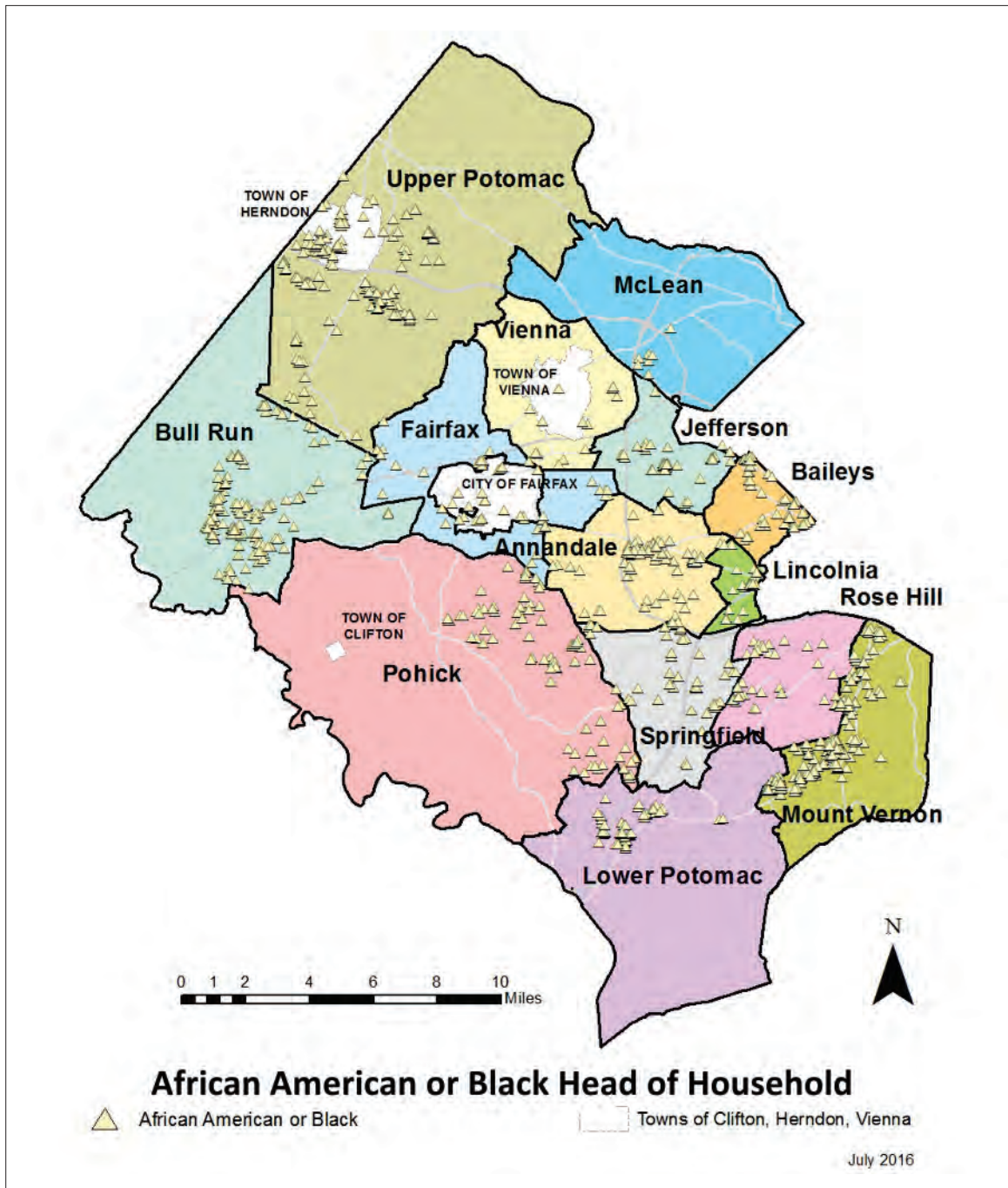


Source: Fairfax County Department of Housing and Community Development, July 2016.

Voucher holders whose head of household is Caucasian — 34.2 percent of all Fairfax County households with a housing choice voucher — are using their vouchers throughout the county.

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**Figure 25: Where Housing Choice Vouchers Are Used By African American Heads of Households**



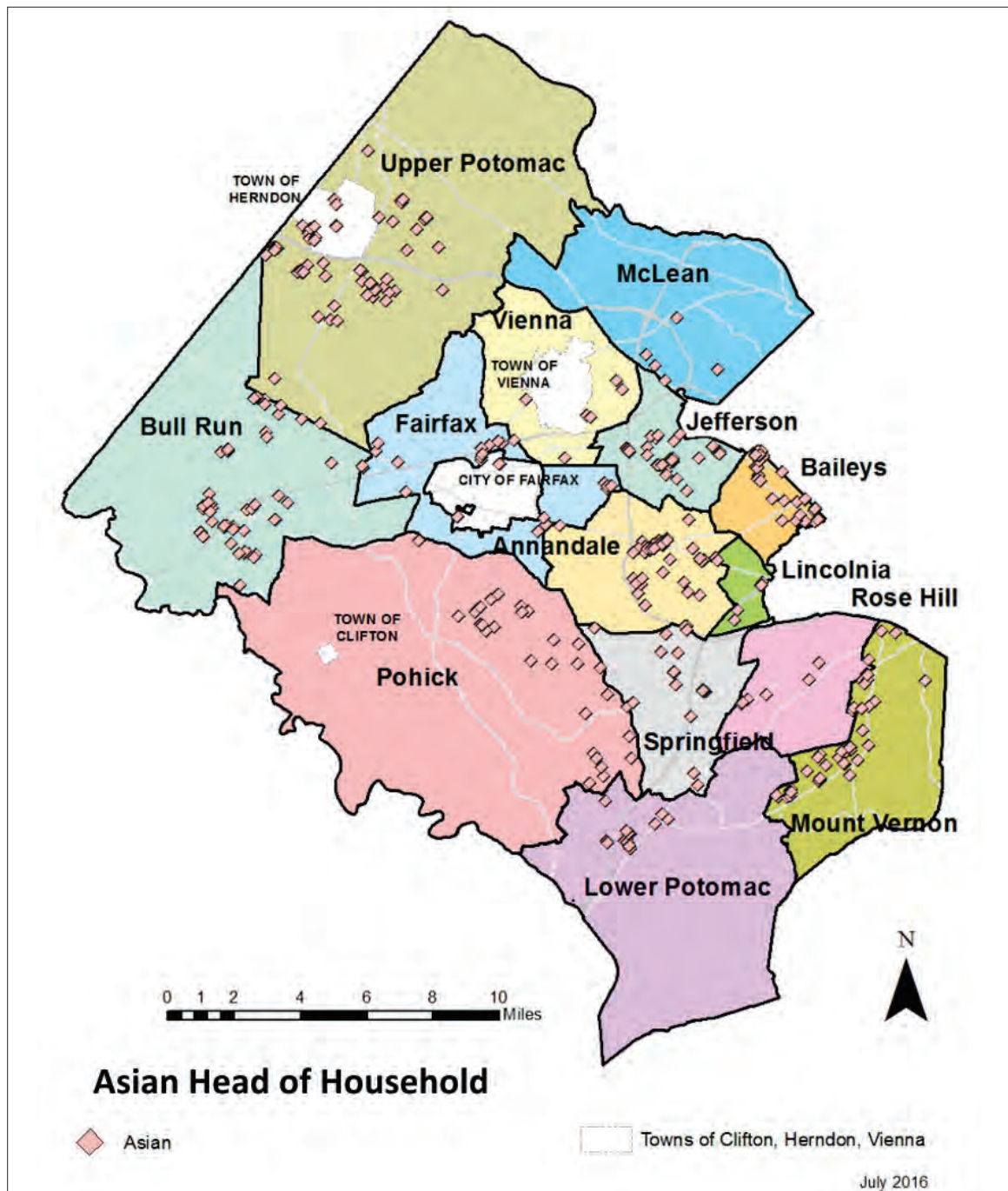
Source: Fairfax County Department of Housing and Community Development, July 2016.

Voucher holders who are African American — 51.4 percent of all Fairfax County households with a housing choice voucher — are using their vouchers in pretty much the same areas as voucher holders who are Caucasian.



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Figure 26: Where Housing Choice Vouchers Are Used By Asian Heads of Households

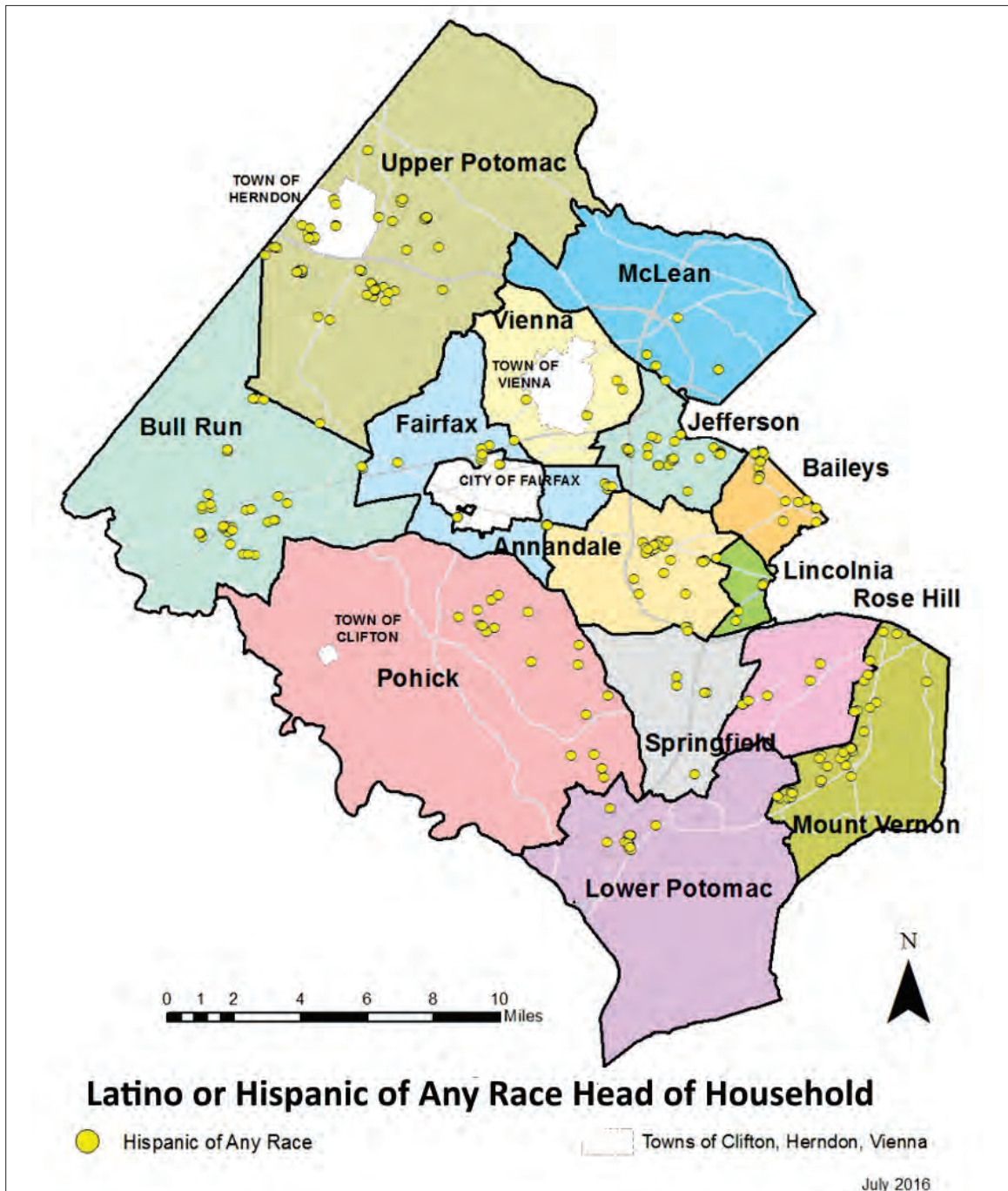


Source: Fairfax County Department of Housing and Community Development, July 2016.

The locations chosen by voucher holders who are Asian — 13.9 percent of all Fairfax County households with a housing choice voucher — are similar to those who are white or African American.

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**Figure 27: Where Housing Choice Vouchers Are Used By Latino of Any Race Heads of Households**



Source: Fairfax County Department of Housing and Community Development, July 2016.

Latino households of any race — 13.9 percent of all Fairfax County households with a housing choice voucher — are using their housing choice vouchers in the same areas as other households with a voucher.

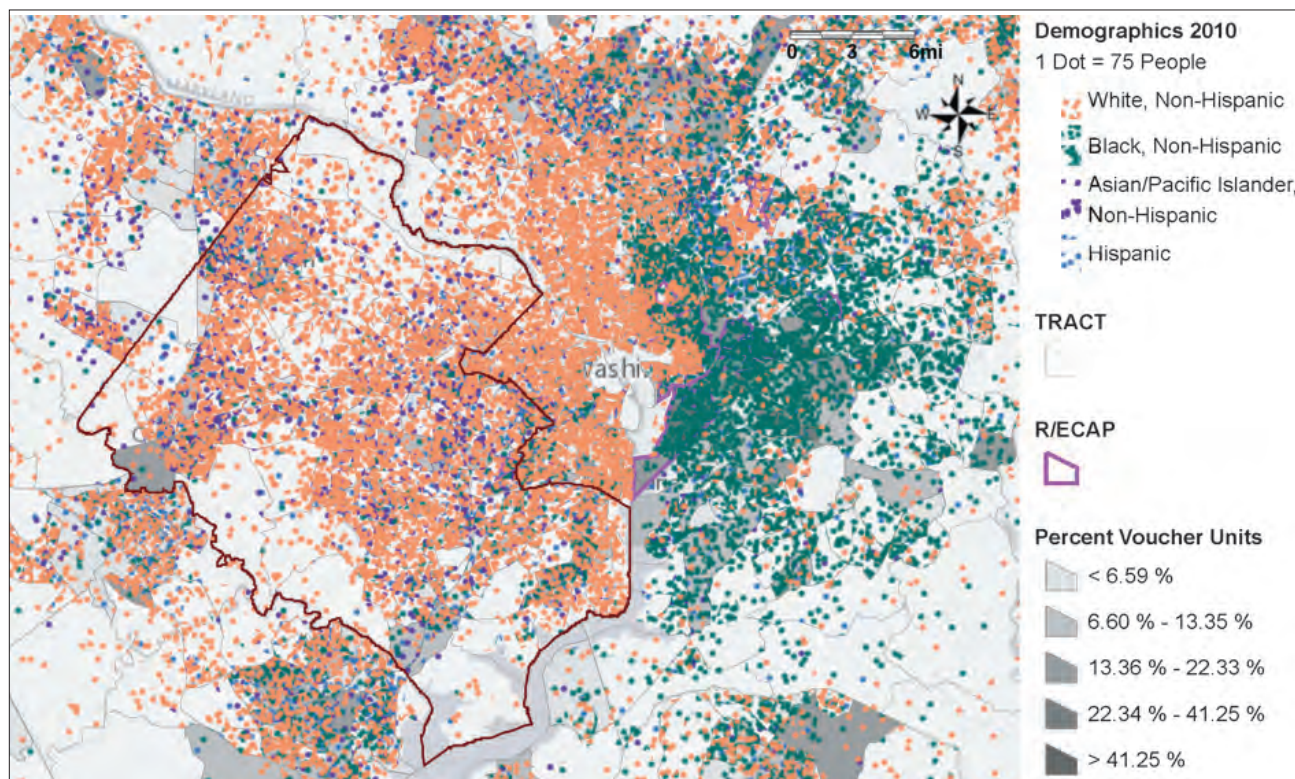
As the next figure strongly suggests, housing choice vouchers are being used in a much more integrative manner within Fairfax County than in the District of



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Columbia and Prince George's and Charles County in Maryland. These distributions appear to reflect the underlying diversity, or lack thereof, within each jurisdiction. As noted in Chapter 3, Prince George's County is well on its way to resegregation and Charles County is showing early signs of resegregation.

**Figure 28: Regional Distribution of Housing Choice Vouchers By Race and Hispanic Ethnicity**



Source: "Map 6 – Housing Choice Vouchers and Race/Ethnicity, Fairfax County, VA," *HUD Affirmatively Furthering Housing Data and Mapping Tool*, Sept. 2016.

## Public Housing

The Fairfax County Redevelopment and Housing Authority owns and manages 29 public housing developments with 1,060 dwelling units and 2,637 residents. Public housing in Fairfax County largely serves extremely low income households. Their average income in fiscal year 2015 was \$21,363, about 22 percent of the area median income. Most new households in public housing have incomes at or below 30 percent of the area median income. Tenants pay 30 to 35 percent of their income for rent.<sup>82</sup>

82. "FCRHA/Fairfax County Rental Housing Programs: An Overview," Fairfax County Redevelopment and Housing Authority, June 2016, 2.



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The waiting list for public housing is currently closed. To place this closure in perspective, 11 percent of waiting lists for public housing were closed throughout the county.<sup>83</sup>

The Fairfax County Redevelopment and Housing Authority last acquired buildings for public housing in 1998 when the Coppermill, Monroe Chase, Virginia Station, and Walney Oaks developments were built. The age of public housing buildings ranges from 18 to 68 years old.<sup>84</sup>

The housing authority is currently converting all of its public housing developments to project-based vouchers under the Rental Assistance Demonstration Program.<sup>85</sup>

### Impact of Public Housing on Affirmatively Furthering Fair Housing

The table that follows provides the racial and Latino composition for the head of households in each of these 29 developments. It also identifies the census tract and planning district in which each is located.

Within the context of affirmatively furthering fair housing, the concerns over public housing developments are whether their location and racial and Hispanic compositions have an integrative, segregative, or neutral impact on the surrounding neighborhood. By comparing the composition of each development with the actual and expected composition of the census tract and planning district in which it sits (see the Free Market Analysis™ in Chapter 3), it is possible to estimate whether the public housing is having an integrative, segregative, or neutral effect on the surrounding area.

The vast majority of these 29 public housing developments produce an integrative impact. Some are having an integrative effect for one race while generating a segregative impact for another race.

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83. Another four percent were open only to one or more specific populations, usually seniors, families, and people with a disability. Half of the closed waiting lists had been closed for at least six months and 37 percent had been closed for at least a year with 15 percent closed for at least two years. “The Long Wait for a Home,” in *Housing Spotlight* Vol. 6, Issue 1 (Washington, DC: National Low Income Housing Coalition: Fall 2016) 8.
84. Email from The PROGRESS Center, Fairfax County Department of Housing and Community Development, to Daniel Lauber, Planning/Communications (Oct. 14, 2016, 1:17 p.m. CST) (on file with Planning/Communications).
85. Email from The PROGRESS Center, Fairfax County Department of Housing and Community Development, to Daniel Lauber, Planning/Communications (Oct. 17, 2016, 8:42 a.m. CST) (on file with Planning/Communications).

**DRAFT****Table 60: Fairfax County Public Housing Developments: Racial and Hispanic Composition of Heads of Household, May 2016**

Fairfax County Public Housing Developments: Racial and Hispanic Composition of Heads of Household, May 2016								
Planning District	Census Tract	Public Housing Development	Units	White	Black	Asian	Other Race	Hispanic of Any Race
Annandale	4523.01	Heritage Woods I	19	39%	22%	39%	0%	6%
	4523.01	Heritage Woods South	13	73%	13%	13%	0%	7%
	4523.01	Heritage Woods North/ Springfield Green	17	29%	50%	21%	0%	0%
Baileys	4514.00	Villages at Falls Church	36	24%	22%	51%	3%	14%
	4515.01	Greenwood Apartments	138	34%	27%	39%	1%	10%
	4515.02	Rosedale Manor	96	34%	37%	28%	1%	8%
Bull Run	4912.01	Barros Circle	43	31%	24%	43%	2%	2%
	4918.01	Water's Edge	9	11%	89%	0%	0%	11%
Fairfax	4405.02	Robinson Square	46	37%	44%	16%	2%	14%
Jefferson	4502.00	Kingsley Park	107	30%	24%	46%	0%	10%
Lower Potomac	4221.01	Sheffield Village Square	8	0%	100%	0%	0%	0%
Mount Vernon	4152.00	Bell View	40	49%	34%	15%	2%	12%
	4155.00	West Ford II	22	19%	67%	14%	0%	14%
	4155.00	West Ford I	24	23%	59%	18%	0%	0%
	4155.00	West Ford III	59	22%	64%	14%	0%	10%
	4214.00	The Atrium	37	46%	51%	0%	3%	5%
	4214.00	Tavenner Lane	12	18%	55%	27%	0%	9%
	4215.00	Audubon	45	36%	60%	2%	2%	2%
	4215.00	Colchester Town	8	100%	0%	0%	0%	0%
	4218.00	Old Mill Gardens	47	41%	56%	2%	0%	15%
	4218.00	Regan Oaks	51	33%	33%	33%	0%	15%
Pohick	4327.02	Newington Station	36	34%	54%	11%	0%	14%
Springfield	4201.00	The Park	24	32%	36%	32%	0%	18%
	4210.02	Greenwood II	4	25%	75%	25%	0%	0%
Upper Potomac	4812.02	West Glade	50	43%	39%	20%	2%	13%
	4822.03	Reston Town Center	30	41%	41%	17%	0%	10%
	4823.02	Shadowood	16	29%	59%	12%	0%	6%
Vienna	4605.02	Briarcliff II	20	35%	35%	30%	0%	10%
	4617.00	Barkley Square	3	0%	33%	33%	33%	0%
<b>Total</b>			<b>1,060</b>	<b>34%</b>	<b>39%</b>	<b>25%</b>	<b>1%</b>	<b>10%</b>

Source: Fairfax County Department of Housing and Community Development, May 2016.

In the Annandale Planning District, Heritage Woods I in Annandale generates a mild segregative impact in a census tract where the actual proportion of African American households is nearly 16 percentage points lower than expected in a discrimination-free housing market. By housing a larger proportion of Black households, Heritage Woods I helps integrate the neighborhood. However, the actual proportion of Asian households is almost 16 percentage points greater than expected. Heritage Woods I intensifies this concentration of Asian households to produce a segregative impact on the neighborhood.

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Two of the three developments in the Bailey Planning District have a similar integrative impact for Black households and segregative impact for Asian households. The actual proportion of African American households in the census tract in which the Villages at Falls Church is almost 27 percent points less than expected in a housing market absent discrimination while the proportion of Asian households is 20 percentage points greater.

Similarly, the Greenwood Apartments in Falls Church sit in a census tract where the actual proportion of Black households is 18 percentage points lower than expected in a free housing market while the actual proportion of Asian households is 13 percentage points greater than expected.

Centerville's Barros Circle in the Bull Run Planning District shows the same integrative pattern for African Americans and segregative pattern for Asians. The actual proportion of Black households is more than 21 percentage points lower than expected in a housing market devoid of discrimination while the actual proportion of Asian households is more than ten percentage points greater than expected.

Kingsley Park in Falls Church and the Jefferson Planning District generates an integrative impact for African Americans in a tract where the actual proportion of Black households is nearly 24 percentage points less than expected in a free housing market. With 46 percent of Kingsley Park's residents Asian, the development intensifies the small Asian concentration in the census tract where the actual proportion of Asian households is almost nine percentage points greater than expected.

Briarcliff II in the Vienna Planning District generates an integrative impact for African American households whose actual proportion is nearly 18 percentage points less than would be expected in a discrimination-free housing market. This very integrated development, however, contributes to the concentration of Asian households in the census tract, the actual proportion of which is 20 percentage points greater than would be expected.

Tracts 4214.00 and 4215.00 in the Mount Vernon Planning District have developed enclaves of Latinos of any race. The actual proportion of Hispanic households in tract 4214.00 is almost 25 percentage points greater than the proportion expected in a free housing market. In tract 4215.00, the actual proportion is more than 12 percentage points greater than expected. However, in none of the four public housing developments does the proportion of Latino residents exceed 15 percent. Consequently, these public housing developments affirmatively furthering fair housing by helping to maintain diversity and stable integration in these two census tracts.

All of the other public housing developments have an integrative impact or, in a few instances, a neutral effect. Even though the household heads of two eight-unit public housing developments — Sheffield Village Square and Chochester Town — are all of a single race, they contribute to the integration of the census tracts in which they are located.

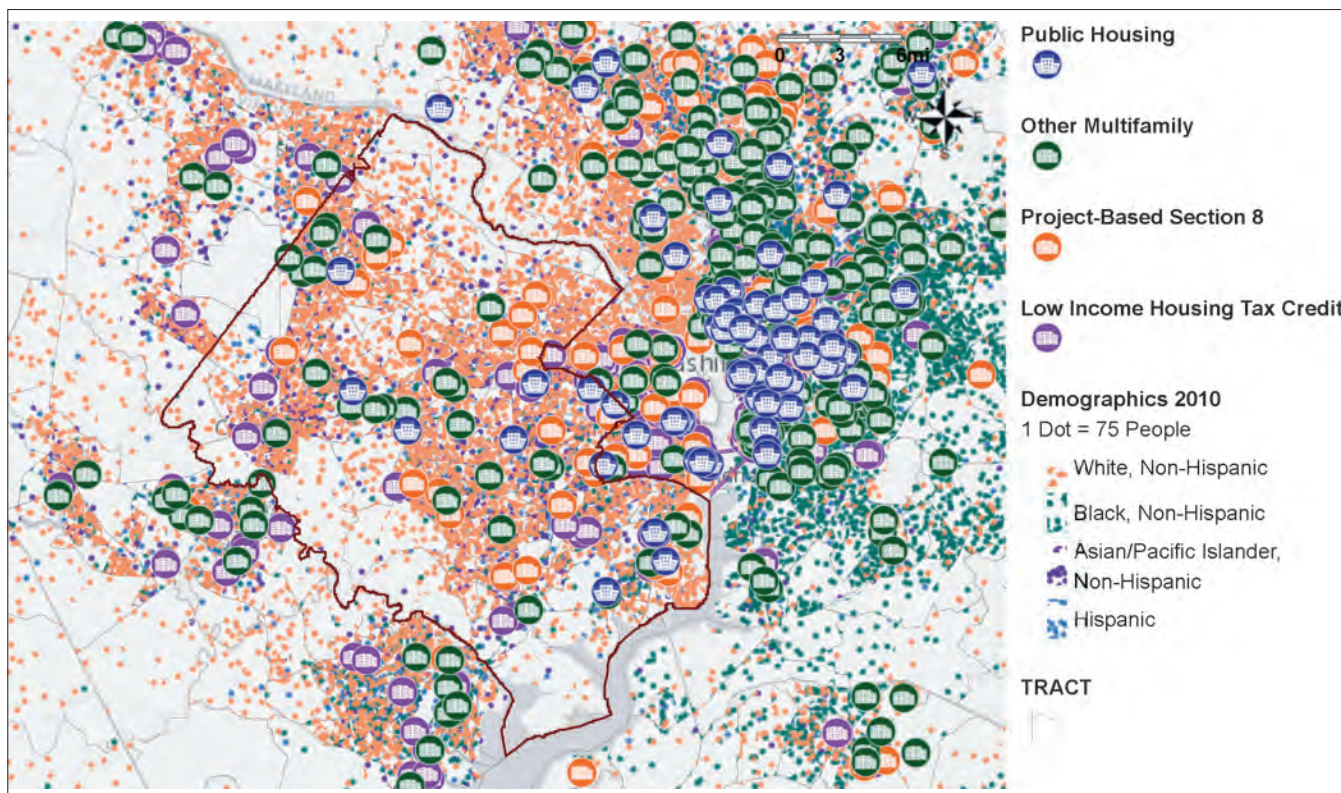
The location of Fairfax County's public housing developments and other publicly-supported housing appear to be significantly more integrative than in other jurisdictions in the region as suggested by the figure below. It shows the locations of public housing, project-based Section 8, Low-Income Tax Credit, and other



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publicly-supported multifamily housing in Fairfax County and the surrounding region as well as the underlying racial and Latino composition of the population.

**Figure 29: Location of Publicly-Supported Housing and Race/Ethnicity in Fairfax County and Region**



Source: “Map 5 – Publicly Supported Housing and Race/Ethnicity, Fairfax County, VA,” *HUD Affirmatively Furthering Housing Data and Mapping Tool*, Sept. 2016.

As with the locations of housing choice vouchers, publicly-supported housing appears to be located in more integrative manner than such housing in the District of Columbia and Prince George’s and Charles counties in Maryland. As with housing choice vouchers, publicly-supported housing tends to be more focused on Fairfax County’s east end where more multifamily housing can be built and there are significant concentrations of employment opportunities.

### Public Housing Policies and Practices

**Live-In Aide Policy.** Some housing authorities have counted the income of a live-in aide as part of the income of the public housing or housing voucher family with which the aide lives. This has resulted in the Kafkaesque situation in which the aide is treated as a member of the family and his income is counted toward the family’s income — sometimes placing the family’s income over the maximum allowed to live in public housing or to receive a housing voucher. This “Catch-22” has been applied most often when the live-in aide is a relative.

The Fairfax County Redevelopment and Housing Authority makes it very clear that a “live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c)(5)]. Relatives

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may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.”<sup>86</sup>

Overall, the rules governing live-in aides are accommodating and supportive in accord with the *Fair Housing Act*.

**Accessibility of Public Housing.** Section 504 of the Rehabilitation Act of 1973 requires that at least five percent of public housing units must be accessible to people with mobility impairments. A 2008 compliance review by the U.S. Department of Housing and Urban Development found that just two of the housing authority’s 1,060 dwelling units were accessible — a shortfall of 51 units.<sup>87</sup>

In 2009, the Fairfax County Redevelopment and Housing Authority entered into a voluntary compliance agreement with the U.S. Department of Housing and Urban Development in force for seven years that requires the authority to reach that minimum threshold of 53 accessible units and “ensure that each project or facility the Fairfax County Redevelopment and Housing Authority owns, to the maximum extent feasible, has a minimum of five percent (5%) of the total units in each project or facility that are accessible to persons with mobility impairments.”<sup>88</sup> By April 2016, the required 51 units had been made accessible. No additional public housing units were built since the compliance agreement went into effect.<sup>89</sup>

**Pro-Integrative Site Policy.** We asked the Fairfax County Redevelopment and Housing Authority to provide us with any explicit or implicit policies it may have to locate scattered site public housing or establish public housing developments so they support racial and/or socio-economic integration. The authority has not identified any such policies. Note, however, that nearly all of the county’s 29 public housing developments have had an integrative impact as explained beginning on page 249.

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86. Fairfax County Department of Housing and Community Development, *Public Housing Admissions and Occupancy Policy for the Public Housing Program* (Revised through June 1, 2012) §3.I.M, 3–11.

87. *Voluntary Compliance Agreement Between the U.S. Department of Housing and Urban Development and Fairfax County Redevelopment and Housing Authority* (July 2009), 6.

88. *Ibid.* 6.

89. Email from The PROGRESS Center, Fairfax County Department of Housing and Community Development, to Daniel Lauber, Planning/Communications (April 19, 2016, 3:43 p.m. CST) (on file with Planning/Communications).

**Fairfax County Rental Program—Multifamily**

The “Fairfax County Rental Program—Multifamily” housed 5,725 people in fiscal year 2015 in properties the Fairfax County Redevelopment and Housing Authority owns that were developed with funds other than public housing or Housing Choice Voucher monies. These include 1,961 multifamily units, 504 senior units, and 115 mobile home pad sites at Woodley Hills Estates and 19 studio units at Coan Pond.<sup>90</sup>

**Table 61: Fairfax County Rental Program: Racial and Hispanic of Any Race Composition of Heads of Household, May 2016**

<b>Fairfax County Rental Program: Racial and Hispanic of Any Race Composition of Heads of Household, May 2016</b>		
<b>Race or Ethnicity</b>	<b>Number</b>	<b>Percentage</b>
<b>White</b>	378	46.5%
<b>African American</b>	311	38.3%
<b>Asian</b>	106	13.0%
<b>Other Race</b>	18	2.2%
<b>Hispanic of Any Race</b>	142	17.5%

Source: Fairfax County Department of Housing and Community Development, May 2016.

This program generally serves working households with higher incomes than those living in public housing or using Housing Choice Vouchers. The average household income in fiscal year 2015 was \$36,801, about 37 percent of the area median income for a three-person household — considered “very low income” by the federal government. Households, however, can have annual incomes as high as 80 percent of the area median income.<sup>91</sup>

Under this program, the housing authority manages “magnet housing” for police, firefighters, teachers and bus drivers as well as multifamily housing for families, single people, seniors and supportive housing for “special” populations.

**Senior Housing Programs**

The Fairfax County Redevelopment and Housing Authority’s Senior Housing Programs include the eight independent senior living properties with 504 dwelling units in the Fairfax County Rental Program described immediately above.

90. “FCRHA/Fairfax County Rental Housing Programs: An Overview,” Fairfax County Redevelopment and Housing Authority, June 2016, 1. The housing authority manages the units at Coan Pond which are not included in the count of 1,961 multifamily dwellings.

91. Ibid. This average income estimate does not include the senior housing.



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The program features 112 beds of assisted living at the Lincolnia and Braddock Glen facilities.

The annual household income for residents of the independent living units averaged \$23,128 in fiscal year 2015 — 30 percent of the area median income. For residents in assisted living, the average income was \$21,076, 28 percent of the area median income.<sup>92</sup>

### Bridging Affordability

Northern Virginia Family Services runs this program under contract with the Fairfax County Redevelopment and Housing Authority. The organization leads a collaborative of nonprofit organizations that use program funds to furnish rental subsidies much like the Housing Choice Voucher program. Program participants, however, receive an array of support services. During fiscal year 2015, an average of 185 households rented under this program. Their average household income was \$18,020, about 17 percent of the area median income and within the federal definition of “extremely low income.” Bridging Affordability’s funding source is rental income from the Wedgewood Apartments.

### Homeownership and Related Programs

**First-Time Homebuyers Program.** The Fairfax County Redevelopment and Housing Authority offers affordably-priced condominiums and town homes to first-time home buyers under the zoning ordinance’s Affordable Dwelling Unit program examined in Chapter 3. Sales prices are well below market rate units in the same development. The developer sells new units directly to eligible first-time buyers while the Fairfax County Redevelopment and Housing Authority handles the resale of participating units.

The units are priced to be affordable to households earning up to 70 percent of the area median income. In fiscal year 2015, the average income of Affordable Dwelling Unit purchasers was \$49,072, approximately 51 percent of the area median income for a family of three. That year, there were 16 new home buyers in this program. Seventy-five households received pre- and post-home buyer counseling and 7,563 individuals were served via orientations, application sessions, contract signing, the Homeownership Resource center, phone calls, emails, walk-up services, and annual housing fairs and events.

The Fairfax County Redevelopment and Housing Authority has the right to purchase up to one-third of the new affordable units in a development. The housing authority then rents the units to qualified households. The program requires participants to fulfill a home buyer education requirement.<sup>93</sup>

**Home Repair for the Elderly.** This program provides free labor and as much as \$500 in materials to complete necessary minor repairs to eligible lower income

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92. Ibid.

93. “FCRHA/Fairfax County Homeownership and Related Programs: An Overview,” Fairfax County Redevelopment and Housing Authority, June 2016, 1.

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elderly home owners as well as provide accessibility modifications for people with disabilities. A home owner must be at least 62 years old, disabled, or have a family member who is disabled in the household.

During fiscal year 2015, 111 households participated in the Home Repair for the Elderly program. Their average income was \$22,249, about 29 percent of the area median income for a single-person household. Program rules permit participation by households that earn as much as 80 percent of the area median income.

## Reporting Housing Discrimination and Accessing Information About Fair Housing

**Online.** Fairfax County’s website provides a good deal of information on housing discrimination and fair housing. Reaching that information, however, is not intuitive. Simply searching for “housing discrimination” or “fair housing” produces a large number of results, most of which will not get the user to the proper place online.

The county’s home page has a “Topics” section with a “Housing” subsection with links to “Rental Housing,” “Landlord–Tenant Issues,” and “Code Compliance” — none of which gets you to the site’s extensive information on fair housing and housing discrimination. The “More Topics” link gets you to a link to “Housing” which does not have any links for housing consumers about housing discrimination. The link to “Human Rights” does get users to a link to the county’s Human Rights Division. However users may not connect the term “Human Rights” to housing discrimination or fair housing.

The county’s home page has a “Report” section with a link entitled “Complaints/Crimes” where there is a link to “More services.” These links will get viewers to forms for reporting identify theft or grass height issues, but the phrases “housing discrimination” and “fair housing” are nowhere to be found.

At the bottom of the “Complaints and Concerns” page is a section entitled “General County” with a link called “Discrimination Complaint Forms (Issues on the basis of race, color, sex, religion, national origin, marital status, age, familial status or disability).” This links gets the viewer to a page where you are given the phone number for the Office of Human Rights and Equity Programs and a link called “Housing” that opens an online “Discrimination Complaint Questionnaire – Housing” in English and a link called “Vivienda” with the same questionnaire in Spanish. At this stage, there is still no information provided that explains the sort of behavior that constitutes housing discrimination.

Each additional step a possible victim must take to report housing discrimination increases the chances that he will abandon his effort to report a possible fair housing violation and be denied housing due to discrimination.

**Reporting Housing Discrimination by Phone.** Not everybody, especially people with lower incomes, uses the Internet. An unknown percentage of people who feel they have experienced discrimination when looking to rent or buy need to call the county for assistance.

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We conducted seven tests by calling Fairfax County's main phone number. Each caller asked to speak with somebody because he or she felt they may have been discriminated against when looking to rent an apartment or buy a house.

The calls were made at different times of the day between April 28 and May 31, 2016. One caller was a woman with an Asian accent; another woman called speaking Spanish; one call was made by woman with what is typically considered an African American accent in this country. Four calls were made by Caucasian males with no discernable ethnic accent.

The operator correctly offered to transfer three of the callers to the Office of Human Rights and Equity Programs. One provided the direct phone number.

Two operators transferred the caller to the Consumer Affairs Branch. The first caller was not directed elsewhere. Four days later, the Consumer Affairs Branch correctly transferred the second caller to the Office of Human Rights and Equity Programs.

The Spanish-speaking caller was transferred to a phone operator who spoke Spanish who then asked questions about the caller's complaint. The caller was transferred to Landlord-Tenant office.

One caller was offered an opportunity to speak with the Commonwealth Attorney later in the day or be transferred to a non-emergency police line for help determining if a crime had been committed.

There was no pattern of differential treatment based on gender, race, or ethnicity.

Overall, three of the seven tests resulted in the caller immediately being connected to the proper county office. In one test, the caller eventually was directed to the appropriate county office. Three tests, including the Spanish-language test, did not get the caller to the correct county office.

## Language Access Issues

Just 3.5 percent of Fairfax County residents were foreign born in 1970. Over the next 30 years, the proportion of foreign born individuals in Fairfax County soared seven fold to 24.5 percent.<sup>94</sup> By 2014, the proportion had increased to 30.9 percent, approximately 350,000 residents.<sup>95</sup>

How well an individual speaks English can affect that person's access to fair housing information and ability to report housing discrimination. The U.S. Department of Housing and Urban Development (HUD) recognized this fact when it finalized its guidelines for recipients of federal funds in January 2007.<sup>96</sup>

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94. Fairfax County Department of Systems Management for Human Services, *Anticipating the Future, A Discussion of Trends in Fairfax County*, March 2006, 15.
  95. U.S. Census, *Selected Characteristics of Native and Foreign Born Populations, 2014 1-Year Estimates*, Table S0501.
  96. Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice, 72 *Federal Register* 2732 (Jan. 22, 2007).



Among the targeted populations recipients should consider when planning language services are persons attempting to file housing discrimination complaints and people seeking housing assistance from a public housing authority or a provider of subsidized housing, as well as their current tenants.<sup>97</sup>

According to the 2000 census, 30 percent of Fairfax County residents five years old and older spoke a language other than English.<sup>98</sup> This percentage increased to almost 38 percent in 2014.<sup>99</sup> As the table below illustrates, the greatest percentage of residents in 2014 who spoke a language at home other than English spoke Spanish or Spanish Creole followed by those who spoke Asian and Pacific Island languages, other Indo-European Languages, and other languages.<sup>100</sup>

**Table 62: Language Spoken at Home in Fairfax County: 2010–2014**

Language Spoken at Home in Fairfax County: 2010–2014			
Language Spoken at Home	Number or Percentage of Total Population	Percent of Each Language Spoken at Home	
		Speak English "Very Well"	Speak English Less Than "Very Well"
Population Five Years and Older	1,041,789	85.5%	14.5%
Speak Only English	62.5%	Not applicable	Not applicable
Speak a Language Other Than English	37.5%	61.3%	38.7%
Spanish or Spanish Creole	13.2%	55.8%	44.2%
Other Indo-European Languages	8.8%	72.6%	27.4%
Asian and Pacific Island Languages	11.6%	56.0%	44.0%
Other Languages	3.9%	69.8%	30.2%

Source: Table S1601: "Language Spoken at Home," 2010–2014 American Community Survey 5–Year Estimates.

Approximately 44 percent of those speaking Spanish and Spanish Creole or Asian and Pacific Island languages at home speak English less than "very well." Of the county residents who speak "other languages," 30.2 percent speak English less than "very well" as do 27.4 percent of Indo-European speakers. Those who speak English "less than very well" are considered limited English proficient or LEP.<sup>101</sup>

97. Ibid. 2740.

98. U.S. Census, *Profile of Selected Social Characteristics: 2000 Summary File 3 (SF3)*, Table DP–2.

99. U.S. Census, "Language Spoken at Home," 2010–2014 American Community Survey 5–Year Estimates, Table S1601.

100. "Other Indo-European languages" include most native languages spoken in Europe and India. "Other languages" include Semitic; African; and North, Central and South American indigenous languages.

101. U.S. Census, *The American Community Survey and Puerto Rico Survey Community Survey 2014 Subject Definition*, 46. The American Community Survey asks respondents if they speak a lan-

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While the percentage of residents who speak another language at home has increased since 2000, the percentage of those residents who speak English “less than very well” decreased from 44 percent in 2000 to 38.7 percent in 2014.

These two factors, the number of residents who speak a language other than English in each language group and the percentage of persons from those language groups who speak English less than very well, help determine what language services a jurisdiction should provide.

Three years *before* HUD finalized its guidelines, Fairfax County approved and disseminated its “Language Access Policy” which stated, “No person will be denied equal access to county services based on his/her inability, or limited ability, to communicate in the English language.”<sup>102</sup> The 2004 memorandum required agency directors to be responsible for disseminating the “Language Access Policy” to all employees and to ensure that all employees were aware of and had access to language information and available language resources. A language access coordinator position was created in 2002 to oversee and monitor organizational language initiatives.

County agencies that serve people with limited English proficiency were expected to “develop interpretation and document translation protocols, technology resources and procedures, personnel language enhancement and opportunities for relationship building with” communities of limited English proficiency. The results of their efforts were to be reported to the language access coordinator in a year-end report. The county eliminated the language access coordinator position in 2007.<sup>103</sup>

Since then, each department and agency has designated a language services contact to provide information about how to obtain translation or interpretation services. Employees who need to communicate with limited English proficiency callers can use Language Line Services, Inc.(LLS), one of the companies with which the county maintains a contract for interpretation and translation services. Each agency language contact has information about how callers with limited English proficiency can use the service. The process generally requires an employee to place the caller with limited English proficiency on hold, contact the Language Line, and then connect the caller and an interpreter through whom the conversation takes place.

Fairfax County’s online language access pages provide resources for employees interested in learning more: ePrint a Language Identification Flashcard, identify languages by country to find out who speaks which language, review the glossary of common terms, and learn about PETE (Public Event Transmitter Equipment) which is available to check out for events where interpretation in more than one language is needed. Employees competent in a second language

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guage other than English. If they answer “yes” they are then asked if they speak English “very well,” “well,” “not well,” or “not at all.”

102. Fairfax County, Office of the Chief Executive, *Virginia Procedural Memorandum* No. 02–08, April 30, 2004.

103. *Ibid.* 2–4.

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can use that skill to provide services directly to county customers as part of their job responsibilities.

Fairfax County offers a variety of online information for residents with limited English speaking skills. There is a link to the “Language Translations” website at the bottom of every page of the county’s website. The “Language Translation” web page provides links to useful and important county websites that can be translated into 90 different languages.<sup>104</sup>

The county’s Office of Human Rights and Equity Programs enforces the Fairfax County Human Rights Ordinance, which includes fair housing provisions. The ordinance protects against discrimination in housing, employment, public accommodations, credit, and private education. The office receives and investigates complaints by people who believe they have been subjected to discrimination in any of the protected areas. The office also provides educational services and conducts outreach activities regarding compliance with the ordinance to members of the public, organizations, businesses, and the housing industry.

The office’s website provides information on procedures for filing a discrimination complaint and access to “Discrimination Questionnaire Forms.” The forms are available in both English and Spanish. Also included are information and related forms on how to file a discrimination complaint regarding county services, activities, programs or benefits. It too is available in English and Spanish.<sup>105</sup> The Office of Human Rights and Equity Programs did not receive any language access complaints during the 2011–2015 study period.<sup>106</sup>

The Office of Human Rights and Equity Programs has staff fluent in Spanish and Arabic who are available to communicate directly with clients. Like other county offices, the Office of Human Rights and Equity Programs also uses the Language Line and the county’s Access Services to provide communication in many languages. The Office of Human Rights and Equity Programs publishes, disseminates, and has available for downloading a number of fair housing publications. These include “Know Your Rights” and “Equal Access to Housing: It is Everyone’s Right” brochures available in Spanish, Korean, Vietnamese, Chinese, Arabic, Somali, and Amharic. The staff regularly attend meetings and provide translated materials and information at various resource fairs and other local events for the public. The office has provided educational and outreach events in Spanish and other languages. The Office of Human Rights and Equity Programs conducted 53 outreach activities in 2015 alone.<sup>107</sup>

The agency responds to requests for the brochures noted above as well as for other information and materials from a wide range of organizations, agencies,

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104. See <http://www.fairfaxcounty.gov/languagetranslations.htm#audiencenav>.

105. See <http://www.fairfaxcounty.gov/Office of Human Rights and Equity Programs/hrd/complaints1.htm>.

106. Email from the Office of Human Rights and Equity Programs, to Diana Lauber (Feb 19, 2016) (on file Planning/Communications).

107. Fairfax County, Virginia, *FY 2015 Annual Report of the Fairfax County Office of Human Rights and Equity Programs*, 11.



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schools, religious organizations, and centers located in the county. The brochures are also available on the Office of Human Rights and Equity Programs website, at county libraries, and distributed at various county housing related programs, including home buyer education classes conducted on behalf of the Virginia Housing Development Authority. The Office of Human Rights and Equity Programs has used a variety of media to promote its services to the Spanish-speaking community, including ad campaigns in both Spanish and English using both print media and advertising on the local bus service. In addition, the agency conducts Spanish-language “Know Your Rights” programs on fair housing issues on Channel 16 (the county’s television station) that airs several times a week.

## Implementation of the 2011–2015 AI

Fairfax County’s previous Analysis of Impediments was conducted in-house and published in July 2011.<sup>108</sup> It identified 18 impediments to fair housing choice which fell into the three broad categories used here to review the county’s efforts to implement the 112–page report. This review relies primarily on the information Fairfax County Office of Human Rights and Equity Programs provided including information that various county departments and agencies involved furnished. This assessment also takes into account some information gleaned from print and online materials as well as interviews with staff and others conducted as part of the research for this Analysis of Impediments.

### Real Estate Testing Programs

Fairfax County was conducting extensive testing of rental real estate practices even before completion of its 2011–2015 Analysis of Impediments to Fair Housing Choice (hereinafter “2011–2015 Analysis of Impediments”). The 2011–2015 Analysis of Impediments recommended that Fairfax County use testing to identify and address different kinds of discrimination, including restrictions on housing choice, failure to provide reasonable accommodations and modifications, and discrimination in lending.

This recommendation led to the county expanding its existing testing program that had conducted 40 telephone tests of rentals in 2010, including:

- 💧 20 tests of familial status to determine willingness to rent to households with children
- 💧 10 tests of disability to identify the landlord’s willingness to make reasonable modifications such as installing grab bars or a ramp
- 💧 10 tests of disability to identify the landlord’s willingness to waive prohibitions on pets and to waive fees for service animals for an applicant with disabilities

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108. *Fairfax County Fair Housing Analysis of Impediments and Five-Year Fair Housing Planning Document (2011–2015)*.

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The county's Office of Human Rights and Equity Programs contracted with the Equal Rights Center, (ERC), a national non-profit with extensive experience and national reputation in fair housing testing, to conduct both rental and sales testing to determine whether housing choice is being limited on the basis of familial status, disability, race, religion, and national origin. Since then, the county has had 227 tests of rentals conducted and 32 tests of for sale housing conducted.

From July 1, 2012 through June 30, 2013, 170 rental tests were conducted:

- 25 telephone tests of reasonable accommodations or modifications for people who are blind and need an assistance animal
- 25 telephone tests of reasonable accommodations or modifications for people who have hearing impairments
- 20 surveys of compliance with accessibility requirements were completed in person
- 25 in-person, match-pair tests of national origin were conducted for treatment of Latino rental applicants
- 15 in-person, match-pair tests of race and national origin identified treatment of Asians
- 20 in-person, match-pair tests identified treatment of African Americans
- 15 in-person, match-pair tests of national origin and religion examined the treatment of Muslims
- 25 in-person, match-pair tests of familial status identified treatment of households with children

From July 1, 2013 through June 30, 2014, 41 in-person, matched-pair tests were conducted:

- 10 tests of rentals examined treatment of people with mobility impairments
- 14 tests of rentals and five tests of for sale housing looked at the treatment of Hispanics based on national origin
- 11 tests of rentals identified treatment of Asian households based on race
- One test of for sale housing was conducted based on race (African American)
- Five sales tests based on national origin (Latino)

The next program year, July 1, 2014 through June 30, 2015, 48 in-person, match-pair tests were conducted including eight re-tests:

- 11 tests of rentals examined treatment of people with mobility impairments
- Two tests of national origin and religion examined the treatment of Muslims in rentals
- Nine tests of race reported on the treatment of African Americans in rentals
- 11 tests of race reported on the treatment of African Americans in for sale housing

- 15 for sale housing tests of national origin looked at the treatment of Latinos

The 2011–2015 Analysis of Impediments recommended that the county use testing to detect the use of occupancy codes to discriminate against families with children and immigrants. Some landlords illegally impose occupancy restrictions on families with children that are stricter than the county's. While funding limitations have prevented the county from directly testing for these violations, the tests focused on familial status and national origin (and for other protected classes) can reveal instances where a landlord declines to rent to a family due to the number, age, and/or gender of children.

County and Equal Rights Center senior and supervisory staff concluded that the testing results showed some differences in treatment and that a housing discrimination complaint should be filed in one instance. The complaint was filed and settled through the conciliation process. Consequently, the initial results were used primarily for auditing purposes and to inform future testing. County staff surmised that the testing resulted in just one fair housing complaint being filed possibly because the testing focused on large multi-family rental complexes run by professional management companies which, one might assume, tend to train their staff to comply with fair housing statutes. In addition, the tests were limited to the initial stages of inquiry regarding availability and most did not include follow-up visits or further requests for information. Future testing is likely to focus more on small and medium sized properties to determine how conversant staff and landlords are with fair housing laws.

The results of the 2010 tests have been published. The results of the other tests have not been published as of this date.

The Analysis of Impediments also recommended that the county test for discriminatory real estate advertisements, specifically on the Internet, but the county does not appear to have done so, very possibly due to budgetary limitations and because the other testing was likely to be more urgent and of a higher priority.

The 2011–2015 Analysis of Impediments also found that Blacks and Hispanics in Fairfax County appear to face significant barriers when seeking mainstream credit, and that there were lending disparities based on race and ethnicity in the county. The 2011–2015 Analysis of Impediments recommended that the county support a program of lending testing to determine whether there were grounds for fair lending enforcement actions. Initially, the county did not pursue such testing, due to the 2008 financial crisis creating more immediate needs.

With the real estate market recovering, the Office of Human Rights and Equity Programs expects to include testing for discrimination in mortgage lending in upcoming testing cycles.

Similarly, though the 2011–2015 Analysis of Impediments recommended testing to determine whether source-of-income discrimination is a problem in Fairfax County, no such testing has been done due to budgetary restraints and because source-of-income is not a protected class in Virginia or under the federal Fair Housing Act. HUD's recent initiatives to fund testing through partnership agreements allow recipient jurisdictions like Fairfax County to test for only



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protected classes — and not for classes that the jurisdiction may wish to be protected — so that if discrimination is found, a housing discrimination complaint could be filed.

### Education and Outreach Efforts

Fairfax County appears to have a robust outreach and education program on myriad fair housing issues, carried out by several agencies, including the Office of Human Rights and Equity Programs, Department of Housing and Community Development, Consumer Affairs Branch, the Community Services Board, and the Office to Prevent Homelessness. This outreach and education includes fair housing trainings for different agencies, groups, and organizations; media campaigns; know-your-rights presentations; and information dissemination at resource fairs and other local events. There are some areas, however, where specific types of outreach and education were recommended in the 2011–2015 Analysis of Impediments but not implemented.

As with its testing efforts, the county has been conducting outreach and education regarding fair housing and disability and reasonable accommodation and modification requirements. The Office of Human Rights and Equity Programs developed both a Disability Toolkit and a Disability Fact Sheet in 2013. The toolkit has been distributed throughout the disability community, and the fact sheet is included in materials given to housing providers receiving fair housing training. In addition, the agency conducts trainings on fair housing and disability for several county boards and commissions, as well as for the public during fair housing month. The Community Services Board educates community groups and citizens associations regarding disability rights when addressing concerns about group homes. The Office of Public Affairs ensures that fair housing activities and publications are open and welcoming to those with disabilities. The county is also working, through a multi-agency collaboration, to create an online apartment registry that will include available units with accessible features. The county has also been educating landlords to identify accessible units as such when they list them on the Virginia housing search website.

The 2011–2015 Analysis of Impediments noted that landlord resistance to renting to potential tenants with housing choice vouchers limited their housing options. The Department of Housing and Community Development intends to resume conducting briefings for landlords, where they can learn more about the voucher program, in order to encourage them to participate, but there is no indication that the department has been offering such briefings over the past five years. The department is also exploring ways to incentivize landlords to participate in voucher programs, but has not yet implemented any incentives. Voucher holders are often statistically more likely to be members of protected classes, such as non-whites or persons with disabilities. By not focusing on this type of economic integration, the county is missing an opportunity to affirmatively further fair housing.

As noted above, the 2011–2015 Analysis of Impediments identified lending discrimination as a major barrier to mainstream credit for Blacks and Hispanics. The Analysis of Impediments recommended that the county undertake various actions to reduce this disparity, including educating consumers in communities affected by such high-cost lending, supporting programs that assist consumers

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to refinance or restructure high-cost loans, and educating lenders regarding fair lending and disparate impact. The Office of Human Rights and Equity Programs has created a comprehensive, trifold brochure on lending discrimination which is in the process of being distributed throughout the community, including to lenders. However, the county does not appear to have supported any programs that assist consumers with refinancing. In addition, the majority of the education other county agencies have undertaken focuses on financial literacy and helping low and moderate income individuals to build credit. These efforts do not address the fact that non-whites with good credit are more likely to be offered high-cost, discriminatory loans than are similarly situated whites.

Another impediment to fair housing identified in the 2011–2015 Analysis of Impediments is the disparity in home ownership rates between Caucasians, Blacks, and Hispanics. As recommended, the county’s Department of Housing and Community Development, in partnership with the Consumer Affairs Branch, holds a variety of home buyer education classes every year. Both Housing and Community Development and the Consumer Affairs Branch also offer pre- and post-purchase housing counseling. However, it appears that the county, perhaps for budgetary limitations, has not yet supported programs that provide the down-payment and closing cost assistance to lower-income families that the Analysis of Impediments recommended.

As called for in the 2011–2015 Analysis of Impediments, the Office of Human Rights and Equity Programs has worked closely with the Northern Virginia Association of Realtors on fair housing issues. The county itself has not collaborated as closely with private housing providers, landlords, or property management companies to establish fair housing education programs, as recommended by the 2011–2015 Analysis of Impediments.<sup>109</sup> However the county is not the only local entity that has been sponsoring testing for housing discrimination and providing related outreach to the community. Over the years, the Equal Rights Center and the National Fair Housing Alliance have engaged in extensive testing within Fairfax County and other parts of northern Virginia. They, too, have been providing education in fair housing and conducting testing audits for housing providers in Fairfax County.

The county appears to have done a good job educating housing providers about discriminatory advertising of occupancy standards, and disseminating information to the public about acceptable occupancy standards (in both English and Spanish).

The county, through the Consumer Affairs Branch, provided education and outreach to county residents about their rights and responsibilities when renting

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109. The Office of Human Rights and Equity Programs has conducted fair housing trainings and events for employees at properties the county owns and manages. It is not clear whether fair housing trainings have also been conducted for private housing providers. The county operates 3,000 units of multifamily housing, out of a 2014 total of 115,532 units in the county. See *Demographic Reports 2014, County of Fairfax, Virginia*, available at <http://www.fairfaxcounty.gov/demogrph/demrpts/report/fullrpt.pdf>. Thus, if the county has conducted education and training only for employees of county-owned properties, the agency is reaching a very small proportion of the total multifamily properties in Fairfax County.

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in Fairfax County. The Consumer Affairs Branch responded to inquiries for advice and offered voluntary mediation to tenants and landlords to help resolve issues. Translation services were provided and reasonable accommodations were honored upon request.

### Affordable Housing Initiatives

The 2011–2015 Analysis of Impediments reported that housing in Fairfax County is becoming less affordable to households of modest means (low and moderate income). It recommended that the county seek funding opportunities to create affordable housing as well as support more rental housing for families. The county has funded the creation of six units of permanent affordable housing for families that have experienced chronic homelessness and has created public–private partnerships that will result in the development of 1,000 units of affordable housing to be built on county–owned land. There is also an affordable housing capital fund. To accurately evaluate the efficacy of these programs, the county can place these figures within the context of the huge array of data the county has assembled for each of its 14 planning districts.

Fairfax County has gone beyond most jurisdictions and assembled a wealth of demographic and economic data online and in print. The Department of Neighborhood Services' report, *Economic Need in Fairfax County 2014*, identifies and explains the increase in poverty within Fairfax County.

In addition, the county produces an annual Demographic Report that contains a plethora of data on each of the 14 planning districts in Fairfax County. The county's website, [http://www.fairfaxcounty.gov/demogrph/find\\_by\\_topic.htm](http://www.fairfaxcounty.gov/demogrph/find_by_topic.htm), offers a treasure trove of data rarely available from any local government. County staff might want to use these resources and others in the county's possession to best determine where dwellings affordable to those with modest income are most needed in relation to employment centers. With this information the county can better determine whether its efforts to provide affordable housing are fostering the racial, ethnic, and economic integration that affirmatively furthers fair housing.

The 2011–2015 Analysis of Impediments also found that because the number of accessible housing units available in Fairfax County is limited low-income households in need of affordable and accessible housing may have difficulty locating them. Thus, the Analysis of Impediments recommended that the county assess the need for such housing by determining the number of low-income households with members who have a disability and then encourage the development of affordable, accessible housing. While the county has determined that approximately 70,000 Fairfax County residents have a disability, it does not appear to have assessed how many of those residents are also low-income. In order to better analyze the need for housing that is both affordable and accessible, the county should dig deeper to determine the overlap between disability and economic need among its residents. In terms of encouraging development, the Department of Housing and Community Development does award additional points to applications for affordable housing development capital funding that include accessible features. The Fairfax County Redevelopment and Housing Authority also calls for the inclusion of accessible and universal design in its own projects, as well as those for which it provides financing.



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The 2011–2015 Analysis of Impediments found that it is often difficult for seniors to find and maintain affordable, accessible housing. The county has been reaching out to senior homeowners to educate them about predatory lending and loan modification scams. The previous Analysis of Impediments also recommended that the county support stronger funding for programs that allow seniors to age in place. This vague recommendation does not indicate what the current levels of funding are, nor what ideal levels should be. While the county has indicated that it advocates strongly for more funding for older adults, it has not indicated whether these advocacy efforts have been successful.

Another barrier that people with disabilities and the elderly often face is the need for home modifications. The 2011–2015 Analysis of Impediments encouraged providing funding for home modifications to renters with disabilities, because most such funding is reserved for homeowners.

Finally, the 2011–2015 Analysis of Impediments recommended that Fairfax County support legislation to make source-of-income a protected class in Virginia, but the county reports that it has not done so in the last five years. The county also did not implement the 2011–2015 Analysis of Impediments’s recommendation that it perform testing regarding voucher acceptance, because source-of-income is not a protected class as explained earlier in this report. However, by testing, the county could gather data on the amount of discrimination experienced by voucher-holders, and use that information to lobby the General Assembly to better protect those who receive housing assistance. Similarly, the county has not made many efforts to encourage housing providers to participate in the voucher program. The most concrete program seems to be landlord briefings, which the county’s Department of Housing and Community Development intends to resume after a hiatus the last few years. Because voucher-holders are often members of other protected classes, the county could better affirmatively further fair housing if it focused more on supporting voucher holders and encouraging economic diversity.

### Housing Discrimination Investigations

The Fairfax County Human Rights Commission has placed into its “Policies and Procedures” manual a written policy for monitoring housing discrimination conciliation agreements as the 2011–2015 Analysis of Impediments recommended.

The 2011–2015 Analysis of Impediments recommended that Fairfax County continue to provide ready access to fair housing enforcement services, including testing, for residents and others seeking housing in the county. The county has developed a positive working relationship with the Equal Rights Center, which provides testing services under contract, and files and refers complaints it receives regarding alleged housing discrimination in the county.

In a similar vein, the previous Analysis of Impediments recommended that the county develop a coalition of housing organizations that will work with building inspectors to help families find replacement housing when displaced due to unsafe or substandard housing conditions. The county’s only stated action in this regard is the provision of funding for a volunteer home repair program, as well as a program that provides funding to seniors and people with disabilities for

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home repair. While this funding may be critical for certain homeowners, it does not address the needs of families displaced from substandard rental housing.

The 2011–2015 Analysis of Impediments recommended that Fairfax County review, to the extent possible, all of the multi-family buildings constructed after March 1991 that the Fair Housing Act covers, for compliance with fair housing accessibility requirements. The Equal Rights Center conducted 20 of these accessibility compliance surveys for the county in 2013.

The 2011–2015 Analysis of Impediments recommended that the county publicize rulings on housing discrimination complaints on the Human Rights Commission’s website to give the public easily-accessible information. Rather than publicize or publish the decisions on its website, the county requires interested members of the public to submit a Freedom of Information Act (FOIA) request to see housing discrimination decisions.

## Conclusions

Fairfax County has taken significant steps to address fair housing issues and affirmatively further fair housing through testing programs, education and outreach efforts, affordable housing initiatives, and fair housing investigations. It is obvious that budgetary constraints have prevented county staff from doing all that they would like to do to implement the recommendations of the 2011–2015 Analysis of Impediments.

Even with these substantial endeavors, the county’s efforts to affirmatively further fair housing have not focused on achieving the core goals of CDBG funding because, generally speaking, the recommendations contained in the 2011–2015 Analysis of Impediments and the impediments they are supposed to mitigate do not directly “affirmatively further fair housing.”

The difficulty is that they generally do not directly address the core issues of housing segregation and discrimination on which an Analysis of Impediments is supposed to focus. The 2011–2015 Analysis of Impediments itself omits a candid analysis of the dynamics of housing segregation and integration and their causes that should address such concerns as county land use controls, the facilitation of affordable housing construction in wealthier neighborhoods, expanding the housing choices of minority and modest income households, developing a unitary housing market to replace the dual housing market, the provision of supportive services for disadvantaged and minority residents who move to predominantly non-minority and higher opportunity neighborhoods, incorporating fair housing into routine planning and zoning practices, and landlords who refuse to accept housing choice vouchers. Due to this limited focus, the actual actions the county proposed to overcome fair housing impediments were necessarily more limited than what is needed. While Fairfax County has undertaken significant efforts to carry out the recommendations of the 2011–2015 Analysis of Impediments, the focus has been narrower than is needed to achieve the core goals of Housing and Community Development Block Grants.

## Chapter 5

# Impediments and Recommendations

In July 2016, the Fairfax County Board of Supervisors and the Fairfax County School Board adopted their inclusive “One Fairfax” resolution in support of both “racial equity” and “social equity.” *County staff is currently researching and developing policies for possible implementation of the “One Fairfax” resolution.* Key provisions of the resolution include:

... Whereas, Fairfax County ... recognizes that racial and social inequities still exist; and,

Whereas, achieving racial and social equity are integral to Fairfax County’s future economic success, ... and,

Whereas, we define Racial Equity as the development of policies, practices and strategic investments to reverse racial disparity trends, eliminate institutional racism, and ensure that outcomes and opportunities for all people are no longer predictable by race; and

Whereas, we utilize the term Social Equity to consider the intersection and compounding effects of key societal issues such as poverty, English as a second language, disability, etc. with race and ethnicity; and, ...

Whereas, it is essential to identify and address institutional and systemic barriers that exist and understand that these barriers may impede access to opportunities for achieving the visions and goals set forth by county leaders; and,...

Now, therefore, be it resolved by the Fairfax County Board of Supervisors and the Fairfax County School Board that:

The time is now to ... implement a new growth model driven by equity — just and fair inclusion into “One Fairfax,” a community in which everyone can participate and prosper.

“One Fairfax” can only be realized with an intentional racial and social equity policy at its core.... A racial and social equity policy provides both the direction and means to eliminate disparities, and work together to build a vibrant and opportunity-rich society for all.

In July 2016, the Fairfax Board of Supervisors and School Board join in this resolution and direct the development of a racial and social equity policy for adoption and strategic actions to advance opportunities and achieve equity ... so collectively, we will realize “One Fairfax,” a community where everyone can participate and prosper.

This resolution and any related policies, if adopted, would place the county on record independent of this analysis of impediments that it seeks to affirmatively



further fair housing choice. Implementing the recommendations in this chapter will help Fairfax County achieve its “One Fairfax” goals by mitigating “institutional and systemic barriers” to attain the “sustainable structural changes” to “eliminate disparities ... and build a vibrant and opportunity-rich society for all.”

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In addition to helping achieve the goals in the county’s “One Fairfax” resolution, the recommendations in this analysis of impediments seek to help Fairfax County, Virginia fulfill its legal obligation to affirmatively further fair housing. As explained in detail in Chapter 2, every jurisdiction that accepts Community Development Block Grants and other funds from the U.S. Department of Housing and Urban Development (HUD) agrees to affirmatively further fair housing. As HUD has acknowledged:

The Department believes that the principles embodied in the concept of “fair housing” are fundamental to healthy communities, and that communities must be encouraged and supported to include *real, effective*, fair housing strategies in their overall planning and development process, not only because it is the law, but because it is the right thing to do.”<sup>1</sup>

Although the grantee’s AFFH [affirmatively further fair housing] obligation arises in connection with the receipt of Federal funding, its AFFH obligation is not restricted to the design and operation of HUD-funded programs at the State or local level. *The AFFH obligation extends to all housing and housing-related activities in the grantee’s jurisdictional area whether publicly or privately funded.*”<sup>2</sup>

As Chapter 2 explained, a number of “suggestions” are offered throughout this analysis of impediments. While the regulations, practices, and policies the suggestions address are *not* impediments to fair housing choice at this time, they could develop into impediments if not remedied. Fairfax County should consider these “suggestions” as constructive recommendations to incorporate fair housing concerns into the county’s planning and implementation processes.

The recommendations in this chapter provide a framework upon which Fairfax County can build its efforts. They are not meant to constitute a complete menu of actions that can be taken. The county will likely find that there are additional actions and programs that might be appropriate that are not mentioned here.

Nor are these recommendations intended to solve all of the Fairfax County’s challenges. The impediments identified and recommendations offered are tightly focused on affirmatively furthering fair housing.

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1. Office of Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development, *Fair Housing Planning Guide*, (Washington, DC. March 1996), Vol. 1, i. Emphasis in original.
  2. Ibid. 1–3. Emphasis added.

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In the fullest sense of the term, “affirmatively furthering fair housing” means doing more than so many other cities and counties have done while they ignore the discriminatory practices that distort the free market in housing that has resulted in segregative living patterns.<sup>3</sup> It means proactively establishing and implementing policies and practices that counteract and mitigate discriminatory housing practices and policies. While a jurisdiction itself might not engage in discriminatory housing practices or policies, it should recognize that when its passive approach results in segregative living patterns, it needs to take action to correct this distortion of the free market in housing as part of its legal obligation to affirmatively further fair housing as established by the nation’s Fair Housing Act in 1968. The recommendations of this chapter present many of the tools that Fairfax County can use to “affirmatively further fair housing” in the fullest sense of the term.

It’s important to remember that like thousands of jurisdictions across the country, Fairfax County is under severe budgetary constraints arising from the “Great Recession.” In our experience, governments recover from a recession about five years after the nation’s economy recovers. The recommendations that follow provide guidance for the county’s Fair Housing Action Plan which is where the budgetary constraints may very well limit Fairfax County’s ability to fully implement these recommendations in a timely fashion. Allowances should be made for fiscal realities.

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The impediments that follow and the recommendations to mitigate them are based on the extensive data and analysis reported in chapters 3 and 4. Consequently, readers will get the most out of this chapter and this report by reading chapters 3 and 4 first where you will find all the data, information, and analysis on which these impediments and recommendations are based.

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3. For a detailed explanation of how discrimination distorts the free housing market, see the discussion beginning on page 24.

## Private Sector Impediments

### Transforming the Dual Housing Market Into a Unitary Market

Fairfax County is very diverse in terms of race, Latino ethnicity, and national origin. But as detailed in Chapter 3, this diversity generally does not include African Americans and has been accompanied by increased racial stratification within the county as racial and Hispanic enclaves have developed. The data in Chapter 3 reveal that the actual proportions of African American households in more than 82 percent of the county's census tracts are significantly lower than the proportions of Black households that would be expected in a unitary housing market absent discrimination.

Impediment #1 addresses the impact of the “dual housing market” on the county's ability to reduce housing stratification and expand the housing choices of all households that can afford Fairfax County housing to include Fairfax County in their search for housing. In a unitary housing market, the housing choices of all households, regardless of race or ethnicity, include anywhere a household can afford to live within the regional housing market. But as explained in depth on pages 23 through 27, the classic dual housing market in the United States creates and maintains housing stratification through two separate housing markets: the primary, geographically-broad housing market in which non-Black households look for housing anywhere they can afford it (albeit rarely in integrated or neighborhoods that are primarily African American), and a separate, geographically-narrower housing market for African American households that consists largely of racially-integrated neighborhoods and Black neighborhoods.

In many jurisdictions around the nation, the housing choices of other households of color, such as Asian and Latino of any race, are also limited to integrated neighborhoods and Asian or Hispanic enclaves. But, as found in Chapter 3, the data suggest that within Fairfax County, Asian and Latino households of any race are fully participating in the primary housing market although concentrations have developed in numerous parts of the county.

**Impediment #1** The entrenched dual housing market in and around Fairfax County is primarily responsible for the less than expected proportions of African American households in 82 percent of the county's census tracts and the formation of Asian, Latino, and Caucasian enclaves in Fairfax County. It is also responsible for the extreme levels of housing segregation in the District of Columbia and many of the counties that surround the nation's capital. Within the region, there is a classic dual housing market in which the housing choices of African American households are largely limited to integrated and Black neighborhoods instead of the entire housing market. The past and present housing discrimination that produces the dual housing markets continue to obstruct the county's efforts to affirmatively further fair housing.



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Chapter 3 identified the proportions of each racial group and Hispanics of any race that would be expected to live in each planning district and census tract based on actual household incomes and the actual cost of housing in Fairfax County and its regional housing market. It found that in 82 percent of Fairfax County census tracts, the actual proportions of African American households were significantly lower than can be accounted for by household income or housing costs — while the actual proportions of Caucasian, Asian, and Latino households of any race were significantly greater than expected in 42, 28 and 13 percent of the county's census tracts, respectively. These appreciable differences are typical of housing markets where past and/or present housing discrimination occur. As detailed in Chapters 3 and 4, the substantial difference in the median incomes of the region's white and Asian households compared to its African American and Latino households, leads to economic stratification often accompanying this racial and ethnic stratification. Fairfax County has shown that it is well aware that the high cost of housing within its borders limits the ability of households of modest means to live close to their jobs in the high opportunity areas that constitute the vast majority of the county.

It will take many generations of incremental change to transform the dual housing market into a unitary, genuinely free housing market in which households of every race and ethnicity consider housing they can afford throughout Fairfax County and neighboring jurisdictions. To achieve this transformation it is essential to expand the range of geographic choices households will consider when looking for a home to rent or buy. And expanding this geographic range necessarily means also expanding the supply of housing affordable to households of modest incomes in Fairfax County and those parts of the surrounding jurisdictions where such housing is in short supply or nonexistent.

Let there be no doubt that this is a daunting task that will require extensive effort and resources within and outside Fairfax County. It will require a great deal of intergovernmental cooperation, including governments that are likely to be in denial and reluctant to participate. It is quite possible that the political will to try to create a unitary housing market will be missing in action. But the long-term welfare of the entire metropolitan area depends on transforming the current dual housing market into a unitary market in which people of all races and ethnicities consider housing throughout the metropolitan area and not just in racial or ethnic enclaves.

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Transforming the dual housing market into a single unitary housing market is essential to reducing racial and ethnic stratification by expanding the housing choices of African American households throughout the region to include Fairfax County and by expanding the housing choices of Asian and Latino households of any race to include *all* of Fairfax County.

These households include those African American, Asian, and Latino households of any race that can afford the high cost of market rate ownership and rental housing in Fairfax County.

They also include households with modest incomes that can afford the housing generated by the county's Affordable Dwelling Unit program, Workforce Housing program, inclusionary zoning, and subsidized housing options.

*If a dual housing market continues unabated, the county's affordable housing will likely be as racially and ethnically stratified as its market rate housing.* That's because African American households of more modest means who are eligible for the affordable housing would continue to exclude Fairfax County from their housing choices. Similarly, Asian and Hispanic households of any race would still tend to focus their housing choices on existing Asian and Latino enclaves rather than consider housing throughout the county.

The recommendations that follow focus largely on what Fairfax County can do to mitigate this impediment within its borders. While the county would be prudent to initiate the necessary regional action, it does *not* control the metropolitan region. As noted below, a regional organization will need to assume the key leadership role to achieve the essential participation of the cities and counties around Fairfax County needed to remedy this impediment throughout the metropolitan area.

## Recommendations

**1.A** 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.<sup>4</sup> Carrying out the recommendations of this analysis of impediments will provide many of the tools the

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4. The most relevant provisions of the “One Fairfax” resolution appear at the beginning of this chapter. The county is currently exploring possible ways to implement the resolution. The public schools play an essential role in efforts to achieve stable, racially-integrated neighborhoods. For specifics, see Daniel Lauber, *Racially Diverse Communities: A National Necessity* (River Forest, Illi-

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.

**1.B** 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.

Face to face housing counseling has been a very successful tool for expanding housing choice. The linchpin of Fairfax County’s efforts should be establishing a Housing Service Center, much like the Oak Park Regional Housing Center, where home seekers are introduced to housing options beyond the racial or ethnic neighborhoods to which they often feel they are limited.<sup>5</sup> It is especially important to expand the housing choices of African American households that have been severely segregated into a third of the District of Columbia’s “neighborhood clusters” and in Prince George’s County and increasingly in Charles County, Maryland — many of those households that can afford existing housing in Fairfax County.

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nois: Planning/Communications, 1990, 2010) available at <http://www.planningcommunications.com/publications>

5. Although Oak Park has faced the traditional integration pattern of African Americans moving into a previously all-white community and whites then being steered away from the newly-integrated village, the principles underlying its operation apply anywhere, including Fairfax County and surrounding environs.

The center is located in Oak Park, Illinois and can be reached at 708/848-7150; Rob Breymaier, Executive Director. Websites: <http://www.liveinoakpark.com> and <http://www.oprhc.org>. The center maintains a constantly updated database of available rentals in racially-integrated Oak Park, provides fair housing and marketing technical assistance to landlords, and promotes the community to all races and ethnicities. Clients are encouraged to make “affirmative moves” or pro-integrative moves that will promote racial integration in the community. The Housing Center has also provided this service in the predominantly Caucasian western suburbs of Chicago and provides affirmative marketing in its homeownership counseling program. In all cases, the final decision is the client’s. However, the Housing Center expands the housing options known to its clients and 70 to 80 percent of them make a pro-integrative move. In the past, the center provided free escorts to see rentals in suburban areas that African Americans rarely considered and were reluctant to visit.



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Given the challenge of achieving intergovernmental cooperation in any region, it is likely that Fairfax County will need to initiate the Housing Service Center on its own. The county itself could operate the center or a nonprofit, primarily funded by Fairfax County, could be established to operate it. This is exactly the sort of activity to affirmatively further fair housing choice that Community Development Block Grants were intended to support. The District of Columbia is a possible early partner since establishing a housing service center was a key recommendation in the District's most recent analysis of impediments.<sup>6</sup>

Ideally the Housing Service Center would open several offices throughout the metropolitan region and be funded by multiple participating counties and cities — if not initially, at least within a few years of opening.

In addition to in-person counseling, dwellings in Fairfax County should be listed in the DCHousingSearch.org website which should be revised to directly and indirectly encourage viewers to make integrative moves throughout the metropolitan area. The site should prominently feature photographs depicting African Americans and Latinos as well as Caucasians as living in Fairfax County, the District's Northwest Quadrant, and other predominantly white suburbs to convey that all people are welcome in those areas — sort of the online equivalent of the billboards and display ads discussed below.

**1.C** Expanding where people look for housing also requires an on-going long-term publicity campaign to make everybody, especially African Americans, well aware that they can move anywhere in Fairfax County and it's 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 services announcements, social media, the Internet, and the web sites 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 all are welcome in Fairfax County.<sup>7</sup> Similar small display ads could be run in the real estate advertising sections of newspapers in the region that have sub-

6. Planning/Communications, *District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011* (River Forest, IL: April 2012) 180–181.

7. Before putting up the ads on the billboards in other jurisdictions, Fairfax County would be prudent to discuss its plans with the staff and chief elected official in these cities and counties so they are not surprised when the billboards appear. The county will need to walk a very thin line to bring these jurisdictions into the fold while working to expand the housing choices of minorities.

In California, the Fair Housing Council of the San Fernando Valley instituted a large-scale advertising and public relations blitz to convince African Americans that they could freely move to the valley if they so chose. The campaign used newspaper advertisements, radio commercials on Black-oriented stations, billboards, and four-color brochures distributed to 40,000 households in its target area. Of the 1,100 households that responded to the advertising campaign, 120 were referred to brokers. At least 12 households actually moved to the valley; an unknown number went directly to brokers without going through the Fair Housing Council. This effort did succeed

stantial African American readership. Recognizing that this is a regional as well as 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 could also use its website to remind users that they can live anywhere they can afford and specifically name many of suburbs that just happen to have unnaturally low proportions of African American residents. The idea is to change the mind set, 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 mind set among white households to include integrated neighborhoods among their housing choices.

**1.D** 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. As discussed in Chapter 4, the differences in median household income by race and Latino ethnicity results 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” beginning on page 284 to include more affordable units in new construction and preserve existing housing affordable to households with modest incomes.

**1.E** 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 prac-

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at making African Americans aware that they could move to the valley. Before it started, a random sample survey found that 20 percent of Black respondents felt the valley was receptive to minorities. After the campaign, 75 percent felt the valley was receptive. Not surprisingly, the campaign did reveal that few Blacks will move just for the sake of integration. As other research has found, African Americans and whites tend to move for the same reasons. The purpose of these campaigns is to expand where Blacks and other minorities will look for housing. Daniel Lauber, *Racially Diverse Communities: A National Necessity* (River Forest, Illinois: Planning/Communications, 1990, 2010) available at <http://www.planningcommunications.com/publications>.

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tices that maintain the dual housing market. After establishing the Housing Service Center discussed earlier, Fairfax County needs to work with other jurisdictions to establish Housing Service Centers throughout the metropolitan area to expand housing choices that will foster economic, racial, and ethnic integration — not just diversity — throughout the metropolitan region.

**Impediment #2** The demographic patterns in Fairfax County and its entire metropolitan area are characteristic of the segregative housing patterns that racial steering has produced in other communities around the nation.

“Testing” the practices of real estate practitioners, in both “for sale” and rental housing, has long been a valuable and reliable tool for uncovering discriminatory practices that produce and maintain racial and Latino housing stratification, particularly racial steering where real estate and rental agents direct whites to overwhelmingly white neighborhoods while they direct African Americans to all-Black neighborhoods and integrated neighborhoods and away from predominantly white neighborhoods.<sup>8</sup> Testing can help determine the extent of racial steering, if any, by real estate professionals in Fairfax County and the surrounding jurisdictions.

As discussed in Chapter 3, the actual proportions of African American households in 82 percent of Fairfax County’s census tracts are significantly lower than would be expected in a free housing market not distorted by housing discrimination — strongly suggesting that Black households are consigned largely to the secondary, geographically-limited housing portion of the dual housing market.

In no Fairfax County census tract is the actual proportion of Asian and Hispanic households of any race significantly lower than expected in a free housing market — strongly suggesting that Asian and Latino households of any race are participating in the primary, geographically-unlimited primary portion of the dual housing market along with white households. However, enclaves of Asian or Latino households of any race have developed in 28 and 13 percent of Fairfax County’s census tracts where the actual proportions of Asian or Hispanic households of any race are significantly higher than would be expected in a free housing market devoid of the distortions that housing discrimination cause.

Chapter 3 examined each planning district and its census tracts to identify those instances where steering and other forms of housing discrimination might have been or still are in play. Recommendations for each planning district, under the rubric “Suggested Further Action and Inquiry,” offer guidance for

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8. For example, when real estate agents direct white home seekers to virtually all-white neighborhoods while sending Asian home seekers to predominantly Asian or integrated neighborhoods, they distort the free housing market and effectively force predominantly Asian enclaves to become more concentrated and expand, and force integrated neighborhoods to resegregate. The same phenomenon happens with Hispanics of any race and African Americans, although the data in the Free Market Analysis™ does *not* suggest any neighborhoods in Fairfax County are resegregating to predominantly African American.



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conducting additional research needed to determine whether housing discrimination, including steering, is taking place.

The data identify a number of census tracts where concentrations of Asians or Latinos of any race have been intensifying and could be resegregating. In numerous planning districts, there is a possibility that Asians or Hispanics of any race are being steered into these areas — especially those areas showing signs of possible resegregation — although their movement into them also could be a product of income as well characteristic of recent immigration. Historically, the first and second generations of immigrants will tend to move close to others of their ethnicity or race for the reasons discussed in Chapter 3. In the absence of housing discrimination, subsequent generations tend to move out of these ethnic or racial concentrations and these enclaves do not expand or become even more concentrated. Fairfax County should engage in systematic testing to determine how much, if any, steering and other discriminatory practices are contributing to creating and expanding Asian and Latino enclaves. Testing and other research can help determine how these enclaves developed and are perpetuated.

### **Recommendation**

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.

Testing is most urgently needed in those areas identified in Chapter 3 that are showing signs that resegregation might be occurring. Next highest priority for testing should be areas where there have been substantial increases in the proportion of a racial group or Latinos of any race since the turn of the century.

### **Impediment #3**

African Americans and, to a lesser extent, Latinos of any race, continue to be approved for conventional and government-backed mortgage loans at lower rates than non-Hispanic whites in Fairfax County, its metropolitan region, and throughout the nation. When seeking conventional mortgages, Asians are approved at higher rates than Blacks and Hispanics of any race, but still less frequently than non-Latino whites. When seeking government-backed mortgages, Asians are approved as frequently as African Americans and almost as often as Hispanics of any race.

The disparities that persist in approval rates for both conventional and government-backed loans — including those issued by the Federal Housing Administration (FHA), Farm Service Agency or Rural Housing Service (FSA/FHS) and Department of Veterans Affairs (VA) — likely contribute to maintaining the dual housing market in both the region and Fairfax County. In Fairfax County, African American and Latino applicants of any race are approved for mortgages at substantially lower rates than non-Hispanic whites. Asians are approved at a

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lower rate for government-backed mortgages. These differential patterns are similar to the patterns found in other jurisdictions where discrimination has been determined to be a primary cause of these disparities.

In a mortgage market undistorted by discrimination, regardless of race or ethnicity, one would expect that the mortgage approval rate for higher income applicants would be higher than the approval rate for lower income applicants. But in Fairfax County mortgage applications by African Americans of any income, including those in the highest income brackets, were approved less frequently in 2013 and 2014 than applications from non-Hispanic Caucasians in the middle income bracket. For African American and Hispanic conventional mortgage applicants in 2013 and 2014, the most frequent reason for denial was credit history. For government-backed mortgages, the leading reasons for denial of African American and Hispanic applicants were credit history and debt-to-income ratio.

High-cost home loans appear to be increasingly targeted to African American and Hispanic households in Fairfax County. While county residents have a much smaller share of high-cost mortgages compared to the national average in 2013 and 2014, two to three times more African American and Hispanic county borrowers hold high-cost mortgages than non-Latino white borrowers and Asian borrowers. The data strongly suggest that conventional lenders are steering these minority applicants into high-cost mortgages rather than offering them prime mortgage products. There is particular urgency for the county to conduct further research to determine why such high proportions of Latino and Black borrowers are having difficulty securing prime loans to purchase a home in Fairfax County.

## Recommendations

**3.A** The ongoing disparity in mortgage loan approval rates suggests a substantial need to provide financial counseling to African Americans, lower-income households, and to a lesser extent Latinos of any race, as well as Asians seeking government-backed loans, to better prepare applicants before they submit a mortgage loan application. Such counseling should include educating potential home buyers 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.

**3.B** 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

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county should adopt and implement a policy that it will bank and do 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.

**3.C** 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.

**3.D** 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 should also coordinate an annual roundtable of area lenders and mortgage brokers to discuss ways to increase access to credit for minority households.

**Impediment #4** Our sampling of more than 900 real estate agents who serve Fairfax County found that 95 percent of them are white. This extreme lack of Asian, African American, and Latino real estate agents can effectively discourage minority households that can afford to live in Fairfax County from moving to Fairfax County or even considering living here.

As explained beginning on page 210, real estate agents are the gatekeepers of the communities they serve. The race, national origin, or ethnicity of the agents who appear in real estate advertising can send a message to readers that only certain races or ethnicities are welcome to buy the housing that a firm represents. Minority agents serve as a “welcome sign” to potential minority home seekers. When 95 percent of their agents are white, minorities — rightly or wrongly — often interpret this as a sign that minorities are not welcome in the communities served. This is not to suggest that any home buyer needs or even necessarily wants a real estate agent of the same race or ethnicity. The point is that a real estate firm that advertises its racially and ethnically diverse group of agents sends a welcoming message to *all* potential home buyers.



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**Recommendation** 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 tool is to produce and distribute a fair housing guidebook customized for Fairfax County real estate practitioners rather than using a generic fair housing guidebook.

**Impediment #5** As noted in Chapter 4, when display ads and brochures for real estate — ownership or rental — depict residents of only one race or ethnicity, they send a clear message of who is welcome and not welcome to live in the advertised housing, thus limiting the housing choices home seekers perceive as available to them.

**Recommendation** 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. Again, another tool is to produce and distribute a guidebook customized for Fairfax County rather than using a generic fair housing guidebook.

**Impediment #6** More than a third of housing discrimination complaints within Fairfax County were based on disability, largely in rental properties, with about a quarter of complaints based on racial discrimination and about one in eight based on national origin.

While it's very unlikely that any real estate practitioner in Fairfax does not understand that housing discrimination on the basis of race is illegal, it is more possible that many do not understand that discrimination on the basis of national origin or disability is just as illegal under state and federal law. There is a substantial need to fully educate the real estate community — especially its members involved with rentals — that they cannot decline to rent to an applicant due to the applicant's disability, as well as that they are required to make reasonable accommodations and modifications to enable people with disabilities to live in their chosen dwelling unit. While a landlord is certainly free to reject a prospective tenant for a wide variety of perfectly legal reasons, she cannot reject an applicant because he has a disability or may require a reasonable accommodation or modification, nor due to the applicant's national origin. Nor can a land-

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lord deny a tenant with a disability a service animal when needed even if the building policy excludes pets.

**Recommendation** 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 Toolkit and Fact Sheet to all the landlords and leasing agents it can identify and to condominium and home owner associations as well as offering in-person training. The county should continue the full panoply of activities that address all bases of housing discrimination described beginning on page 264.

## Public Sector Impediments

### Affordable Housing Essential to Expanding Fair Housing Choice

As noted throughout this report, Fairfax County officials are well aware of the growing shortage of housing within the county that households with modest incomes can afford. While they have taken steps to address this shortage and facilitate economic diversity in parts of the county, some refinements to existing programs and new programs could enhance the county's efforts as well as preserve existing affordable housing. Increases in the supply of affordable housing can expand the housing choices of African Americans and Latinos of any race for which the need of affordable housing is greater due to their lower median household incomes. As long as the recommendations above are implemented to curtail housing discrimination and expand housing choice, additional affordable housing should also facilitate increased racial and Latino integration in Fairfax County.

Due to the extremely high cost of single-family detached housing in Fairfax County, multifamily development has become the primary vehicle for expanding Fairfax County's affordable housing stock. The vast majority of new development in Fairfax County has been multifamily. Nearly 89 percent of development activity in 2014 was multifamily with 53.8 percent of it in the McLean Planning District, 13.7 percent in the Jefferson Planning District, and 10.2 percent in the Upper Potomac Planning District.<sup>9</sup>

*As noted in the narrative for "Impediment #11," the statutes of the Commonwealth of Virginia constitute a severe barrier to achieving fair housing choice by limiting what Fairfax County can do to address these housing needs. The state statutes effectively force the county to use inefficient — and so far, fairly ineffective — land-use regulations and practices in its efforts to foster the development of housing that meets the county's affordable housing needs.*

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9. *Demographic Reports 2015 County of Fairfax, Virginia* (Fairfax, VA: Department of Neighborhood and Community Services, Economic, Demographic and Statistical Research, Jan. 2016) I-165.

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**Impediment #7** As Fairfax County itself reports, there is a “diminishing supply of vacant land” in Fairfax County — less than six percent of the county is available for development. The four zoning districts in which multifamily housing is permitted collectively contain just 72 acres available for development, just 0.04 percent of the land in these districts. The county’s practice — *forced upon it by state law* — of rezoning land to a multifamily district only when an application for development is submitted contributes to what the county itself calls a “short supply of appropriate sites that are planned and/or zoned for multifamily development.”

Even allowing for land available in the Planned Development districts, this minuscule amount presents a supply problem for future multifamily construction and may be due, in part, to the county’s practice of not proactively rezoning land to be consistent with the *Comprehensive Plan*’s map. Instead the county rezones land to multifamily just in response to specific development applications, even though the zoning code grants both the Planning Commission and the Board of Supervisors the authority to initiate zoning changes on property, which they have occasionally exercised. The county’s practice leaves very little land available on which to build multifamily housing as of right. See the table “Land Zoned for Residential Use in Fairfax County: January 2015” on page 164 for how much land is mapped to the districts that allow multifamily housing — R-5, R-8, R-12, R-16, R-20, and R-30 — as well as the mere 95 acres of land available for development in those districts.

**Recommendation** Seek changes in Virginia law to (1) remove restrictions on the ability of local jurisdictions to foster the inclusion of affordable housing in new developments and to (2) 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. *Also see Impediment #11.*

If Fairfax County were located in most other states, it could and should rezone much more land to multifamily districts in accord with its *Comprehensive Plan* rather than simply in response to specific development proposals. Frustratingly, the Commonwealth of Virginia is a Dillon Rule state as explained in the discussion of “Impediment 12.” As such, Virginia severely limits what any local government can do to foster the inclusion of housing affordable to households of modest incomes.

Under Virginia state law, the only leverage Fairfax County has to entice developers to build any housing affordable to households with modest incomes — via the county’s Affordable Dwelling Unit or Workforce Housing programs — is through the state-authorized voluntary proffer system.

Consequently, jurisdictions like Fairfax County that want to get affordable dwellings included in new developments have little choice but to place land suitable for residential development in commercial or industrial zoning districts until a specific proposal for residential development is made. The only leverage the county has to foster inclusion of affordable housing under Virginia law is to seek



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proffers of affordable housing when rezoning to a residential district. This is the only way for Fairfax County to get developers to include affordable housing. If land suitable for multifamily development were already in multifamily districts, the county would have no leverage to get affordable housing included.

*Nobody should expect a single jurisdiction to effect these changes in state law all by itself. The ability of Fairfax County to achieve these changes depends upon building a coalition of jurisdictions to advocate for them — and it is not known whether there are enough jurisdictions in Virginia to establish an effective coalition of this nature.*

**Impediment #8** Manufactured housing (also known as modular housing) offers a way to build single-family and multiple family dwellings that are more affordable to households of modest means including the county’s workforce. Allowing manufactured housing as a permitted use only in the R–A Rural Agricultural zoning district with its five-acre minimum lot size eliminates manufactured housing’s cost advantage and obstructs the county’s ability to meet its affordable housing goals.

The *Fairfax County Comprehensive Plan, Policy Plan* includes a policy to “[p]romote and facilitate innovative site design and construction techniques, as well as encourage the use of manufactured housing and manufactured housing components, when aimed at providing affordable housing.”<sup>10</sup>

**Recommendation** Amend the zoning code to classify manufactured or modular homes — as distinguished from mobile homes — as a permitted use in all residential zoning districts.

First the county needs to precisely define “manufactured housing” to make it clear that this is modular housing and distinguish it from mobile homes. This distinction will enable the county to treat manufactured housing differently than mobile homes.

While it is very understandable that mobile homes should be limited to suitable zoning districts, it is difficult to imagine why manufactured or modular housing shouldn’t be allowed in any residential district. Such housing is visually indistinguishable from conventionally-built housing. The manufactured home components would still have to be structurally sound like any other home and still need to comply with the *Virginia Maintenance Code* and any other building and property maintenance codes the county has adopted.

**Impediment #9** The county’s formulas for off-street parking increase the cost of housing by requiring more off-street parking for

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10. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Housing*, amended through 4–29–2014 (Fairfax County, VA) 4.

homes on private streets than on public streets and for single-family attached dwellings than for single-family detached homes.

As detailed in Chapter 3, Fairfax County requires three off-street parking spaces per unit (only one must have convenient access to the street) for lots with frontage on a private street while lots on a public street require two off-street spaces. The county requires 2.7 parking spaces per unit for single-family *attached* dwellings (only one must have convenient access to the street) while requiring just two spaces for each single-family detached dwelling. Given that research from the Institute for Transportation Engineers finds that rental townhouses generate average parking supply ratio of 1.7 spaces per unit and ownership townhouses generate a ratio of 1.4 per unit, it is difficult to understand the county's off-street parking requirements which have the consequence of increasing the cost of residential construction.

**Recommendation** Fairfax County should conduct a review of its off-street parking requirements in the zoning code's Section 11-103.4 in order 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.<sup>11</sup>

**Impediment #10** Fairfax County's has consistently fallen short of its annual goal of at least 12 percent of all new residential development being affordable to households of modest incomes, in part due to the still recovering economy and in part due to weaknesses in its well-intended but very complex Affordable Dwelling Unit zoning requirements.

As the economic recovery from the Great Recession has progressed, the number of affordable units produced under the county's Affordable Dwelling Unit and Workforce Housing requirements has grown. As recounted in Chapter 3, the county's Affordable Dwelling Unit program produced just six units from 2011 through 2013, 40 in 2014, and 113 in 2015. The Workforce Housing program generated one dwelling unit from 2011 through 2013, 117 in 2014, and 167 in 2015. Together, they accounted for less than one percent of all dwelling units built between 2011 and 2013, 7.1 percent in 2014, and 8.9 percent in 2015.

As recounted in Chapter 3, the Affordable Dwelling Unit provisions in the zoning code are extremely convoluted and difficult for developers, county staff, and the public to understand, thus increasing the cost of developments subject to these provisions.

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11. *Parking Generation*, 4th edition (Washington, D.C.: Institute of Transportation Engineers, 2010).

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## Recommendations

**10.A** 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 ten units to be more consistent with the county’s policy on affordable housing production.

Lowering the threshold for mandatory participation in the Affordable Dwelling Unit program would facilitate the inclusion of smaller infill developments in the program and further enhance the county’s ability to meet its housing needs.

**10.B** 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 the Affordable Dwelling Unit 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.

**10.C** Fairfax County should have an independent evaluation of the Affordable Dwelling Unit program conducted that includes interviews with Affordable Dwelling Unit builders, developers, and 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 can easily understand, not to mention enabling the general public to understand it as well.<sup>12</sup>

**10.D** 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 the U.S. Department of Housing and Urban Development employs.

The income levels the county uses are a matter of county policy. This recommendation simply suggests that the county would be prudent to reevaluate the income levels for participation that it currently uses to see if any changes would enhance the county’s Affordable Dwelling Unit Program to better meet housing needs of households with modest incomes.

**Impediment #11** As a Dillon Rule state, the Commonwealth of Virginia may impose barriers to a jurisdiction affirmatively furthering fair housing by limiting the statutory and policy tools available to reduce housing

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12. While the county staff members who administer the program understand it, other county staff do find it a challenge to comprehend to which proposed developments the Affordable Dwelling Unit provisions apply, the exemptions, and how many units are required.



discrimination, overcome the impacts of past housing discrimination, and foster the construction of housing affordable to households of modest incomes.

The Dillon Rule defines local government power very narrowly. Since the Virginia Supreme Court adopted the Dillon Rule in 1896, Virginia courts have ruled that local governments have only those powers:

- 💧 That the state government has specifically conferred upon them
- 💧 That are necessarily or fairly implied by specific grant of authority from the state
- 💧 That are indispensable, not simply convenient, for the purposes of government

If there is any reasonable doubt whether the state has bestowed a power on local governments, the power has not been conferred. Numerous states have adopted “home rule” provisions that enable some or all local governments to partake in government functions that the state’s laws do not expressly prohibit local governments from engaging. Virginia is not among those states.

In new areas of governmental concern, the Dillon Rule can prevent adoption of innovative government programs and laws.<sup>13</sup> Virginia courts have frequently applied the Dillon Rule to invalidate actions by Fairfax County or the Fairfax County School Board such as rezonings, efforts to limit the pace of development, and adding protected classes to anti-discrimination laws and policies.<sup>14</sup>

As Fairfax County’s own *Comprehensive Plan* has noted, “To date, Virginia planning enabling legislation and case law have limited the county’s ability to pace or stage development.”<sup>15</sup>

As noted elsewhere in this chapter, some of the recommendations for mitigating impediments needed to affirmatively further fair housing in accord with national law and policy may be prohibited under the Dillon Rule as applied by Virginia courts. For example, it is still unknown how severely Senate Bill 549, adopted in 2016, which imposed new limits on conditional rezoning proffers will affect the ability of Fairfax County to implement its Affordable Dwelling Unit program and provide density bonuses as proffers for including affordable dwellings in a development.

As explained in the discussion of *Impediment #7*, as a Dillon Rule state, the Commonwealth of Virginia imposes severe barriers to Fairfax County’s ability to foster the inclusion of housing affordable to households of modest incomes.

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13. “Dillon Rule in Virginia,” <http://www.fairfaxcounty.gov/government/about/dillon-rule.htm>.

14. <http://www.virginiaplaces.org/government/dillon.html>.

15. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Land Use*, amended through 4–29–2014 (Fairfax County, VA), 8.

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## Recommendations

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**11.A** 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 become a home rule state.

This is hardly a new idea. In 1969, the Virginia Commission on Constitutional Revision recommended that the commonwealth amend its constitution to abandon the judicially-imposed Dillon Rule and become a home rule state. The General Assembly rejected the recommendation and efforts to eliminate the Dillon Rule have not gained traction since.<sup>16</sup>

Political realities may make this recommendation impossible to implement. But it is important to note here that the Dillon Rule may prove to be a serious barrier to the ability of Fairfax County — or any Virginia local government — to fulfill its legal obligation to affirmatively further fair housing and that this potential barrier should be taken into account by the Department of Housing and Urban Development when it reviews implementation of this analysis of impediments.

**11.B** When there is a question of 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 interaction of federal law and state law can get more than a bit complex. Legal research is needed to determine whether a local jurisdiction like Fairfax County can pass laws and establish programs not authorized by state law due to the Dillon Rule, but required to comply with federal law.

## Incorporating Fair Housing into the Planning Process

In its “One Fairfax” resolution that appears beginning on page 269, the county declared that

The time is now to move beyond embracing diversity as an asset and implement a new growth model driven by equity — just and fair inclusion into “One Fairfax,” a community in which everyone can participate and prosper.

“One Fairfax” can only be realized with an intentional racial and social equity policy at its core for all publicly delivered services. A racial and social equity policy provides both the direction and means to eliminate disparities, and work together to build a vibrant and opportunity-rich society for all.

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16. <http://www.virginiaplaces.org/government/dillon.html>.

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In July 2016, the Fairfax Board of Supervisors and School Board join in this resolution and direct the development of a racial and social equity policy for adoption and strategic actions to advance opportunities and achieve equity that include intentional collective leadership, community engagement, equity tools and infrastructure to support and sustain systemic changes, and shared accountability so collectively, we will realize “One Fairfax,” a community where everyone can participate and prosper.

To implement its “One Fairfax” resolution and affirmatively further fair housing, Fairfax County needs to accord the same importance to bringing an end to housing discrimination and achieving racial and ethnic integration as its plans and research do to providing housing to households of modest incomes.

While Fairfax County’s studies and plans are replete with discussions of the need for affordable housing as well as approaches to meet that need, the goal of achieving stable, integrated neighborhoods is conspicuous by its absence. The only mention of fair housing in the *Fairfax County Comprehensive Plan, Policy Plan* is in its housing element, within the context of policies to implement an objective that states:

The county should increase the supply of housing available to special populations, including the physically and mentally disabled, the homeless, and the low-income elderly.

The third of the five policies to implement this objective reads:

Enforce fair housing laws and nondiscriminatory practices in the sale and rental of housing to all citizens.<sup>17</sup>

**Impediment #12** The 2016 “One Fairfax” resolution states that “the time is now to move beyond embracing diversity as an asset and implement a new growth model driven by equity — just and fair inclusion into “One Fairfax,” a community in which everyone can participate and prosper.” But Fairfax County’s studies and plans do not mention or even indirectly address racial or ethnic stratification. The county’s plans do not include any goal, objective, or policy that addresses the need to overcome the distortions in the free housing market that discrimination generates and achieve and maintain stable, racially-integrated neighborhoods.

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17. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Housing*, amended through 4–29–2014 (Fairfax County, VA), 6



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**Recommendation**

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 upon 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.

It can take many generations of implementation efforts to achieve this goal. The longer Fairfax County delays directly addressing its racial and ethnic stratification, the more difficult it will be to bring it to an end.

**Impediment #13**

Fairfax County’s planning and zoning review processes do not even indirectly address racial or ethnic stratification or the fair housing violations that the county can help prevent. Residential developments that require county review and approval are approved without any effort to require compliance with the Fair Housing Act or the accessibility requirements of the Americans With Disabilities Act and Fair Housing Act.

**A Reminder...**

Like all recommendations in this report, the following recommendations are contingent upon the Commonwealth of Virginia allowing a local government to adopt the ordinances, provisions, policies, and practices recommended here. As discussed earlier in this chapter, Fairfax County needs to carefully examine Virginia law to determine whether the county can implement these recommendations. If not, efforts should be taken to persuade the state legislature to enact legislation that would allow implementation.

To receive zoning approval and a building permit, Fairfax County should explicitly require developers of all residential developments and buildings to comply with the federal Fair Housing Act, Virginia Fair Housing Law,<sup>18</sup> and the county’s Human Rights Ordinance.<sup>19</sup> The county should require every developer

18. §36–96.1, Virginia Fair Housing Law, Code of Virginia.

19. Article 1, Section 11–1–1, *Fairfax County, Virginia, Code of Ordinances*, Chapter 11. Human Rights Ordinance.

to agree to comply with the guidelines suggested below in order to receive a building permit, zoning, and/or planned unit development approval. The underlying concepts not only ensure that new housing is accessible to people with disabilities as the Americans With Disabilities Act and Fair Housing Act require, but also to make home seekers aware of the full array of housing choices available to them and to feel welcome in the proposed development.<sup>20</sup> A number of cities including Hazel Crest and Matteson, Illinois, have adopted ordinances that effectively require compliance with the Fair Housing Act to receive building permits or zoning approval for new construction of all housing. A building permit cannot be issued until the city approves the developer's plans for compliance.<sup>21</sup>

The county can also require a developer or landlord to produce and implement a marketing plan to fulfill the mandates of fair housing laws and affirmatively further fair housing choice. Goals would be established and a record kept on the racial composition of current occupants and those looking for housing in the building or development so the plan's success can be evaluated. The same principles can be applied to the conversion of rental dwellings to condominium ownership. The legality of these types of requirements was upheld in federal court in *South Suburban Housing Center v. Board of Realtors*.<sup>22</sup>

**Recommendations** 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:

**13.A** 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.

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20. Marketing in accord with the Fair Housing Act is nothing new. The precursor of modern fair housing marketing rests in the 1972 federal government requirement that all developers who use Federal Housing Administration insurance must file an "affirmative marketing plan" with the U.S. Department of Housing and Urban Development to encourage a racially-integrated housing market. These plans are to specify "efforts to reach those persons who traditionally would not have been expected to apply for housing." Quoted in Phyllis Nelson, *Marketing Your Housing Complex in 1985* (Homewood, IL: South Suburban Housing Center, 1985), 10.
  21. James Engstrom, *Municipal Fair Housing Notebook: A Description of Local Ordinances, Tools, and Strategies for Promoting a Unitary Housing Market* (Park Forest, IL: Fair Housing Legal Action Committee, 1983), 11, 97.
  22. 713 F.Supp. 1069, 1086 (1989).

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**13.B** 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.

**13.C** 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 to file 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, should be available at each site.

**13.D** The developer must agree to include in all print display advertising and online advertising as well as all printed brochures, the Fair Housing logo and/or the phrase “Equal Opportunity Housing” *and* contact information to file a housing discrimination complaint. The county should also 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.

**13.E** The buildings in the proposed development must fully comply with the accessibility standards of the Americans With Disabilities Act (ADA) and Fair Housing Act to receive a building permit.

**Impediment #14** Fairfax County’s zoning treatment of community residences for people with disabilities fails to make the requisite “reasonable accommodation” by erecting substantial unjustifiable barriers to community residences that house more than eight individuals with disabilities. The zoning code arbitrarily regulates community residences for people with disabilities on the basis of the number of residents rather than applying the Virginia Maintenance Code as it does to other residential uses.

No community residence housing more than eight people with disabilities is allowed in the R-A Agricultural District and R-P Residential–Preservation District even though other residential uses are allowed in them.

The zoning code misclassifies community residences for nine or ten people with disabilities (called “group housekeeping units” in the zoning code) as an “institutional use” and prohibits them in the R-MHP, C-1, C-2, C-3, and C-4 districts, all of which allow other residential uses. The



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ordinance allows them only in the R-3, R-4, R-5, R-8, R-12, R-16, R-20 and R-30 residential districts as a special permit use that requires approval of the Zoning Board of Appeals with a \$1,100 application fee and demanding application process.

The zoning code mistreats community residences for more than ten people with disabilities (called “congregate living facilities” in the zoning ordinance) as a “quasi-public use” allowed only as a Category 4 special exception use in the R-C, R-E, R-1, R-2, R-3, R-4, R-5, R-8, R-12, R-16, R-20, R-30, R-MHP, C-1, C-2, C-3, and C-4 districts. The application fee is a prohibitive \$16,375 and the approval process takes five to seven months.

**Recommendations** 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, 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.<sup>23</sup> *There is no need to change how the county treats community residences for eight or fewer people with disabilities.*

But as detailed above, the county’s zoning provisions for community residences housing *more than eight people with disabilities* does not make the “reasonable accommodation” required by the nation’s Fair Housing Act. While there is no need for the county to change how it regulates these larger community residences for people *without* disabilities, Fairfax County should amend its zoning provisions for community residences for *more than eight people with disabilities* in the following ways to mitigate this impediment.

**14.A** Eliminate the distinction of community residences for people with disabilities into “group housekeeping units” for nine or ten occupants and “congregate living facilities” for more than ten residents. Instead, distinguish community residences for more than eight people with disabilities based on whether they provide a relatively permanent home (no limit on length of residency) or temporary home (residency limited to weeks or months, but not unlimited). In all zoning districts where residential uses are allowed as of right, 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, allow community residences that provide a temporary living environment as a permitted use subject, at most, to a rationally-based spacing distance and possession

23. The county does this in its zoning code definition of “Group Residential Facility.”

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or eligibility of an appropriate license from the state, certification, or recognition by Congress. Also allow them as a special permit use in all residential districts where multifamily housing is not allowed. Any community residence for more than eight people with disabilities that does not meet both standards should be allowed to seek a special permit use.<sup>24</sup>

**14.B** In the definition of “community residence for people with disabilities” or other term the county chooses to use, establish a cap of 12 residents. Community residences are intended to emulate a biological family, one of the key reasons the courts have treated them as a residential use 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.

**14.C** Establish a simple, low-cost, administrative “reasonable accommodation” procedure for the operator of proposed community residence to seek approval to house more than 12 people with disabilities. The procedure used by Prescott, Arizona is a good model upon which to customize a “reasonable accommodation” procedure for Fairfax County.

**14.D** 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.

**14.E** 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 their 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 assure 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.

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24. The county, of course, is perfectly free to allow community residences for more than eight people with disabilities as a permitted use without these two standards in all zoning districts where residential uses are permitted. As discussed in Chapter 4, these two standards help prevent clustering which interferes with the ability of community residences to achieve the normalization and community integration of their residents which is at the core of the community residence concept and prevent creation of a *de facto* social service district.

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**Impediment #15** Fairfax County’s comprehensive plan establishes a policy to avoid locating group residential facilities for substance abusers within 1,000 feet of a school in a drug-free zone.

**Recommendation** Fairfax County should excise this legally unenforceable policy from its comprehensive plan.

While the county is perfectly able to create drug-free zones, community residences for people in recovery are, by definition, drug and alcohol free. However well-intended this policy<sup>25</sup> may have been when it was adopted, it conflicts with the Fairfax County zoning code as well as state and federal law. If implemented, the policy places a unjustifiable restriction on the location of community residences for eight or fewer people in recovery.

Virginia law makes these homes that are licensed by the state a permitted use in all residential districts. The state law does *not* appear to provide for any exceptions to this statute.

This policy conflicts with Fairfax County’s zoning code which includes these homes — licensed or not — in its definition of “Group Residential Facility.” Group residential facilities are a permitted use in all of Fairfax County’s residential zoning districts.

The legislative history of the nation’s Fair Housing Act makes it quite clear that zoning regulations cannot be based on “false or over-protective assumptions about the needs of handicapped people, as well as *unfounded fears of difficulties about the problems that their tenancies may pose*. These and similar practices would be prohibited.” Without substantial factual evidence that the residents of sober living homes and recovery communities — who are required to remain sober to continue to in these homes — actually pose a danger when located within 1,000 feet of a school in a drug-free zone, this restriction appears to be based on “unfounded fears” and runs contrary to the Fair Housing Act.

## Accessing Information On Fair Housing and Filing Housing Discrimination Complaints

Someone who thinks she may have been discriminated against when seeking housing in Fairfax County immediately runs into the problem of determining whom to contact and how to file a fair housing complaint. The difficulty, online and by phone, of finding that the Office of Human Rights and Equity Programs handles possible housing discrimination complaints and is the source of fair housing information and advice poses a significant barrier to fair housing choice.

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25. *Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Human Services*, amended through 4–29–2014 (Fairfax County, VA), 13.



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**Impediment #16** It is a challenge to learn about housing discrimination or to file a housing discrimination complaint online. The phrases “Housing discrimination” and “Fair Housing” are absent from the county’s home page and primary web page for making a complaint. Searching for “housing discrimination” or “fair housing” generates a lengthy list of links in which any link to the proper web page is buried and hard to find.

In Fairfax County, it should be as easy to learn how to file a complaint of housing discrimination as it is to report identify theft or complain about the height of your neighbor’s grass — but it isn’t.

Each additional step a possible victim must take to report housing discrimination increases the chances that he will abandon his effort to report a possible fair housing violation and be denied housing due to discrimination.

As of this writing, the county is revising its website which is a treasure trove of information and data. There are several simple, low-cost measures the county can take to reduce the number of steps needed to report housing discrimination and learn what constitutes housing discrimination.

## Recommendations

**16.A** “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 the Office of Human Rights and Equity Programs, 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 a housing discrimination complaint online in English or Spanish. The phone number of the Office of Human Rights and Equity Programs should be clearly posted along with instructions to call the office for more information, 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.

**16.B** 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 a housing discrimination complaint 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, etc. — instead of, or in addition to, the classes protected.

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**Impediment #17** About half the time, county operators fail to refer callers with a possible housing discrimination complaint to the correct county office.

Not everybody who has a potential housing discrimination complaint uses the Internet. Others may prefer to speak with a live person about such a sensitive matter. As reported beginning on page 256, our tests of how county operators handle inquiries about possible housing discrimination resulted in about half the callers correctly being referred to the county's Office of Human Rights and Equity Programs which handles housing discrimination complaints.

**Recommendation** Fairfax County should routinely train its operators/receptionists to refer all calls involving possible discrimination in housing to the Office of Human Rights and Equity Programs. 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 the Office of Human Rights and Equity Programs as the place to go when a caller thinks she may have encountered housing discrimination.

## Engaging the Fairfax County Redevelopment and Housing Authority in Fair Housing

**Impediment #18** The Fairfax County Redevelopment and Housing Authority does not have any policies that incorporate affirmatively further fair housing and integrative policies for siting public housing and the use of Housing Choice Vouchers. The county's public housing developments are all 18 to 68 years old with the last ones built in 1998. As the county's population has become much more diverse in recent decades, most of its public housing developments now contribute to neighborhood integration as explained beginning on page 249. With the creation of racial and/or ethnic enclaves in the county, it is critical that the Redevelopment and Housing Authority recognize the impact its developments and Housing Choice Vouchers can have on achieving and maintaining stable, integrated neighborhoods.

The Fairfax County Redevelopment and Housing Authority has a promising opportunity to help maintain integrated neighborhoods and reduce stratification in other neighborhoods with policies that foster racial and ethnic integration in its developments — be they public housing or voucher-based developments — and in the use of Housing Choice Vouchers.

**DRAFT**

## Recommendations

**18.A** Fairfax County Redevelopment and Housing Authority should adopt policies and practices that foster racial and Hispanic integration in public housing developments to nurture and maintain integration in their 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 neighborhood as well as the specific development.

**18.B** The Fairfax County Redevelopment and Housing Authority should establish policies and practices that encourage and facilitate holders of Housing Choice Vouchers to make integrative moves to areas with higher opportunities. Voucher holders 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 the counseling and other assistance that would be available at the Housing Service Center recommended earlier in this chapter. If the county does not establish a Housing Service Center, the Redevelopment and Housing Authority should create its own.

**18.C** The Fairfax County Redevelopment and Housing Authority should affirmatively market dwellings in the First-Time Homebuyers Program to expand the choices of households that would foster racial and ethnic integration of the housing and neighborhood.

**18.D** Fairfax County should establish policies and practices for housing built with Low Income Housing Tax Credits to be located where they will have a long term integrative impact on the surrounding neighborhood and require affirmative marketing of each development to promote integrated developments and stable, integrated neighborhoods.

## Conclusion

With its track record, commitment to its “One Fairfax” resolution, and its extensive racial, ethnic, and national origin diversity, Fairfax County is in the position to take the next steps needed to reduce racial, ethnic, and national origin stratification within and beyond its borders. This analysis of impediments identifies and addresses many of “the institutional and systemic barriers that exist” and that may “impede access to opportunities for the visions and goals set forth by county leaders.”

The policies, practices, and county code amendments recommended in this chapter give Fairfax County the tools it needs to greatly advance its “One Fairfax” goal of moving “beyond embracing diversity as an asset and implement[ing] a new growth model driven by equity — just and fair inclusion into “One Fairfax,” a community in which everyone can participate and prosper.”