FOR IMMEDIATE RELEASE: SEPTEMBER 19, 2023

Homeowners get their day in court challenging the County's Expanded Housing Options (EHO)/Missing Middle Zoning

Neighbors for Neighborhoods Litigation Fund, LLC (NfN) was created to provide funding for the litigation to have Arlington County's EHO/(Missing Middle Housing) MMH zoning declared void.

NfN has demonstrated its broad-based support, receiving hundreds of donations from residents across Arlington. As a result, the well-respected firm of Blankingship & Keith has filed a 162-page complaint against the County Board, and filed motions and responses to the County's pleadings - all on behalf of 10 Arlington homeowners who are the plaintiffs.

NfN donors know that:
- EHO/MMH is not affordable for low- or middle-income residents;
- EHO/MMH allows by-right development, with no requirements that developers contribute to affordable housing, provide needed infrastructure for increased density, or include adequate parking; and
- The County failed to conduct studies of the impact of increased density and this failure violates Virginia law.

"EHO/MMH zoning upends Arlington's decades-old, successful land use policy to concentrate density along metro corridors,"said Dan Creedon with NfN. "The County Board eliminated single-family zoning in Arlington, allowing 6-plexes on single-family lots across the County, but failed to conduct the studies required by State law that would have revealed the impact of this increased density in residential neighborhoods."

The change in density from single-family to multi-family buildings is evident in the EHO applications. For example, the application for 735 N. George Mason Drive would replace a one-story 1,077-square-foot home with a six-unit building that is seven-times as large, and has only six on-site parking spaces.

In addition to the lack of proper studies, the lawsuit alleges that EHO/MMH zoning is arbitrary and capricious, bearing no reasonable relationship to public health, safety, or the general welfare, as required by state law. Additional counts in the lawsuit claim that the zoning

amendment process was not initiated by a proper Planning Commission motion or County Board resolution; that the zoning amendment was not properly advertised; that the EHO cap is a special exception to the zoning regulations and requires County Board review of applications; and that the County Board failed to share with the public documents that were furnished to it about EHO – all contrary to State law.

The hearing in this case was delayed for months after all of Arlington's Circuit Court judges recused themselves and the Virginia Supreme Court then appointed retired Fairfax Judge David Schell to preside over this case.

Inquiries: arlnfnllc@gmail.com