



Legislation Text

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City of Alexandria, Virginia

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MEMORANDUM

**DATE:** SEPTEMBER 2, 2020

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:** MARK B. JINKS, CITY MANAGER /s/

**DOCKET TITLE:**

Consideration of an Intergovernmental Agreement to Facilitate the City's Participation in a Regional Analysis of Impediments to Measure Alexandria's Progress in Affirmatively Furthering Fair Housing and to Inform its Upcoming Five-Year Consolidated Plan to HUD

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**ISSUE:** Execution of an Intergovernmental Agreement for a Regional Analysis of Housing Impediments

**RECOMMENDATION:** That City Council:

1. Approve the draft Intergovernmental Agreement (Attachment 1) for a regional analysis of impediments to housing convened by the Metropolitan Washington Council of Governments (COG); and
2. Authorize the City Manager to enter into a agreement that is in substantial conformance with the draft attached.

**BACKGROUND:** As a recipient of federal funds that support many critical housing and social services programs, the City is required to submit Consolidated Plans every five years which propose how Alexandria will use its federal fund allocations, the service targets it expects to achieve, and how the federal monies will be leveraged with local, state and other resources. The plan is reviewed publicly every year and the City reports its progress in implementing the Plan and meeting service targets.

An important obligation attached to the receipt of federal funds is a jurisdiction's demonstrated commitment to fair housing: Alexandria fulfills this commitment through its annual fair housing testing program to identify and correct discriminatory practices and in training it regularly offers to city staff and housing industry representatives, including property management staff. The City also regularly reports its analysis of impediments to housing, which considers issues of access and equity in how housing programs and development support, or may create barriers, to housing opportunity for City residents, particularly populations who may traditionally be underserved.

During the Obama administration, the federal government elevated the requirement that jurisdictions be more proactive in their fair housing commitments, by promulgating a rule that they “Affirmatively Further Fair Housing (AFFH)” and even consider how regional practices and policies impact local housing and development outcomes. The U.S. Department of Housing and Urban Development (HUD) encouraged collaborations regarding regional Analyses of Impediments, to complement local analysis, and provided technical and financial assistance to enable this work. Through COG, a regional collaboration was convened, and the City requested and received a one-year deferral of its deadline for the Five-Year Consolidated Plan (to May 2021) so that it could participate in the COG effort. Through the City FY 2017 budget process, some local funding was reserved for the project which anticipated financial support from HUD as well as grants from other funders at that time.

Guidance regarding AFFH was slow to be released, delaying the initial timeline to start the regional collaboration. During the Trump administration, HUD guidance has slowly eroded the federal government’s commitment to fair housing, as traditionally understood, and specifically, to the AFFH Rule. Last month, through executive action, the administration dismantled the Rule altogether. As described in the attached memorandum to COG’s board (Attachment 2), it is the collective view of the region’s housing directors and other COG committees working on human services and equity issues that the goals and principles outlined in AFFH are still central to what it means to fulfill the requirements of the Fair Housing Act as we are obliged by our entitlement funding. Proceeding with the regional analysis is an important component of our ability to review our actions within the context of what our neighbors are doing so we can all identify areas for improvement and better assess and amplify our local programs and development to be more impactful and equitable reflecting that housing is both a regional need and resource.

**DISCUSSION:** Fulfilling our commitment to Affirmatively Further Fair Housing, whether mandated or not, is central to Alexandria’s core values and its commitment to maintain diversity and make equity the lens through which we view our housing and development processes, actions and investments. The opportunity to participate in a regional assessment and measure our progress as part of a larger housing system will inform Alexandria’s analysis of impediments and potentially benefit our practices by providing comparative examples and best practices.

The City also hopes to learn from community engagement models used by the selected project consultants (a collaboration among the Lawyers Committee for Civil Rights, the Urban Institute and the Ochoa Urban Collaborative) due to their cultural competence and nationally-recognized success in engaging underserved communities and populations. The Consolidated Plan process has not typically drawn participation and input among those most impacted by City services and programs supported by federal funds; however, Housing staff is developing a very robust outreach strategy for the 2021 Plan.

The attached draft agreement is being refined, non-substantively, through an on-going review by attorneys representing the participating jurisdictions.

**FISCAL IMPACT:** The costs allocated to the City of Alexandria total \$52,600. ARHA will also be able to use the materials produced through the regional analysis of impediments for its planning purposes at no additional cost. In FY 2017, \$12,000 was reserved from Housing carryover funds for the project and has been maintained through the various delays. Housing would like to use those funds now and make up the balance (\$40,600) from CDBG funds since the regional analysis of impediments is an allowable expense.

**ATTACHMENTS:**

- (1) Draft Intergovernmental Agreement regarding COG-led Regional Analysis of Impediments
- (2) August 5, 2020 Memorandum re AFFH Rule to COG Board

**STAFF:**

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