

2012

A Racial Impact Analysis of HB 869/SB 274

The Grace E. Harris Leadership Institute at Virginia Commonwealth University
Virginia Commonwealth University, gehli@vcu.edu

Ashley Chapman

Ida Jones

Donald Knight

Susan Laywer Mills

Follow this and additional works at: http://scholarscompass.vcu.edu/wilder_pubs

 Part of the [Arts and Humanities Commons](#), [Education Commons](#), [Law Commons](#), and the [Social and Behavioral Sciences Commons](#)

Downloaded from

http://scholarscompass.vcu.edu/wilder_pubs/46

This Research Report is brought to you for free and open access by the L. Douglas Wilder School of Government and Public Affairs at VCU Scholars Compass. It has been accepted for inclusion in L. Douglas Wilder School of Government and Public Affairs Publications by an authorized administrator of VCU Scholars Compass. For more information, please contact libcompass@vcu.edu.



A Racial Impact Analysis of HB 869/ SB 274

A project of the Minority Political
Leadership Institute Class of 2012

Prepared by: Ashley Chapman, Ida Jones, and Donald Knight

“Urban transit systems in most American cities...have become a genuine civil rights issue and a valid one because the layout of rapid transit systems determines the accessibility of jobs to the Black community. If transportation systems in American cities could be laid out so as to provide an opportunity for poor people to get meaningful employment, then they could begin to move into the mainstream of American life.” – Martin Luther King, Jr.

Project Description

Virginia is growing. Between 1990 and 2000, Virginia’s population rose by over 14% - the largest population growth experienced by the state in a single decade (Pollard, 2007). And the state continues to grow. It has been estimated that by 2030, Virginia’s total population may exceed 9.8 million people (Pollard, 2007). Along with population growth, land development has increased which in turn affects transportation, housing and job placement across the Commonwealth. In fact, in many parts of the state, development has outpaced population growth. According to Pollard, “If current patterns continue, Virginia will develop more land in the next 40 years than in the previous 400 years (p.8).”

In an effort to curb sprawling development and decrease transportation expenditure, the Virginia General Assembly passed House Bill 3202 in 2007. One major outcome of this multifaceted legislation was the introduction of mandatory Urban Development Areas (UDAs). The goal of UDAs was for localities to concentrate growth and development in order to reduce the cost of transportation and increase opportunities to build multi-use developments and expand affordable housing. In 2012, the General Assembly passed House Bill 869 and Senate Bill 274 which effectively make UDAs no longer mandatory but optional for all localities in the Commonwealth.

In this paper, we analyze the racial impact and explore the political history of HB 869/SB 274 while addressing the larger issue of sprawl across the Commonwealth. Smart Growth policies are known to positively impact the environment but they also positively impact low-income and minority communities by increasing access to housing, transportation and ultimately jobs. The story behind Urban Development Areas in the Commonwealth is one of politics and regulation but issues as critical as housing, transportation and job access should be focused much more on the citizens of the Commonwealth. The friction created by the UDA policy between the localities and the state has the potential to spark a statewide conversation about land use and more importantly - the need for people-centered solutions to a growing problem.

Legislative Overview

Background

In Virginia, it is state law that all localities prepare and adopt a comprehensive plan for the physical development of their territory (Virginia State Code § 15.2-2223). The plan is intended to be a general outline of transportation needs and recommendations, designation of areas for various types of land development and planning for a system of community service

facilities. Although it has been frequently amended, the comprehensive plan requirement has been on the state law books since 1975. Localities are generally comfortable with the law and have contributed to crafting the language.

In 2007, § 15.2-2223.1 was added to the Virginia state code section about comprehensive plans. The new law required localities with a population of at least 20,000 and population growth of at least 5% or localities with a population growth of 15% or more (according to census data) to amend their comprehensive plan to incorporate one or more Urban Development Areas (UDA). A UDA is defined in the state code as, “an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water system, or a developed area and (ii) to the extent feasible, to be used for redevelopment of infill development (Virginia State Code § 15.2-2223.1).” There are also specific requirements as to density and design.

The concept of Urban Development Areas stemmed from Delegate Clay Athey, a land use attorney from Frederick County. Athey advocated for “zones of focused growth” in order to limit sprawl and decrease the cost of maintaining roads and utilities. Sprawl and expansive development is costly to taxpayers and damaging to farmland and forests. Furthermore, in Virginia, the state creates and maintains the roads in nearly all of its localities. Thus, as a locality spreads, transportation costs to the state increase.

The requirement that localities implement these areas of focused growth was a result of the passage of HB 3202 - a large transportation bill carried by Speaker of the House, Bill Howell in 2007. The bill was intended to help the state better manage and control its transportation expenditures. It passed the General Assembly, with strong bipartisan support. Yet, despite the overwhelming support of the Virginia legislature, HB 3202 was not well-received by several stakeholders including the Virginia Chapter of the American Planning Association (APA). Planners believed that they and local government were shut out of the process of crafting the legislation that dramatically altered the comprehensive plan process. They were generally supportive of the concept of “smart growth” but believed that specific land use decisions should be made locally and not mandated by the state because every locality in Virginia has different needs and different interests. George Homewood, President of the Virginia Chapter of the APA and Assistant Director of Planning for the City of Norfolk noted that the UDA concept was a strong one and important for the growth of the Commonwealth but said, “legislation from the state should have said ‘you cannot prohibit this type of development’ instead of saying ‘you *must* have this type of development.’” Furthermore, Homewood emphasized that the strict density requirements of the legislation were unnecessary and inapplicable to many localities in the state.

Several localities, including Fauquier and Goochland also expressed concerns about the implications of the UDA requirements. David Maloney, the Acting Director of Planning in Hanover County said, “Land use planning is a uniquely local function - planning is as much political as it is an art and science. The concept of UDAs was well intentioned but it favored more urbanized localities...it was a one size fits all approach.” As a compromise between the state, local governments, environmental groups, the developers and planners - the General Assembly created the Joint Subcommittee Studying Development and Land Use Tools, better known by its nickname - the Athey-Vogel Subcommittee. The committee

was directed to, “examine and monitor the transition to channeling development into Urban Development areas, and determine if additional legislation is needed to help localities as they transition to UDAs (Virginia House Joint Resolution 135, 2010).” The Athey-Vogel Committee met for two years in an effort to create a flexible, outcomes based amendment to the UDA provision in § 15.2-2223.1. The result was the development of a phased or tiered approach to implementation. Thus, localities were permitted to have some flexibility but UDAs were still very much mandatory.

Over the past five years, several of Virginia’s localities have worked to incorporate UDAs into their comprehensive plan. However, there has been significant pushback by the Tea Party. The Tea Party argues that UDAs are in fact part of the United Nation’s Agenda 21 - and an attempt to take private land and force people to live in high density areas in a communist-like state. In Roanoke County, the Board met to adopt a planned UDA and several Tea Party members showed up to protest. Subsequently, the UDA was not adopted. The Tea Party also worked with Delegate Bob Marshall to introduce legislation in 2011 to make UDAs optional and amend the process of how comprehensive plans are created and reviewed at the local level - the bill failed.

The Virginia Chapters of the APA noted the efforts to derail the UDA process and took advantage of the opportunity to introduce new legislation in 2012 to amend the state code by keeping the Comprehensive Plan process intact but make UDAs optional. They worked with Delegate Thomas D. Rust to introduce House Bill 869. Simultaneously, Senator Ralph Smith introduced a similar bill but it was modeled after Delegate Marshall’s failed 2011 bill and much more catered to the interests of the Tea Party. It was later amended to be in line with Delegate Rust’s Bill. Additionally, Delegate Bob Marshall reintroduced his bill and Senator Louise Lucas introduced a bill to eliminate the UDA requirement. Delegate Marshall’s bill was eventually rolled into HB 869 and Senator Lucas’ bill was rolled into Senator Smith’s SB 274. There was significant behind-the-scenes work to get all of the legislators and stakeholders to compromise on the final bills which ultimately were approved by the General Assembly.

House Bill 869 / Senate Bill 274

UDAs were intended to bridge the gap between local land use and expensive transportation infrastructure. UDAs were designed to be areas of compact development that could accommodate 10 to 20 years of projected growth and incorporate the principles of new urbanism and traditional neighborhood design. Now, with the passage of HB 869 / SB 274 localities have been given the authority to choose whether or not to implement the high density requirements and designate these specific areas in their comprehensive plans. The legislation also eliminated the requirements for localities to report their UDA adoption progress to the commission on Local Government and for that Commission to make an annual report on UDA progress throughout the state.

Implementation

Local governments are responsible for choosing to designate or not designate UDAs in their comprehensive plans. To assist localities in revising their planning and policy frameworks to comply with the legislation, the Virginia Department of Transportation (VDOT) created the Urban Development Area Local Government Assistance Program. This program provides

consultant assistance to qualifying Virginia localities required to comply with the legislation. Selected participants were expected to revise their comprehensive plan to incorporate at least one urban development area and revise their zoning and subdivision ordinances to incorporate the principles of new urbanism and traditional neighborhood design. In addition, they were expected to analyze the transportation impacts or improvements that could be expected as UDA requirements are implemented. This grant program provides on-call consultant time to local governments to analyze future growth patterns, plan for and designate at least one urban development area on their comprehensive plan and revise applicable local ordinances to incorporate the principles of new urbanism and traditional neighborhood design (VDOT, 2009).

The Office of Intermodal Planning and Investment hired four on-call consultants to assist local governments with these efforts. The consultants are available to perform work for up to two years and provide the following services: (i) land use planning; (ii) scenario analysis; (iii) public outreach; (iv) guidance on new urbanism and traditional neighborhood design planning principles; (v) create small area plans; (vi) transportation planning; and, other land use planning activities (VDOT, 2009). The grant program consists of two tiers and does not require any local matching funds. However, local governments that accept a grant will be expected to revise their comprehensive plans to incorporate at least one urban development area and revise their zoning and subdivision ordinances to incorporate the principles of new urbanism and traditional neighborhood design (VDOT, 2009). Now that UDAs are no longer mandatory but optional, it is unknown if or how this will impact the VDOT program.

Public Awareness of Legislation

Many of the localities have lobbyists that represent their interest on certain issues, specifically those that affect land use, planning and development. This is how many localities find out about issues that will directly impact their municipality. Many also receive guidance from the Virginia Municipal League (VML). VML is a statewide, nonprofit, nonpartisan association of city, town and county governments that assists local governments through legislative advocacy, research and education. Consultants from the Virginia Department of Transportation also assist with public outreach by holding public forums in areas that are proposing to revise their comprehensive plans to include UDAs.

The state of Maryland recently embarked on a “Smart Growth” campaign that was met with significant criticism. We believe the state of Virginia learned from the failings of the Maryland campaign and avoided national exposure by foregoing a statewide branding campaign around UDAs. The failure of Maryland’s campaign was associated to little substance behind the message and little to no incentive for localities and builders to redevelop in these areas. Virginia learned from some of Maryland’s mistakes and quietly unfolded pieces of the UDA legislation which gave localities incentives to revise their comprehensive plans and emphasized cost savings for the state and localities in their messaging.

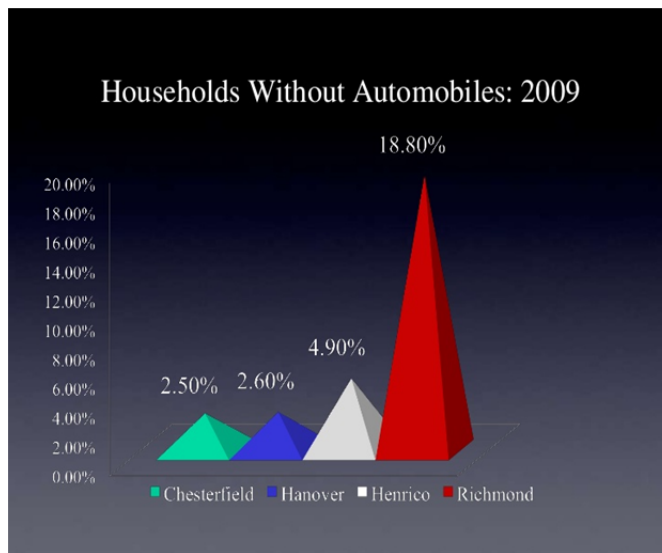
Racial Impact Analysis

Sprawl is detrimental to minority and low-income Virginians. As communities spread out over a large amount of land, more roads need to be developed; jobs are spread thin and housing options are limited. In a recent paper on transit-oriented communities, Andrew and Choi write,

“Today, some three quarters of all jobs are located outside the city center, and lower-skilled workers bear the heaviest commuting burden as their jobs have moved to outer urban rings that often lack access to transportation (p. 2).” The metro Richmond area is a good example of how difficult it is for many people of color to reach employment in some of the surrounding counties. There are few public transit options that extend into nearby Chesterfield and Henrico counties. For someone who may live in Richmond because housing is more affordable, it is nearly impossible for them to work outside of the city unless they have a car.

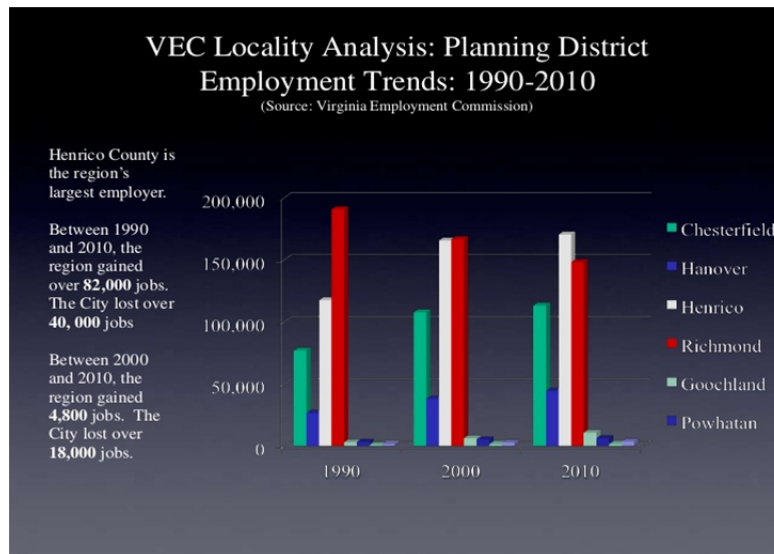
Unpacking the 2010 Census: The New Realities of Race, Economics, and Jurisdiction explores in detail urban sprawl and specifically how it has impacted the Richmond Region. This project was researched and designed by Dr. John Moeser, a renowned urban planning expert. The 2010 census data indicates that poverty is concentrated in specific City of Richmond neighborhoods and is now shifting into many of the suburban counties. Dr. Moeser advocates that a multiracial coalition should be used to advocate dispersal of high-density poverty through mixed-income and mixed-use development in every jurisdiction. The study shows that African Americans are disproportionately impacted by concentrated poverty because of the city’s history of racial discrimination. This structural racism affects transportation, employment and affordable housing in high-density areas. The following graph highlights the inequity in automobile ownership in the Greater Richmond area. This data supports the claim that minority and/or low-income communities in Richmond may have a more difficult time accessing employment in surrounding localities because of a lack of transportation.

Chart 1



Furthermore, we know that jobs are growing faster in the localities outside of Richmond. In fact, as the City of Richmond is losing jobs, the counties of Henrico and Chesterfield especially are gaining jobs. This is evident in the chart below.

Chart 2



Sprawl has been well documented across the country and in the state of Virginia. In their groundbreaking research, Don Chen of Smart Growth America, Rutgers University Professor Reid Ewing and Cornell University Professor Rolf Pendall measured sprawl across 83 of the largest metropolitan communities in the United States. The communities were ranked on a scale and were scored based on four measurable indicators: 1) Residential density; 2) Neighborhood mix of homes, jobs, and services; 3) Strength of centers, such as business districts; and 4) accessibility via the street network (Chen, Ewing & Pendall, 2002). The Norfolk-Virginia Beach - Newport News area was ranked near the middle as the 37th most sprawling community. The Washington DC - Northern Virginia areas was 26th. The study also looked at several other variables and determined that sprawl directly impacts quality of life. In particular it has a significant impact on access to transportation (Chen et al., 2002).

Research has shown that driving and congestion are increasing across Virginia. According to Pollard (2007), "People in Virginia drove over 80.3 billion miles in 2005. This is an average of over 220 miles daily, the equivalent of driving farther than to the sun and back every day (p. 11)." Yet, owning a car is not always a reality for many people of color. In an article for the Black Commentator, Meizhu Lui writes, "People of color bear an unfair share of the risks resulting from public policies that are biased toward car ownership...not owning a car also stalls out many people of color on the road to prosperity, closing the highway to jobs that require private transportation (Lui, 2006)." Lui discusses what she calls the "engine divide." Minority communities are often left behind in urban cities while the population spreads outward.

The minority population in Virginia is rising. In 2000 the non-white population was 29.8%; it rose to 35.2% in 2010 (US Census, 2010). According to the American Community Survey of 2010, 2.7% of white households in Virginia do not have a car at home for personal use by household members. In contrast, 7.5% of non-white households have no access to a car. If this figure is broken down even further - 10.2% of African-American households, 5% of Latino, 3.4% of Asian and 3.7% of American Indian households do not have any access to a vehicle. A

sprawling environment that is reliant on car ownership is inequitable and discriminatory against people of color who are significantly less likely to own a vehicle.

Encouraging or facilitating car ownership is not necessarily the solution. According to Lui (2006):

The challenge for many people of color is not only owning a car, but having a dependable car...people of color tend to own cheaper and less dependable cars. Contrary to the stereotype of the Cadillac owning African-American, at no time since 1992 has the media car value for people of color been even half as high as the value of cars owned by white families (Lui, 2006).

Instead of simply encouraging car ownership, we must shift our focus to reforming transportation systems and developing housing and other resources that are in close proximity to each other. This change must take place at the local government level with the involvement of all relevant stakeholders. This concept of development is often referred to as “smart growth.” Implementing smart growth strategies, “can create more choices for residents, workers, visitors, children, families, single people, and older adults - choices in where to live, how to get around, and how to interact with the people around them” (Smart Growth Network, 2006).

In developing their comprehensive plan, Virginia localities are required to study and evaluate the trends of growth and the current and potential needs of its residents. The code states explicitly:

In the preparation of a comprehensive plan, the commission [local planning commission] shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities (Virginia State Code § 15.2-2223).

Localities are given flexibility in regards to the methods they choose to study their territory and residents. Local planning and development professionals have stated that it is common practice, yet not a mandatory requirement that planners look at census data when updating a locality’s comprehensive plan. This data includes average income of neighborhood, average age, race, gender and housing tenure. Planning and development professionals then make recommendations to legislative bodies on where urban development or concentrated areas of growth should be located.

According to the U.S. Census, Richmond, Fairfax and Loudoun have all seen a 15% population growth in the last ten years. Furthermore, all three of these localities have a rising minority population of approximately 25% or more. When updating the local comprehensive plan as required by state code such figures cannot be ignored. Residential, business, industrial and public facilities are all considered when designating areas for specific land use. Analyzing

the racial impact of such decisions should be required as well in order to ensure the needs of all are met.

The UDA language in the state code encouraged the building of affordable housing - “mixed use neighborhoods, including mixed housing types with affordable housing to meet the projected family income distributions of future residential growth” (Virginia State Code § 15.2-2223.1) Without the mandatory UDA requirement, localities are still required to plan for a variety of housing types in their comprehensive plan. However, planning does not always equal implementation. When a developer planned to build a high-end apartment building in Hanover County it was vehemently opposed by community members because of the belief that apartments would bring in lower-income residents. According Director of Planning for Hanover County, David Maloney, Hanover has very few communities of color and low-income neighborhoods. However, we know from recent census data that poverty is in fact on the rise in many parts of the state, including Hanover.

Furthermore, the complicated proffer system in many Virginia localities can discourage builders from developing high density projects. For example, in Hanover developers must pay \$19,503 per unit on top of construction costs and land costs to pay for the cost of providing utilities and services to the new development. It makes financial sense to build a few single family homes and pay a low proffer rather than an apartment building. In some localities, this could severely impact and limit the amount of affordable and multi-unit complexes.

It does not appear that HB 869/SB 274 was intended to negatively impact minority communities. Nor was HB 3202 originally written to benefit minority communities - it was a transportation solution. However, there is a need to cut through some structural racism that exists in the Commonwealth. Many of the lobbyists, public officials and Planners that we spoke to talked about UDAs as an issue simply about land use and who has the right to determine how land is developed. But from our research we’ve learned that it’s much more. This is an issue about access to resources and the tools minority communities need for upward mobility. It can be surmised that by not requiring localities to create these areas of focused growth there will continue to be a disparate impact on minority communities in Virginia relative to transportation, housing and employment. There are many moving parts to this issue and it seems as though all of the relevant stakeholders are working in silos. If all parties can be brought together to see how they fit into the puzzle - real progress can be made.

Recommendations

“Our nation can no longer afford silos in community development. If we want to reclaim the American dream for families of all income levels, we must commit ourselves to the basics: working together to build, strengthen and support healthy mixed-income communities that combine affordable housing with access to public transportation, retail and community services (Andrews and Choi, 2012).”

Our recommendations include the following:

- At the state level - the Virginia General Assembly recently passed budget language that created a state Housing Trust Fund (HTF) - a pool of money to jumpstart the development of affordable housing. The Department of Housing and Community Development is currently working on the rules for how projects will be funded through the HTF. We recommend that projects that are planned around transportation hubs with close access to employment centers and other community resources, be given more points in the selection process and move to the front of the line.
 - In San Francisco, California stakeholders, including philanthropic funders and the local transportation commission worked together to create a specialized loan fund to transform the blighted Tenderloin district (Andrews and Choi, 2012). Perhaps the new HTF in Virginia can be used to leverage funds from outside investors so that we can see some of the same success in our local cities.
 - The HTF will need to be codified in state code to ensure its existence beyond the current biennial budget.
- We are aware that some Virginia localities already include smart growth policies in their Comprehensive Plan and designate high density development areas although they may not call them “UDAs.” Hanover County for example, has designated nearly 22% of its land as an area of focused growth and is concentrating all development in this area - around utilities and water access. However, when asked about minority and/or low-income communities and where they live in relation to the focused-growth area, the Director of Planning was unable to tell us. Planners at the local level should be aware of the impacts of sprawl on various communities and be required to plan with the purpose of reducing disparities and increasing access. There should also be local government policies that encourage and incentive building affordable housing options such as apartment buildings and reform to the arbitrary and costly proffer system.
- We encourage stakeholders at the local level to work together and seek private financing to create well-balanced communities. Andrews and Choi write, “By pairing transportation investment decisions with plans to create affordable housing and essential services, such as schools and childcare, healthcare, healthy food stores, libraries and retail services, we can help communities grow in a balanced manner, with opportunities for low- and moderate income families (Andrews and Choi, 2012).” There are several successful examples of communities who have come together to solve this problem. For many years the Ballston-Rosslyn transit corridor in Arlington, VA was suffering from decline. When

local government officials worked with public transit officials to ensure that the Metro Orange line was integrated into investment plans for the area, the corridor began to boom economically - 50,000 more jobs were created, the population doubled and property values rose (Andrews and Choi, 2012).

- Invest in the restoration of blighted homes and neighborhoods. Targeting investments in these less-favored areas has a great impact on the alleviation of poverty. There are a magnitude of problems associated with blighted neighborhoods such as crime and substandard education; however, resolving their issues can help contribute to statewide solutions. The economic and residential solutions for these areas correlate with much larger issues of poverty and financial literacy.
- It's possible that the word "urban" may discourage some of Virginia's more conservative and more rural localities. It may conjure up visions of low-income, blighted areas filled with people of color. The intentions of smart growth policies are not necessarily to create urbanized areas but increase access, reduce disparities and lower government costs. We recommend that as localities consider focused-growth areas, the term "urban" be avoided.
 - Metropolitan Development Areas
 - Centralized Development Areas
 - Populated Development Areas

Process Observations

House Bill 869 / Senate Bill 274 essentially replaced House Bill 3202 therefore the group had to research the purpose of the initial bill, to understand why stakeholders would want to make the law optional rather than mandatory. In addition to reading bill language and various research papers, we conducted interviews with stakeholders, local officials, planners and members of dense community populations. These interviews served as a foundation for understanding the background behind the legislation and any opposition against it.

Our initial assumption was that smart growth policies such as UDAs may reduce racial disparities in high density areas with significant population growth. Throughout the research process we interviewed members of minority communities and found that many were excited about the possibility of having more affordable housing opportunities and additional mixed-use neighborhoods. These observations lead us to explore structural racism and how policies such as Urban Development Areas can be beneficial for minority populations.

As a group we assigned team leaders to each major deadline throughout the project. The team leader was responsible for delegating tasks, establishing a project timeline for that assignment, and making sure the task was completed and turned in before the established deadline. After identifying team members' strengths and weaknesses we assigned project components to each team member. The group acknowledged that time commitment would be difficult due to work commitments and prior engagements but set aside time meet and communicate.

Conclusion

Smart growth policies such as Urban Development Areas are essential to planning for long term growth. With proper planning they can protect natural resources, promote efficient development and address overpopulation issues in metropolitan areas. Mandating the inclusion of UDAs in their Comprehensive Plans forced localities to proactively plan and potentially collaborate with some of the most vulnerable neighborhoods to come up with community driven solutions for population growth. The intent and justification for UDAs can simply be defined by cost savings - when localities direct development to areas where land is already served by existing infrastructure and/or concentrate development in a focused area, it avoids costly duplication of services and minimizes transportation costs to the state.

The difficulty in Virginia is that there is a disconnect between the state's authority and local government's authority in the regulation of land use. Furthermore, there is a disconnect between providing options for transportation and increasing sprawling development. Many believe the state overstepped its bounds by mandating a local requirement. Thus, efforts were made to turn the requirement into a mere recommendation and restore power back to the locality. The back and forth between the state and localities has made this a highly politicized issue in Virginia and there are strong opinions on both sides of the aisle. The focus is on the politics and not on the people.

Urban Development Areas have the potential to positively impact minority communities in Virginia. By centering growth around existing infrastructure and transportation hubs - people will have greater access to jobs and housing. Furthermore, the policy will benefit low-income communities in addition to people with disabilities who may also require access to public transportation and resources that are in close proximity to where they live.

Local governments should invest in development of areas of focused-growth regardless of what they are called or if they are mandated by the state. It's smart policy for reducing cost and providing for the needs of the most vulnerable. Furthermore, local and state government, environmental groups, planners and builders should work together at the local level to develop creative solutions that benefit all members of a community.

References

- American Community Survey (2010). Year 1 Estimates for Vehicles.
- Andrews, N., Choi, A (2012). *How Transit-Oriented Development Can Help Get America to Work*. Low Income Investment Fund & Morgan Stanley.
- Baptista e Silva, J., Faria de Deus, R., & Tenedório, J. (2012). Paying as the urban areas grow - implementing and managing urban development charges using a GIS application. *International Journal Of Geographical Information Science*, 26(9), 1689-1705. doi:10.1080/13658816.2011.645478
- Chen, D.; Ewing, R.; Pendall, R. (2002). *Measuring Sprawl and its Impact* Smart Growth and America.
- Davis L. A (Radical) Way to Fix Suburban Sprawl. *Time* [serial online]. June 22, 2009;173(24):54-57. Available from: Academic Search Complete, Ipswich, MA. Accessed October 15, 2012.
- Lui, M. (2006). *Stalling on the dream: Racial gaps in the car culture*. *The Black Commentator*.
- Micale, B. L. (2012). What happens when: UPSCALE COMES TO THE 'HOOD?. *Virginia Tech 'Research' Magazine*, 16-21.
- Moeser, J. (2011). *Unpacking the 2010 Census: The New Realities of Race, Economics, and Jurisdiction*. Virginia Center for Inclusive Communities & Hope In The Cities.
- Pollard, T (2007). *New Directions: Land Use, Transportation, and Climate Change in Virginia*. Southern Environmental Law Center.
- Smart Growth Network (2006). *This is smart growth*.
- Virginia Department of Transportation (2009). *Transportation efficient land use planning*. Retrieved from <http://virginiadot.org/>
- Virginia House Joint Resolution 135 (2010).
- Virginia State Code (2012). Section 15.2-2223.1
- Additionally, interviews were conducted with:*
- Ali Faruk, Director of Housing Leadership for Housing Opportunities Made Equal (July 18, 2012).
- Elizabeth Greenfield, Director of Government Relations for the Richmond Area Realtors (June 27, 2012)

George Homewood, President of the Virginia Chapter of the American Planning Association and Assistant Director of Planning – City of Norfolk (October 15, 2012).

Eldon James, Lobbyist for the Virginia Chapter of the American Planning Association (August 15, 2012).

David Maloney, Acting Director of Planning for Hanover County (August 24, 2012).

Locality vs. State Land Use Regulation & The Affect on Race in Virginia

URBAN DEVELOPMENT AREAS; MAKES DESIGNATION OPTIONAL
RATHER THAN MANDATORY FOR ALL LOCALITIES.

ASHLEY CHAPMAN
IDA JONES
DONALD KNIGHT

OCTOBER 26, 2012

Ashley Chapman, Ida Jones, Donald Knight

Presentation Overview

- Historical Background
- Legislative Overview
- Methodology
- Unpacking the 2010 Census
- Racial Impact Analysis
- Recommendations
- Process Observations/Reflections
- Conclusion

Ashley Chapman, Ida Jones, Donald Knight

Historical Background

- Virginia is Growing
 - 1990 – 2000 (14% pop. increase)
 - 2030 = 9.8 million pop.
 - next 40 > last 400
- Urban Development Areas
 - 2007 - House Bill 3202

Ashley Chapman, Ida Jones, Donald Knight

Legislative Overview

- *House Bill 869 / Senate Bill 274*
 - The passage of HB 869 / SB 274 gives localities the authority to choose whether or not to implement the high density requirements
 - Also eliminated the requirements for localities to report their UDA adoption progress to the commission on Local Government
 - The bill passed:
 - Senate: 25- Yes 15- No
 - House: 74- Yes 26- No

Ashley Chapman, Ida Jones, Donald Knight

Methodology

- Personal Interviews
 - Housing Leadership for Housing Opportunities Made Equal
 - Richmond Area Realtors- Government Affairs Division
 - American Planning Association- Virginia Chapter
 - Local Planning and Community Development Departments
- Planning Journals
- Unpacking the 2010 Census
- Research and White Papers

Ashley Chapman, Ida Jones, Donald Knight

Unpacking the 2010 Census

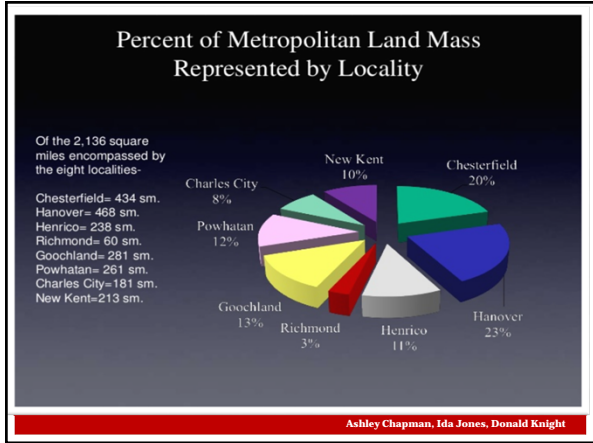
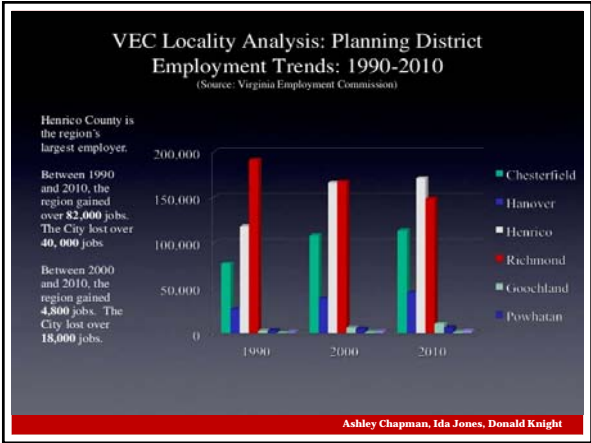
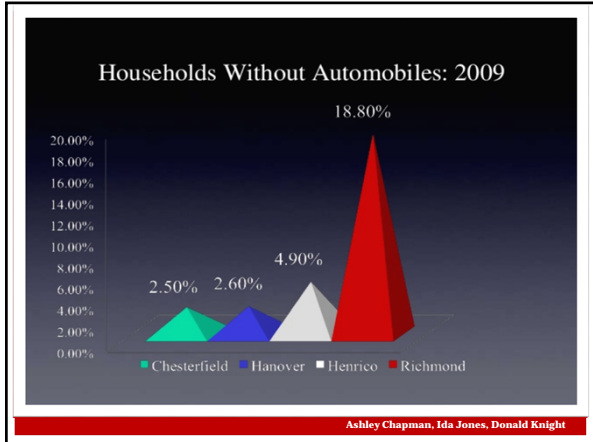
- Dr. John Moeser analyzed the 2010 Census as it relates to race and economics in our region.
- The Unpacking the 2010 Census: The New Realities of Race, Economics, and Jurisdiction has raised awareness about the new realities of race, class, and jurisdiction in metropolitan Richmond.

Ashley Chapman, Ida Jones, Donald Knight

Racial Impact Analysis

- Urban Sprawl
 - The "Engine Divide"
 - Access to employment centers
- Affordable Housing
 - The proffer system
 - Using existing infrastructure

Ashley Chapman, Ida Jones, Donald Knight



Recommendations

- Utilize the Housing Trust Fund - Projects that are planned around transportation, employment and community resources be given more points.
- Incentivize building affordable housing options
- Stakeholders at the local level to work together and seek private financing to create well-balanced communities

Ashley Chapman, Ida Jones, Donald Knight

Recommendations Cont.

- Invest in the restoration of blighted homes and neighborhoods
- Localities consider focused-growth areas, the term "urban" be avoided.

Ashley Chapman, Ida Jones, Donald Knight

Process Observations/Reflections

- Our initial assumption was that smart growth policies reduce racial disparities in high density areas with significant population growth. Therefore, eliminating UDAs would enhance disparities.
- These observations lead us to explore structural racism and how policies such as Urban Development Areas effect minority populations

Ashley Chapman, Ida Jones, Donald Knight

Conclusions

Smart growth policies such as Urban Development Areas are essential to planning for long term growth.

- With proper planning they can
 - Protect natural resources
 - Promote efficient development
 - Address overpopulation issues in metropolitan areas

Ashley Chapman, Ida Jones, Donald Knight

Questions

At this time feel free to pose any questions, comments or concerns regarding our presentation.



Ashley Chapman, Ida Jones, Donald Knight