

BOARD OF SUPERVISORS’
AFFORDABLE HOUSING PRESERVATION
ADMINISTRATIVE POLICY GUIDELINES

DRAFT May 31, 2023

The Fairfax County Board of Supervisors’ (Board) Affordable Housing Preservation Administrative Policy Guidelines (Administrative Guidelines) are established to assist in the execution of the affordable housing preservation policies and objective within the County’s Comprehensive Plan (Preservation Policy), adopted on March 21, 2023. The Preservation Policy supports the County’s goal of no net loss of affordable housing and seeks to maintain the affordability of units in accordance with the Comprehensive Plan’s Guidelines for Multifamily Affordable Housing Preservation. The guidelines establish a goal of preserving existing multifamily rental affordable housing (four or more units) during infill development or redevelopment on a one-for-one basis. While the objective is no net loss of affordable units, it is recognized that this may not be possible in all circumstances.

Preserved Affordable Units (PAUs) are those affordable units that replace the existing affordable units expected from redevelopment or those existing units where the affordability level will be maintained in infill development. Affordable Dwelling Units (ADUs) and/or Workforce Dwelling Units (WDUs) provided as part of a redevelopment proposal will count toward the total number of units to be preserved. Implementation of ADUs and WDUs should be determined using their respective procedures and policies.

Terms utilized herein that are not specifically defined have the meaning given to them in the Fairfax County Comprehensive Plan. The Administrative Guidelines are hereby set forth for the uniform administration and assurance of the continued availability of PAUs.

1. Applicability

The Department of Housing and Community Development (HCD) will determine the applicability of the Preservation Policy on any residential property proposal. Determination of applicability will occur during the review of any rezoning application, pre-application consultation, or prior to an authorization of a Comprehensive Plan amendment that involves redevelopment or infill development of existing residential units; however, it is preferred that a property owner engages HCD prior to the submission of the rezoning application, any pre-application requests. The determination will identify whether a property meets the definition of Committed Affordable Multifamily Rental Housing or Market Affordable Multifamily Rental Housing by comparing the rents charged at the property with rents affordable to the applicable Area Median Income (AMI) under each definition. HCD will utilize average rents regularly compiled by staff for multifamily rental properties.

The Preservation Policy applies to Committed Affordable Multifamily Rental Housing if the rents at the time or within 12 months of the submission of any discretionary land use application are affordable to households at or below 80% of the AMI.

The Preservation Policy applies to Market Affordable Multifamily Rental Housing with the majority of average rents affordable to households at or below 60% of the AMI, over the past three years (as rent data is available). The Preservation Policy will also apply to properties that have appeared in one or more of the past two Market Affordable Surveys, conducted by HCD.

If a project is determined not to qualify for the Preservation Policy because the property contains units with rents serving households serving incomes at or below 80% of the AMI, a property owner may voluntarily seek to use the policy by committing units identified under the Affordability Assessment up to 80% of the AMI.

Property owners may request in writing a determination of the applicability of the Preservation Policy from HCD at any time. HCD may request additional information from the property owner, such as property rent rolls, to determine whether the Preservation Policy applies to a subject property and the number of affordable units that fall under the applicable category. HCD's determination will be provided to the property owner in the form of an Affordability Assessment. Affordability Assessments may be utilized for rezoning applications filed within six months of the date of the memorandum. HCD will provide a copy of all Affordability Assessments to the Department of Planning and Development (DPD).

2. Review of Preservation Proposals

After receiving an Affordability Assessment and ideally prior to any pre-application meetings, filing of a zoning application, or authorization of a Comprehensive Plan amendment, the property owner must submit a strategy for the preservation of units (Preservation Proposal). Any zoning applications accepted on or after March 21, 2023, that are seeking to utilize the Preservation Policy must include a Preservation Proposal within the statement of justification regarding compliance with these Administrative Guidelines. The proposal will include:

1. The number of PAUs;
2. The AMI level(s) proposed to be served;
3. Unit type by bedrooms;
4. As applicable, the term of the price control for the PAUs;
5. An assessment of the amount of additional density that would be needed to offset the cost of one-for-one replacement of units identified for preservation in the Affordability Assessment in terms of number of units, as compared to the existing and planned land use; and,
6. Massing concepts and a conceptual layout that illustrates how any additional proposed density would be developed on the site, as requested by HCD and/or DPD.

Preservation Proposals will be reviewed by HCD and DPD and feedback will be provided on any potential issues to be addressed related to the proposed density. If the Preservation Proposal assumes a level of density that is not likely to be feasible for a given redevelopment, alternative proposals may also be provided by the property owner that achieve a lower ratio of replacement affordable units. Alternative proposals must explain the significant financial and/or development-related challenges that preclude one-for-one replacement.

HCD may request information regarding the financing and feasibility of the proposal from the property owner to be reviewed by the County or, if appropriate, a third-party entity on behalf of the County. Information may include, but is not limited to, assumed rents, operating expenses, debt service, cost to build, assumed vacancy, and estimated capitalization rate.

For infill development proposals, the physical conditions of existing affordable units on the subject property will be considered. All PAUs must be in a good state of repair as determined by HCD, which may require renovation.

During the consideration of the Preservation Proposals, the property owner and HCD staff may discuss the possibility of the applicant applying for FCRHA funding to assist with preservation.

3. Unit Equivalency

Preservation Proposals should, when feasible, propose PAUs that serve the tenant population leasing units at the property prior to redevelopment (Existing Tenants). Property owners should plan to set rents at levels affordable to the households at the AMI levels noted in the Affordability Assessment. To the extent possible, the proposed unit mix (number of units in each unit type category) should reflect the unit mix in the property prior to redevelopment.

Redevelopment Proposals can consider the current needs of Existing Tenants when determining the AMI levels and number of bedrooms in the planned PAUs, as they may be different than the unit mix at the property. Nothing precludes the infill development or redevelopment from providing deeper affordability, a greater number of units, or a more appropriate mix of bedrooms per the needs of tenants at the time of zoning approval. Affordability levels, and/or number and size of the PAUs may be altered if it can be demonstrated to the satisfaction of the Board that the alternative will better serve the needs of Existing Tenants, who may want to return to the new development, or better fulfill County affordable housing goals. For example, a household may occupy a unit that is too small based on the household composition and occupancy standards, and a larger unit or multiple units may be provided in the new development.

4. Administration of Preserved Affordable Units

When units are not subject to an administration process required by a federal, state or local financing program, the process for implementation and administration of the PAUs will be subject to the [Fairfax County Board of Supervisors' Countywide and Tysons Urban Center Workforce Dwelling Unit Administrative Policy Guidelines \(WDU Guidelines\)](#). The FCRHA does not reserve the right to lease one third of the PAUs as in the WDU Guidelines. Alternative administration processes may be proposed. The alternative must adhere to the Preservation Policy set forth in the Comprehensive Plan and offer appropriate controls to properly regulate, monitor, administer, and manage the preserved units. Such controls must be provided in sufficient detail to clearly demonstrate that the committed PAUs will function in the manner intended by the provisions of the preferred administrative tools as set forth in this document. (Administrative guidelines for PAUs that are proposed to be preserved off-site from a redevelopment of existing affordable housing are under development.)

5. Relocation Assistance Plans

When projects are subject to the Preservation Policy, applicants must provide a Relocation Assistance Plan to HCD for review and approval. Relocation Assistance Plans offer tools to assist the owner/applicant and tenants in minimizing displacement during the redevelopment of occupied properties. Tenant assistance in the form of relocation benefits and advisory assistance can encourage collaboration, reduce tenant stress, and eliminate costly evictions and project delays. Developers should review the Fairfax County Relocation Guidelines, as may be amended from time to time by the Board of Supervisors, for guidance on the development of the Relocation Assistance Plan.

THIS BOARD POLICY for the Affordable Housing Preservation Administrative Policy Guidelines is effective on this XX day of MONTH, 2023.

Jill Cooper
Clerk to the Board of Supervisors