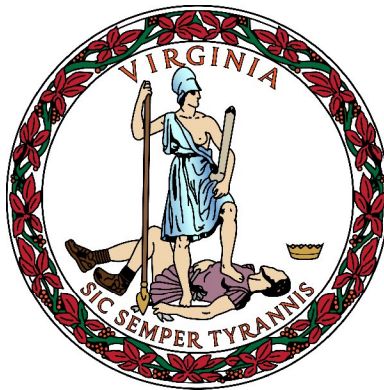


# HOUSING POLICY FRAMEWORK FOR THE COMMONWEALTH OF VIRGINIA



## INTERIM REPORT TO THE GOVERNOR

NOVEMBER 18, 2010

[www.virginiahousingpolicy.com](http://www.virginiahousingpolicy.com)





## *Commonwealth of Virginia*

*Office of the Governor*

*Robert C. Sledd  
Senior Economic Advisor to the Governor*

November 18, 2010

Dear Governor McDonnell:

I am pleased to submit for your review an interim report of the Virginia Housing Policy Framework Initiative. Since our first meetings in June, the Virginia Housing Policy Work Group and Advisory Committee have spent extensive time reviewing the significant housing issues impacting Virginians. Additionally, the Homeless Outcomes Advisory Committee and the Virginia Foreclosure Task Force members have contributed greatly in their areas of expertise.

As you know, housing helps define communities and is a major component in determining the quality of life for individuals, families, and the Commonwealth's general prosperity. Along with a good job, affordable housing is one of the building blocks for the American Dream.

Clear and consistent housing policy is an essential factor in economic development, the provision of human services and the development of transportation systems. Because of these interactions, housing policy within the executive branch should be coordinated with and be an integral part of policy initiatives in these areas.

The work of the initiative has resulted in: 1) the creation of the Virginia Foreclosure Task Force to provide timely response to emerging issues related to foreclosure and housing market recovery; 2) an initial action plan to increase the efficiency and effectiveness of state resources in order to prevent homelessness and address the needs of homeless Virginians; and 3) 14 policy recommendations that address the need to streamline regulations, better link housing with jobs and transportation, promote sustainable communities, and ensure the provision of a range of housing options that address the needs of all Virginians.

I thank Dr. Bill Hazel, Secretary of Health and Human Resources, for all of his support and advice in the crafting of this report and its recommendations, particularly in regard to persons with special needs and persons experiencing homelessness. Additionally, I thank Terrie Suit, Assistant to the Governor for Commonwealth Preparedness, for her counsel and work in chairing the Virginia Foreclosure Task Force.

Our work is far from complete. As discussed, the Housing Policy Framework Initiative will continue its work for the remainder of the administration. We look forward to continuing the work of the Housing Policy Framework Initiative and I will keep you informed of our progress.

Sincerely,

A handwritten signature in cursive script that reads "Bob Sledd".

Bob Sledd



## Summary of Interim Recommendations and Actions

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### **Recognize the role of the housing industry as a vital economic development engine within the Commonwealth**

Action:

*Establishment of the Virginia Foreclosure Task Force to provide a timely response to current and emerging issues related to foreclosures and housing market recovery.*

Recommendations:

- 1. Initiate a review of existing regulations with a major impact on housing to streamline processes and mitigate costs*
- 2. Develop an enhanced administrative process to ensure adequate review of the impact of proposed regulations on housing*
- 3. Support the provision of loss mitigation counseling*
- 4. Enhance economic literacy among Virginia's high school students*
- 5. Address the integral linkage of housing, employment and transportation through establishment and alignment of land use priorities and incentives*

### **Promote sustainable and vibrant communities**

Recommendations:

- 1. Establish and align state priorities and incentives to promote private housing development which supports sustainable communities*
- 2. Enhance the ability of state and local agencies to offer consistent incentives for housing developments that incorporate "visitability" and Universal Design standards*

### **Ensure the provision of a range of housing options**

Recommendations:

- 1. Establish and align state priorities and incentives to promote expanded housing options*
- 2. Create a structure authorizing a state housing trust fund to enable a consistent source of "gap" financing for affordable housing development*
- 3. Establish and align state priorities and program resources to promote a continuum of quality housing options for special needs and at-risk populations*



## Summary of Interim Recommendations and Actions

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4. *Maintain and enhance administrative structures that support inter-agency and inter-secretariat collaboration in addressing special housing needs*
5. *Reform existing state assisted-living funding programs to expand access to non-institutional, community housing options*
6. *Address local barriers to affordable housing*
7. *Address ongoing concerns regarding rental housing non-compliance with federal fair housing accessibility requirements*

### Prevent and reduce homelessness in the Commonwealth

#### Action:

*Establishment of the Homeless Outcomes Advisory Committee to assist in drafting an action plan to increase the efficiency and effectiveness of state resources in order to prevent homelessness and address the needs of homeless Virginians*

#### Homeless Action Plan Overall Target:

*Reduce homelessness in the Commonwealth by fifteen percent over the next three years*

#### Homeless Action Plan Goals:

1. *Increase the number of permanent supportive housing units in the Commonwealth*
  2. *Increase the flexibility of funding to prevent homelessness and support Rapid Re-housing for individuals and families*
  3. *Increase statewide data collection and system coordination*
  4. *Increase access to substance abuse and mental health treatment*
  5. *Evaluate, develop and ensure implementation of statewide, pre-discharge policies for the foster care system, hospitals, and mental health and corrections facilities*
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# INTERIM REPORT

## PURPOSE OF THE POLICY FRAMEWORK

On April 30, 2010, Governor McDonnell issued Executive Order Number Ten (2010) calling for an active review of a broad set of housing policy issues facing the Commonwealth in order to establish Virginia's first comprehensive executive branch housing policy framework.

Executive branch policymaking that impacts housing is carried out by a significant number of state agencies, regulatory bodies, boards and commissions within multiple secretariats. Increasingly, actions and decisions in one policy arena impact the achievement of housing policy objectives in other functional areas. The purpose of the housing policy framework is to establish broad administrative goals and policy direction related to housing, and to use these to better coordinate and align administrative policymaking and initiatives across multiple secretariats within the executive branch.

The Executive Order recognizes that "unprecedented budgetary issues require that the state use its resources in the most efficient and effective manner possible," and notes that "the housing policy framework can serve as a means for identifying and implementing appropriate actions within the bounds of the core functions of government."

The private housing industry, the nonprofit sector and local governments also face significant resource challenges and constraints. The establishment of a housing policy framework has proceeded based on the understanding that net additional public funding will not be available in the near term; the private and nonprofit sectors should be empowered and provided incentives to address unmet housing needs; and the housing issues facing Virginia are long-term and are best addressed through consistent, ongoing, market-friendly policies and actions.

Within the legislative branch, the Virginia Housing Commission provides leadership in identifying and addressing state housing issues. In October 2006, the Commission adopted a report entitled "Guiding Principles for State Housing Policy" to aid it in considering the effect of legislative proposals and issues brought before it. That report served as a foundation for the housing policy framework, and is reflected in the following four principles outlined in Executive Order Number Ten and the recommendations and actions related to them:

1. Recognize the role of the housing industry as a critical economic development engine within the Commonwealth
2. Promote sustainable and vibrant communities
3. Ensure the provision of a range of housing options
4. Prevent and reduce homelessness in the Commonwealth



## PROCESS FOR DEVELOPING A POLICY FRAMEWORK

The housing policy framework initiative is chaired by Bob Sledd, Senior Economic Advisor to the Governor. He along with the Secretary of Commerce and Trade, the Director of the Virginia Department of Housing and Community Development, the Executive Director of the Virginia Housing Development Authority, and other Cabinet members and their agencies are responsible for carrying out the provisions of Executive Order Number Ten.

Housing issues encompass a wide array of stakeholders with often divergent views and interests. In addition, housing needs and issues vary considerably across the regions of Virginia. Therefore, a process was established to solicit broad public input and directly involve a large number of persons representing a cross-section of housing interests and geographic regions.

A Housing Policy Work Group was appointed to assist in defining policy issues and developing specific policy recommendations. A larger Housing Policy Advisory Committee was appointed to provide input to the Housing Policy Work Group. Cabinet secretaries and agency staff were invited to participate as ex-officio members of the two bodies.

The meetings of the Housing Policy Work Group and the Housing Policy Advisory Committee were facilitated by staff of Virginia Commonwealth University's Performance Management Group (PMG). Staff of PMG developed a website to solicit broad public input on key policy issues, and developed a summary and analysis of that input that was used to inform the discussions of the Work Group and Advisory Committee.

In addition, two task groups were created to address specific pressing issues. The Virginia Foreclosure Task Force was appointed to monitor and address issues related to foreclosure and housing market recovery. The Task Force is chaired by Terrie Suit, Assistant to the Governor for Commonwealth Preparedness. A Homeless Outcomes Advisory Committee was convened by Bob Sledd and Dr. Bill Hazel, Secretary of Health and Human Resources, to assist in drafting an action plan to re-align resources in order to prevent homelessness and address the needs of homeless Virginians.

Housing issues on the legislative review agenda of the Virginia Housing Commission and Disability Commission, including those related to community associations and common interest communities, were deferred to those bodies. Periodic reports were provided to both Commissions to keep them apprised of the focus and progress of the initiative.

A website was created—<http://www.virginiahousingpolicy.com>—where information is provided regarding the status of this initiative, meeting dates and other important housing information.

This initiative will continue throughout Governor McDonnell's Administration to further refine and implement recommendations provided in this interim report as well as to address longer term and emerging housing policy issues.



## INITIAL RECOMMENDATIONS AND ACTIONS

### Recognize the role of the housing industry as a vital economic development engine within the Commonwealth

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The private and nonprofit housing sectors face three major challenges in meeting Virginia's housing needs:

1. Increasingly burdensome regulations that significantly inflate the cost of housing;
2. The foreclosure crisis that continues to undermine housing market recovery; and
3. The lack of coordinated land use planning and zoning that effectively address the linkage of economic development, housing, transportation and local infrastructure investments.

#### Streamline Regulations

There is a need to address the regulatory cost burden of both existing and proposed regulations.

**Existing regulations:** A process is needed to review regulations with a major impact on housing to identify opportunities to streamline processes, reduce burdens and mitigate costs to housing where regulations address other important public priorities.

#### **Recommendation 1:**

*Initiate a review of existing regulations with a major impact on housing to streamline processes and mitigate costs.*

Establish a task force convened by the Office of the Secretary of Commerce and Trade to:

1. Streamline housing regulatory processes and enhance their flexibility; and
2. Review major regulations impacting the housing industry to ensure that their benefits are sufficient to justify their associated costs, and propose means for offsetting any additional costs.

Provide staff support to the task force through the Virginia Department of Professional and Occupational Regulation (DPOR) and the Virginia Department of Housing and Community Development (DHCD).



**Proposed regulations:** An improved process of regulatory review is needed. Currently, assessment of the impact of proposed regulations on housing comes toward the end of the regulatory process when changes are most difficult and costly to make. In addition, many regulations are exempt from the review requirements of the Administrative Process Act. A new process is needed through which policymaking bodies would consider the impact on housing costs throughout their deliberations and consider alternatives for mitigating impacts on housing during the course of drafting their proposals.

### **Recommendation 2:**

*Develop an enhanced administrative process to ensure adequate review of the impact of proposed regulations on housing.*

Modify the existing regulatory review process to require state policy-making bodies to prepare written statements identifying and responding to any significant impact by proposed regulations on housing accessibility, cost and availability. The intent would be to supplant current residential impact statement requirements under the Administrative Process Act and Executive Orders, giving them a sharper focus on key aspects of housing.

Require policymakers, upon the initiation of new regulations, to give “explicit and meaningful” consideration to the impact on housing accessibility, cost and availability. As part of the public comment process, regulatory bodies would be required to: 1) draft a written statement of any public input received related to significant impact on housing accessibility, cost and availability; and 2) submit that statement to the Virginia Department of Planning and Budget with the proposed regulation. The statement would be required to summarize:

1. Identified significant impacts on housing accessibility, cost and availability;
2. Options considered in the regulatory review process that would ameliorate those impacts; and
3. The cost/benefit considerations made in choosing the recommended requirement.



Governor McDonnell (center) with Bob Sledd, Chair of the Housing Policy Framework Initiative (left) and Delegate John Cosgrove, Virginia Housing Commission (right) at the announcement of the Initiative



## Mitigate Foreclosure Impact and Promote Economic Literacy

The foreclosure crisis continues to impact all regions of Virginia with some areas being especially hard hit, including the northern Shenandoah Valley, the Northern Piedmont and Fredericksburg areas. While Virginia has experienced fewer foreclosures than other states, the problem remains serious and cannot be more fully resolved until economic recovery is achieved. This is a part of the Administration's efforts focused on jobs creation as the highest priority.

Most foreclosure policy issues are currently in the purview of federal financial regulatory bodies. Nonetheless, Virginia must remain vigilant and take action when necessary and appropriate to assist at-risk households and communities, and to assist the private housing market in achieving sustained recovery. For example, recently, the Office of the Attorney General joined with its counterparts in 49 other states to investigate and address as warranted any failures to adhere to the legal requirements of the foreclosure process.

Consumers armed with knowledge are in the best position to protect themselves from debt problems. Government is equipped to efficiently deliver information through the education system. There is broad support for promoting increased financial literacy among Virginians and recognition of the need to start that education among youth.

**Timely state response to foreclosure issues:** Action has already been taken pursuant to Executive Order Ten to establish a Virginia Foreclosure Task Force to ensure a timely response to foreclosure issues impacting Virginians and the housing industry. The Task Force is charged with monitoring the Commonwealth's foreclosure issues and housing market recovery, and with recommending policies and/or administrative actions as appropriate to address emerging needs.

The Task Force, chaired by the Honorable Terrie Suit, Assistant to the Governor for Commonwealth Preparedness and former chair of the Virginia Housing Commission, has held several meetings and is currently focused on addressing issues related to short sales that are of considerable concern to Virginia real estate agents and mortgage lenders.

To date, the Task Force has:

- Addressed the vital need for enhanced public access to information and referral by launching a new state foreclosure information website — <http://www.virginiaforeclosureinfo.com> — providing enhanced information and referral services for citizens and entities impacted by the foreclosure problem; and
- Initiated active dialogue among the real estate, construction and lending industries to identify means to expedite short sales to assist families in avoiding foreclosure, and to achieve timely lender disposition of foreclosed homes in a manner that minimizes market disruptions.

The Task Force will also monitor issues related to mortgage foreclosure processes and recommend state actions as warranted.

**Loss mitigation counseling:** Technical amendments are needed to correct unforeseen hardship issues for publicly certified loss mitigation counselors that are subject to Virginia’s SAFE Act, enacted in 2009 pursuant to federal law that requires state licensure of mortgage loan originators.

**Recommendation 3:**  
*Eliminate undue barriers to the provision of loss mitigation counseling.*

Support a technical amendment to the SAFE Act to eliminate undue and burdensome licensure requirements for certified foreclosure mitigation counselors engaged solely in activities that do not constitute traditional loan origination functions.

**Financial literacy:** Virginia has recently put new K-12 curriculum requirements in place for financial literacy, and there is a need to promote their successful implementation.

**Recommendation 4:**  
*Enhance economic literacy among Virginia’s high school students.*

Work with the Virginia Council on Economic Education (VCEE) to monitor and support the implementation of the new economic literacy curriculum in K-12 education.



The screenshot shows the homepage of the Virginia Foreclosure Info website. The header features the title "Virginia Foreclosure Info" in a blue font above a line-art illustration of houses. A left-hand navigation menu includes links for Home, Foreclosure, Help, Other Resources, Policy/Research Information, FAQ, and About Us. The main content area is titled "Welcome to Virginia Foreclosure Info" and "Foreclosure Help". It contains a search box for finding counselors by zip code, a notice about HUD's policy on fees for foreclosure prevention counseling on FHA loans, and a link to a complete list of certified counselors. Below this, there are sections for "Policy/Research" with a link to a review of trends from September 2010, and "FAQ" with questions about mortgage lenders and loan servicers. The page also features portraits and names of Governor Bob McDonnell and Governor's Assistant Terrie Dutil.

Home page of Virginia Foreclosure Task Force website providing enhanced information and referral services for citizens and entities impacted by the foreclosure problem



## Linkage of Housing, Employment and Transportation

Disconnects in planning for housing, employment and transportation add to residential development costs, state and local infrastructure costs, and traffic congestion. Such disconnects also increase the difficulty in providing housing at affordable prices and rents within reasonable commuting time and distance of growing employment centers. There is an increased need for Virginia to establish state level priorities and provide local and regional incentives to promote better land use practices, reduce undue housing development and infrastructure costs, and support local economic growth.

### **Recommendation 5:**

*Address the integral linkage of housing, employment and transportation through establishment and alignment of land use priorities and incentives.*

Establish state policy priorities for:

1. Enhanced coordination of transit expansion and transit-oriented development through local implementation of state Urban Development Area (UDA) legislation;
2. Reduction in commuting volumes and distances, and impediments to residential development near job centers;
3. Promotion of mixed-use and mixed-income communities; and
4. Enhanced coordination of local/regional economic development, affordable housing development and funding sources.

Charge state agencies with identifying specific means for promoting these priorities and stimulating local/regional action through development of local/regional incentives, provision of technical assistance, and program/regulatory requirements.

Examples of new steps being taken by state agencies and boards include:

- The Virginia Department of Transportation's recent award of planning grants to local governments to assist with their implementation of Virginia's new Urban Development Area (UDA) land use and zoning requirements, which will foster higher density, transit-oriented residential development; and
- A recent grant award by the Virginia Board for People with Disabilities (VBPD) to support marketing, education and training on local transit-oriented development planning using the VBPD-sponsored Transportation and Housing Alliance Toolkit.

Over the long term, explore means for providing incentives for coordinated regional housing/employment/transportation planning and initiatives, including adjustments to state funding formulas.



## Promote sustainable and vibrant communities

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There is growing consensus related to the desired elements of sustainable communities including: opportunities for mixed-use and mixed-income development; increased energy efficiency and use of cost-effective green building concepts; rehabilitation of substandard housing; preservation of the existing inventory of affordable housing; and increased use of “visitability” and Universal Design concepts to facilitate access by people with disabilities and enable seniors to age in place.

**Development of state incentives:** Public input on the housing policy framework initiative reflects a consensus that, generally, the desired elements of sustainable communities should be promoted through incentives rather than through regulatory mandates that increase housing costs and often impose unintended burdens on the housing industry.

### **Recommendation 1:**

*Establish and align state priorities and incentives to promote private housing development which supports sustainable communities.*

Establish state policy priorities for:

1. Mixed-use and mixed-income development;
2. Increased energy efficiency and cost-effective green building concepts;
3. Housing rehabilitation;
4. Preservation of existing affordable housing; and
5. “Visitability” and Universal Design.

Charge state agencies with identifying specific means for promoting these priorities and stimulating local/regional action through development of program incentives, provision of technical assistance, and public/private partnerships.

An example of a new step being taken by a state entity is the Virginia Housing Development Authority’s provision of incentives in the 2011 Low-Income Housing Tax Credit Qualified Allocation Plan (QAP) for rental housing developers to adhere to higher green building standards through new tiered, competitive scoring that awards higher points to developments conforming to “silver,” “gold” and “platinum” thresholds.

Over the long term, increase the capacity of state agencies to provide technical assistance either directly or in partnership with other organizations, especially to rural communities that lack local capacity to address their affordable housing needs.

Over the long term, as state finances permit, consider legislation to provide a state tax credit to purchasers of an EarthCraft or equivalent Green home.



**Recommendation 2:**

*Enhance the ability of state and local agencies to offer consistent incentives for housing developments that incorporate “visitability” and Universal Design standards.*

Establish an inter-agency workgroup convened by the Office of the Secretary of Commerce and Trade to develop voluntary “visitability” and Universal Design standards. Provide staff support from the Virginia Department of Housing and Community Development (DHCD). Once voluntary standards are adopted, charge state agencies with identifying specific means for promoting their use through development of voluntary program incentives, provision of technical assistance, and public-private partnerships.

Enhance Virginia’s “Easy Living” home public-private partnership by supporting the Virginia Disability Commission’s legislative proposal to increase the maximum amount of the state Livable Homes tax credit to \$5,000 per home within the current overall annual cap of \$1.0 million of credits, and make other changes to facilitate increased access and usage.



Governor McDonnell (left) speaking with T.K. Somanath (right), President and CEO, Better Housing Coalition and member of the Housing Policy Work Group during a tour of newly rehabilitated Lincoln Mews Apartments in Richmond at the announcement of the Housing Policy Framework Initiative.



## Ensure the provision of a range of housing options

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The recent housing boom disproportionately focused residential development on larger, for-sale homes due to the concentration of housing demand among more affluent, Baby Boom generation households. This market trend was exacerbated by financial policies and regulations that facilitated over-consumption of larger single-family homes. Now, as the Baby Boom generation moves toward retirement, a wider array of housing choices are needed as the age profile of the population shifts and a larger share of housing demand comes from young households and seniors who need smaller and more affordable housing options.

There is also growing need to reduce institutionalization and provide alternative, more integrated community housing alternatives for special needs populations.

**Expansion of available housing options:** The private housing industry, the nonprofit sector and local governments are beginning to address shifts in need and market demand, but necessary changes in local land use and residential development practices are occurring unevenly across the state and some needs continue to be unmet. Rebalancing of homeownership and rental opportunities, local facilitation of higher residential densities and public-private partnerships that foster best practices and facilitate increased affordability are all needed.

There is a need to set state priorities that can serve to better align state actions. In the absence of increased resources for public subsidies, other tools such as expansion of incentives and technical assistance are the primary means that state agencies can use to promote the needed expansion of housing options.

### **Recommendation 1:**

*Establish and align state priorities and incentives to expand housing options.*

Establish state policy priorities for housing development that fosters:

1. Mixed-income housing and geographic choice in residence for all income groups and household types;
2. Balanced homeownership and rental opportunities; and
3. Preservation of existing affordable housing.

Charge state agencies with identifying specific means for promoting these priorities through development of program incentives, provision of technical assistance, program/regulatory requirements, and public-private partnerships.

Over the long term, develop regional affordable housing planning incentives.



**Leveraging of private sector investment:** Development of affordable housing, especially rental housing, requires multiple layers of financing. This need exists in rural areas and older cities where household income is lower, as well as in suburban areas where development costs are often high. In recent decades, in order to help maintain adequate production of affordable housing, a majority of states have established state housing trust funds to provide a consistent source of “gap” financing to leverage private capital and deeper federal subsidies.

Current state fiscal conditions do not allow for increased resources. However, over the long term, as state finances permit, there is a need for the state to facilitate and promote increased private investment in the provision of affordable housing through the provision of a consistent source of capital gap financing. The legislative structure for a state housing trust fund should be considered so that as the revenue situation improves, Virginia is positioned to provide additional resources in the same manner that many other states have done.

**Recommendation 2:**

*Create a structure authorizing a state housing trust fund to enable a consistent source of “gap” financing for affordable housing development.*

Establish an inter-agency workgroup convened by the Office of the Secretary of Commerce and Trade to consider legislation creating the authority, structure, source of revenues, and funding priorities for a state housing trust fund. Provide staff support from the Virginia Department of Housing and Community Development (DHCD) and the Virginia Housing Development Authority (VHDA).

**Continuum of quality housing options for special needs populations:** The 1999 U.S. Supreme Court Olmstead Decision mandates state community-integration strategies for people with disabilities. In addition, Virginia sees the need to provide better quality living options for other special needs populations and reduce recidivism among ex-offenders.

Virginia’s veterans, especially those with disabilities, face particular challenges and are disproportionately represented among those with unmet housing needs. On November 11, 2010, Governor McDonnell issued an Executive Order that charges state agencies with developing concerted action plans to improve services, including housing, for veterans.

A large share of special needs populations has income below the poverty level and so cannot be served by the private and nonprofit housing sectors in the absence of public subsidies. In addition, special needs populations require access to both affordable housing and support services in order to maintain their independence.

Multiple forms of public assistance, often with separate waiting lists and conflicting program eligibility and requirements, is provided by different state agencies. The scarcity of resources for subsidy assistance relative to demand makes it imperative for Virginia to align priorities and



coordinate funding across agencies in order to optimize the benefits of state-administered assistance. There is a need to: 1) set cross-agency priorities in order to increase alignment; 2) maintain and enhance structures that support inter-agency and inter-secretariat collaboration; and 3) refocus existing state subsidy resources to support quality, non-institutional, community-based housing options.

**Recommendation 3:**

*Establish and align state priorities and program resources to promote a continuum of quality housing options for special needs populations.*

Establish state policy priority for affordable and accessible housing development that fosters community integration for people with disabilities and others at risk of institutionalization.

Charge state agencies with identifying specific means for promoting these priorities through development of housing assistance programs, provision of technical assistance, program/regulatory requirements, inter-agency memoranda of understanding, and public-private partnerships.

Over the longer term, consider means for increasing the capacity of state agencies to provide technical assistance in meeting the needs of special needs populations, either directly or through partnerships with other organizations.

**Recommendation 4:**

*Maintain and enhance administrative structures that support inter-agency and inter-secretariat collaboration in addressing special housing needs.*

Affirm commitment to 2007 Executive Directive #6, establishing an interagency collaborative structure for completing and annually updating a comprehensive, cross-governmental strategic plan to assure continued community integration of Virginians with disabilities pursuant to the U.S. Supreme Court's 1999 Olmstead Decision.

Charge the Secretaries of Commerce and Trade, Health and Human Resources, Public Safety and Transportation with aligning and coordinating priorities for addressing the housing and service needs of veterans, people with disabilities, seniors, people who are homeless and others with special needs, and to reduce levels of institutionalization and recidivism.

Over the long term, enhance the relationship between state human service agencies and local government and nonprofit housing organizations in order to improve coordination and alignment of priorities.



**Recommendation 5:**

*Reform existing state assisted-living funding programs to expand access to non-institutional, community housing options.*

Establish an inter-agency workgroup convened by the Secretary of Health and Human Resources to develop recommendations to reform the state Auxiliary Grant program and to recommend additional funding structures that efficiently and effectively support an array of quality supportive housing alternatives.

**Remove barriers:** Barriers to accessing housing remain a serious problem for too many Virginians. While overt discrimination still occurs, barriers increasingly result from “not in my back yard” (NIMBY) attitudes toward lower income and special needs populations. Often, those barriers are exhibited in land use and zoning regulations that create restrictions and obstacles, as well as through inadequate industry compliance with existing laws and requirements.

As barriers become more subtle, achieving consensus on solutions becomes more difficult. There is a need to continue monitoring local land use actions and industry practices, and to look for means to curtail practices that result in inequities and undue barriers, and increase compliance with existing laws and regulations.

**Recommendation 6:**

*Address local barriers to affordable housing.*

Support the Virginia Housing Commission’s legislative proposal to prohibit local rejection of multifamily rezoning requests based solely on the income level of the households to be served (revised HB 1280).

Long term, develop means to better address local concerns regarding the location of affordable housing, especially housing serving special needs populations, and the NIMBYism those concerns sometimes generate.

**Recommendation 7:**

*Address ongoing concerns regarding rental housing non-compliance with federal fair housing accessibility requirements.*

Review building codes and code enforcement practices to determine if changes in regulatory requirements or enforcement procedures are warranted.



## Prevent and Reduce Homelessness in the Commonwealth

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Throughout Virginia, individuals and families are experiencing homelessness. On any given day in 2010, an estimated 8,883 individuals report they are homeless. This means up to 45,000 individuals experience homelessness throughout the year.<sup>1</sup> In the last five years, concerted local and regional efforts, in partnership with the state, have reduced these numbers. Rates fell by six percent from 2005 to 2007.<sup>2</sup> However, in recent years, these decreases have not continued. Since 2008, the numbers have stayed relatively steady, indicating that, without increased attention, almost 9,000 Virginia citizens will continue to be at risk.<sup>3</sup>

### **Homeless Action Plan Overall Target:**

*Reduce homelessness in Virginia by fifteen percent over the next three years.*

### **Re-align Resources to Prevent Homelessness and Address the Needs of Homeless Virginians**

Nationally, there is increasing evidence of effective ways to reduce homelessness and move people into permanent housing. While local and state practitioners in Virginia have knowledge of effective practices, and some localities have put in place innovative solutions, state policies and funding are often not flexible enough to support and expand these tested approaches. By design, the funding available through the current spectrum of state services places greater emphasis on responding to emergencies than on a long-term solution of helping residents find and keep a home. In addition, localities often do not have the data or capacity to compete for federal and private funding. State policies and programs are not well coordinated across agencies, resulting in missed opportunities for residents seeking services and inefficient management of resources.

Heretofore, there has not been concerted state-level attention and leadership focused on preventing homelessness and helping individuals and families find housing. Pursuant to

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<sup>1</sup> In 2009, twenty percent were households with children, 21 percent suffered from substance abuse, and 18 percent had been in and out of homelessness over the last three years. 2010 Results from Virginia's Point in Time Count, per Matthew Leslie, Virginia Department of Housing and Community Development.

<sup>2</sup> 2008-09 Program Year: A Report to the House Appropriations and Senate Finance Committees, Virginia Department of Housing and Community Development, 2009.

<sup>3</sup> Between 2008 and 2009, the Point In Time count shows a one percent increase from a total of 8,469 individuals to 8,552 individuals (source: U.S. Department of Housing and Urban Development Homelessness Resource Exchange, <http://www.hudhre.info>), and projected 2010 Point in Time counts estimate a total of 8,883. Twenty percent of these individuals are families with children, and another eighteen percent are individuals who have been in and out of homelessness over the last three years.



Executive Order Number Ten, the Homeless Outcomes Advisory Committee was convened by Bob Sledd, Senior Economic Advisor to the Governor, and Dr. Bill Hazel, Secretary of Health and Human Resources, to develop a state action plan to increase the efficiency and effectiveness of state resources in order to prevent homelessness and address the needs of homeless Virginians. The work of the Advisory Committee was facilitated by Saphira Baker, Principal, Communitas Consulting.

The initial report of the Committee establishes an overall target to reduce homelessness in the Commonwealth by fifteen percent over the next three years. The report is available on the Initiative's website—<http://www.virginiahousingpolicy.com>. Following is a summary of the report's five goals and related strategies to achieve the overall target by addressing the needs of individuals, families, veterans, victims of domestic violence and unaccompanied youth. Together, the five goals and related strategies reflect a comprehensive approach to both prevent and reduce homelessness over the next three years and beyond.



Governor McDonnell (right) and Dr. Bill Hazel (left), Secretary of Health and Human Resources, and Co-chair of the Homeless Outcomes Advisory Committee

**Increase access to permanent supportive housing:** Particularly for those who are chronically homeless, permanent supportive housing has been proven to save money by reducing time spent in hospitals and jails. It is an effective means for ensuring individuals who are homeless and have mental illness or substance use disorders will be able to find and keep a permanent home. While state agencies provide some financing support for the development of permanent supportive housing, the rate of development is too slow to meet increasing demand, and services are too piecemeal to enable citizens to live independently. There is a need to better coordinate and target available resources across agencies in order to increase the number of individuals, including veterans, who are served, and to build the capacity of local and regional nonprofit organizations to develop and operate permanent supportive housing in partnership with the state.



### **Homeless Action Plan Goal 1:**

*Increase the number of permanent supportive housing units in Virginia.*

#### **Strategies:**

- Ensure the optimal use and alignment of existing state resources for permanent supportive housing.
- Prioritize any new federal and state housing trust fund resources for permanent supportive housing.
- Educate and build the capacity of providers, including community services boards (CSBs) and non-profit agencies, to provide permanent supportive housing.

**Promote Rapid Re-housing:** Most of the current state funding mechanisms available to alleviate homelessness support nights of shelter or a set of services for those experiencing homelessness. A preferred alternative is “Rapid Re-housing,” a proven method that increases the number of individuals rapidly moving from homelessness to housing by providing transitional services to them in their new homes, and maintaining a connection to landlords to insure that individuals and families may remain in their homes.

Performance-based contracts are a means to transition from a service system focused on emergency services to one focused on Rapid Re-housing. Performance-based contracts will reward those agencies best able to find homes for their clients, allow for flexibility of implementation among rural and urban localities, and encourage innovation and use of effective practices. Funding will be leveraged from several state agencies to achieve this goal. Because no new funding is allocated toward this goal and providing a safety net for those who are homeless remains critical, funding adjustments to provide for Rapid Re-housing will be incremental, and an appropriate level of emergency shelter support will be maintained.

### **Homeless Action Plan Goal 2:**

*Increase the flexibility of funding to prevent homelessness and support Rapid Re-housing for individuals and families.*

#### **Strategies:**

- Increase the flexibility for state Shelter Grants, Emergency Shelter Grants, and the Homeless Intervention Program to provide a continuum of services with a focus on performance, Rapid Re-housing and prevention.
- Set performance goals and link state funding and contracts for housing and prevention of homelessness to criteria and outcomes.



**Improve statewide coordination and data collection:** Improvement in statewide coordination and data collection is needed in order to:

1. Maximize the efficient use of state funds;
2. Leverage new federal funding resources;
3. Provide statewide leadership to reduce homelessness; and
4. Design approaches that meet the diverse needs of individuals who are homeless.

By strengthening planning and data collection, state and local partners will be able to leverage more private and public resources, target services where they are needed most, and make it easier for individuals and families who are homeless to access a range of state and local resources. A statewide body is recommended to facilitate this coordination, serve as an information source, leverage and coordinate new and existing funding resources, build the capacity of urban and rural localities to enhance resources, and lead the implementation of the overall plan.

### **Homeless Action Plan Goal 3:**

*Increase statewide data collection and system coordination.*

#### **Strategies:**

- Increase the comprehensiveness of statewide data on homelessness and key subpopulations at risk of homelessness captured by housing and homeless service providers.
- Set statewide goals for achieving housing stability by populations.
- Create a statewide coordinating body to oversee the implementation of the plan, to provide guidance on resource allocation or re-allocation, to facilitate cross-agency and cross-secretariat partnerships, and to review and coordinate statewide data on homelessness.

**Reduce substance abuse and improve mental health services:** The most expensive group of homeless individuals to serve is those who are chronically in and out of homelessness largely because of poor mental health and substance abuse. Goal four emphasizes the importance of helping these individuals gain stability, employable skills and the opportunity to become independent contributing members of society.

Proven models exist for reducing this problem and the considerable public service costs associated with it. It is recommended to leverage existing state funds to increase access to federal benefits, such as Supplementary Security Income (SSI) and Social Security Disability Insurance (SSDI) through an evidence-based program called SOAR—SSDI Outreach, Access, and Recovery. If additional funds can be identified, then an expansion of “Housing First” sites and a network of peer recovery programs, based on Richmond’s Healing Place—both proven models at reducing homelessness—are top priorities.



#### **Homeless Action Plan Goal 4:**

*Increase access to substance abuse and mental health treatment.*

##### **Strategies:**

- Target new housing and behavioral health resources to “Housing First” “projects to serve homeless individuals with serious mental illness.
- Plan and establish a network of substance abuse peer recovery “best practice” models of service enhanced shelters (e.g. The Healing Place).
- Explore redirection of state criminal justice funding and services to fund effective models, such as mental health dockets, that support persons with mental health needs involved in the criminal justice system.
- Expand the capacity of public and nonprofit homeless service providers to connect clients to Supplemental Security Income (SSI) and Social Security Disability Income (SSDI) benefits through SSI/SSDI outreach, access and recovery (SOAR).

#### **Stem the rate of individual discharges from state care that result in homelessness:**

Virginians leaving state and local mental health, health care, correctional institutions and foster care placements continue to be discharged into the community without housing. The fifth goal recommends engaging state government in educating discharge planners and strengthening procedures and policies within these institutions. It is intended that individuals have a housing plan before release into the community, and that discharge planners take advantage of existing resources for veterans and others to reduce the likelihood of their return to homelessness or public institutions. These recommendations are coordinated with the Governor’s Re-Entry Task Force and promote an improved transition from state and local correctional institutions that reduces homelessness.

#### **Homeless Action Plan Goal 5:**

*Evaluate, develop and ensure implementation of statewide pre-discharge policies for the foster care system, hospitals, and mental health and corrections facilities.*

##### **Strategies:**

- Improve discharge policies and procedures for foster care.
- Strengthen mental health and health discharge protocols and policies.
- Improve corrections discharge policies and procedures.

# APPENDICES

## Appendix 1

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*Commonwealth of Virginia*  
*Office of the Governor*

### *Executive Order*

**NUMBER TEN (2010)**

#### **HOUSING POLICY FRAMEWORK OF THE COMMONWEALTH OF VIRGINIA**

##### **Importance of the Issue**

Housing helps define communities and is a major component in determining the quality of life for individuals, families, and the Commonwealth general prosperity. Along with a good job, affordable housing provides the building blocks for the American Dream. Housing has been a major force in the prosperity of the Commonwealth. A healthy economic environment for housing significantly contributes to the vitality of the overall economy.

Clear and consistent housing policy is an essential factor in economic development; the provision of human services; and the development of transportation systems. The location, arrangement and cost of housing also intersect with broad urban and rural policies. Because of these interactions, housing policy within the executive branch should be coordinated with and be an integral part of each of these parallel policy initiatives.

Within the legislative branch, the Virginia Housing Commission has recognized the importance of developing policy principles intended to aid the Commission in considering the effect of legislative proposals and issues brought before it. Similarly, the executive branch should develop a similar policy framework to help guide decision-making and promote coordination across programs. At a time when unprecedented budgetary issues require that the state use its resources in the most efficient and effective manner possible, the housing policy framework can serve as a means for identifying and implementing appropriate actions within the bounds of the core functions of government.

# Appendix 1

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## Housing Policy Framework of the Commonwealth of Virginia

By virtue of the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 of the *Code of Virginia*, I hereby establish the following housing policy framework for the executive branch. The purpose of the housing policy framework is to establish broad goals and policy direction related to housing policy and to coordinate a comprehensive and effective housing policy with other public policy areas and initiatives across multiple secretariats within the executive branch.

The housing policy framework for the Commonwealth should be consistent with the following housing principles.

1. Recognize the role of the housing industry as a critical economic development engine within the Commonwealth by streamlining regulations, ensuring robust finance and construction sectors, promoting the development of workforce housing, reducing commute times between home and work, and increasing residential access to transportation systems, while furthering public understanding of housing finance and economic literacy.
2. Promote sustainable and vibrant communities through measures that promote mixed use development, increase energy efficiency and use of cost effective green building concepts, support the rehabilitation of substandard housing, clarify the role of community associations in common interest communities, and expand public-private cooperation in addressing affordable safe housing.
3. Ensure that a range of housing options can be provided to meet the housing needs of a dynamic and changing population, achieve proper balance between homeownership and rental options, promote a continuum of quality housing options for special needs populations, match existing subsidies with areas of housing need, and increase the emphasis on fair housing (eliminating barriers to housing).
4. Increase capacity to address the needs of homeless Virginians by focusing on the reduction of chronic homelessness, ensuring the continued viability of the safety net of shelters and services, and investing in transitional and permanent supportive housing.

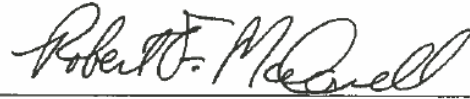
The Governor's Senior Economic Advisor, the Secretary of Commerce and Trade, the Director of the Department of Housing and Community Development, and the Executive Director of the Virginia Housing Development Authority along with other Cabinet members and their agencies will be responsible for carrying out the provisions of this order.

This Executive Order shall be effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order.

# Appendix 1

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Given under my hand and under the Seal of the Commonwealth of Virginia this  
30th day of April 2010.



Robert F. McDonnell, Governor



Attest:



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Secretary of the Commonwealth

## Appendix 2

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### HOUSING POLICY WORK GROUP

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## Appendix 2

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## Appendix 3

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## Appendix 4

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