

Question 4: Missing Middle Program and Lawsuit

As you know there is a lawsuit pending against the county on Missing Middle. (UPDATE to question from May/June 2024 questions for primary election race: We understand the judge will rule on this case on September 27.) Also, 23 permits were issued in year one of the effort (July-December 2023) and 21 have been issued through mid-September for year two of the program 2024. These numbers exceed the county's initial projections last March of just 19-21 per year (page 10). Only one building permit has been issued. CPHD indicates this is due to lot subdivision delays, but the lawsuit may also have been affecting builders' calculus.

What do you think of the program thus far, is it on track to meet whatever goals you supported, if you supported it?

Are there any additional changes you would seek if elected, whether or not the lawsuit succeeds? Because of delays in issuance of building permits, would you support extending the sunset to 5 years after the first building permit is issued?

Candidate Clement Response to Question 4:

In one year the EHO Ordinance a/k/a Missing Middle produced double the number of anticipated annual permits even in the face of a major lawsuit. I am delighted that the EHO Ordinance was overturned by Fairfax Judge David Schell on September 27. But if the ordinance is upheld on appeal, residential neighborhoods will be quickly transformed into middle class slums with major impacts on schools, traffic, parking, runoff, sewage, and tree canopy coverage. The result will be a deteriorating quality of life for everyone including the Yimbys, who have promoted densification of residential neighborhoods as the solution to housing demand.

If by sunset is meant terminating the limit on the number of EHO permits awarded each year, I don't see the point. Extending the sunset would simply prolong the inevitable result, which is conversion of neighborhoods into slums. A better course of action is to continue the legal fight and elect a Board member committed to pursuing a neighborhood-by-neighborhood approach to construction/rehabilitation of affordable housing.

Candidate Fierro Response to Question 4:

Given that EHO is a developer driven densification program. I'm firmly against the EHO program, and I believe that the Judge ruled correctly in striking it down given there was little impact analysis on densification.

If elected I would shelve the EHO program. I suggest we reinstitute Arlington's acclaimed national model of transit-oriented development, giving emphasis on addressing commercial office vacancy and true affordable housing initiatives.

Candidate Spain Response to Question 4:

As a community advocate and former President of the NAACP Arlington Branch from 2018-2022, I'm proud to have advocated for and alongside critical stakeholders for the Expanded Housing Options (EHO) passed by the Arlington County Board in March 2023. On September 27, 2024, an Arlington County Circuit Court judge overturned the Arlington County Board's unanimously adopted Expanded Housing Options (EHO) ordinance. The County Board is considering appealing the ruling, and the case may continue well into 2025. Since 2021, I have collaborated with key stakeholders and over 30 Arlington community organizations, which collectively represent thousands of residents, to promote the expansion of housing options. I firmly believe that access to safe, secure housing is a fundamental human right.

The EHO ordinance is only one approach to achieving accessible housing. I am committed to actively engaging with the community to explore deliberative and innovative solutions.

I empathize with the frustration over the way the recent zoning issue was handled. It's clear that many people felt unheard by our elected leaders. This situation has highlighted for me the importance of listening to all voices, even those that don't align with my own views. I believe that by engaging in open, respectful conversation and acknowledging diverse opinions, we can arrive at better policy decisions. As a leader, I recognize that it's essential to address issues head-on and respectfully, even if that means acknowledging inconsistencies or confusion.

Candidate Granger Response to Question 4:

The county position in defense of its current EHO regulation was defeated in a court of law. I urge the County Board not to appeal this ruling. It doesn't make sense to continue dragging out expensive legal battles, which have already cost too many tax dollars, to defend a policy that so many residents oppose.

Our pro-housing advocates are correct to argue that we should continue on the path of allowing more housing in Arlington. Expanded housing availability is an inevitable part of our future. Increasing supply of various types of housing can help slow escalating costs. I believe we should consider changes to zoning that can help make that possible.

I – and many other Arlingtonians – don't think EHO was the right solution. As the judge ruled, the County didn't do enough to assure homeowners that it had studied and prepared for potential adverse effects of the policy. The compromises that it had were shoehorned in at the end without a proper process.

Instead of appealing, I hope the County Board engages with diverse leaders from neighborhoods and local interest groups and gives the community a chance to shape a new approach to replace EHO.

I urge those on both sides of this debate to come to the table in good faith. Everyone has self-interest, but I believe we're capable of empathy and looking beyond our own desires to see the needs of the broader community. We're also capable of being honest and clearly defining what the goals of the policy are and what our concerns with it are. With a heated issue like this, we may not be able to reach consensus, but we can find more compromise. This is what good policy and good civic engagement looks like and I believe we are capable of this in Arlington.