

One More Fight for a Housing Authority

As Arlington Referendum Effort Runs Afoul of New Law, Backers Plan Appeal to Virginia Supreme Court

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Proponents of creating a housing and redevelopment authority in Arlington County are planning to appeal a judge's ruling that struck down their proposal for a ballot referendum in November, prolonging and escalating a battle over affordable housing that dates back several decades.

Arlington Circuit Court Judge Benjamin N.A. Kendrick ruled last week that a proposed referendum on whether to create a housing authority was illegal under a new state law that toughened the requirements to get a measure on the ballot. A similar referendum proposal in November failed by 2 to 1; similar referendum questions were defeated in 1958 and 1982.

Josh Ruebner, a member of the Arlington Green Party, which has been pushing for a housing authority in the face of opposition from much of the county's political establishment, said the party will consult with lawyers "to figure out the best appeal strategy."

"The Arlington Green Party is committed to pursuing all of our available legal options in order to place a referendum on the ballot this year," said Ruebner, a two-time candidate for the Arlington County Board who is running this fall for the Virginia House of Delegates in the 47th District.

The dispute stems from differing views over how to build more affordable housing in Arlington. Green Party members, saying the county faces a crisis in affordable housing, question the board's strategy of working with nonprofit groups and private developers to build cheaper units. They say Arlington would generate more units -- and manage them better -- if the county operated them directly.

"The county currently does it in a very inefficient way through subsidizing developers and nonprofits to build a few affordable units at a time," Ruebner said. "With a housing authority, the county could do away with a lot of the red tape that's involved in dealing with these different builders and have the ability to build and operate affordable housing units on its own."

County Board Chairman Barbara A. Favola acknowledged that far more high-end units have been built in Arlington in recent years, and she agreed with the goal of creating more affordable housing, calling it "very, very important, one of our top priorities."

But she said the county has "never viewed a housing authority as a tool that would be terribly useful," preferring to encourage developers to set aside affordable units or to lend them money from Arlington's affordable housing investment trust fund as an incentive to purchase or rehabilitate units.

Favola defended the county's record, pointing to several affordable housing developments approved in recent months, including one in the Buckingham neighborhood and another next to Macedonia Baptist Church in the Nauck area. "It's a struggle, but we've been working, working, working," she said.

The county technically has a housing and redevelopment authority, but it exists only on paper and would need approval from county voters to be "activated," county officials said.

Voters declined to give that approval in November. The ballot measure to create an authority was opposed by some housing advocacy organizations and Arlington's Democratic and Republican parties.

One reason the Green Party soon began collecting signatures for another referendum, Ruebner said, is its belief that the county could get some of the several billion in federal economic stimulus dollars made available to housing authorities nationwide. Favola said the stimulus dollars are available only to already established housing authorities.

Ruebner accused the county of "playing linguistic tricks. I don't understand how new federal dollars means there are no new federal dollars."

Green Party members collected about 150 signatures of registered voters in support of another referendum and turned them in to the county several months ago; until recently, only 100 such signatures were required to place the measure on the ballot.

But the Virginia General Assembly passed a law this year saying that a community that voted on such a ballot referendum must wait five years before another one. The law, which took effect last week, also changed the number of signatures required from 100 to 2 percent of a county's registered voters -- about 3,000 signatures in Arlington.

Although the County Board did not take an official position on another referendum, Arlington officials argued against it in a legal dispute that reached the Circuit Court last week. County Attorney Stephen MacIsaac told the judge that although the Green Party had gathered enough signatures under the old system, another referendum would be illegal under the new law.

"It's clear what the General Assembly said," MacIsaac said in an interview. "If you have a referendum, you can't have another one for five years. The county doesn't have the authority to order a referendum that would be illegal when it was held."

The Green Party argued in court that the old system should apply because it turned in signatures before the new law took effect. But the judge backed the county. The Green Party can appeal the decision to the Virginia Supreme Court.

"This year is our best chance to get it on the ballot again before we have to wait five years," Ruebner said.