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Amid What the Arlington County Board Calls "Chaos" re: its Missing Middle Housing/Expanded Housing Options (EHO) Ordinance, 47 EHO Permits "Approved"

The Arlington County Board cited **"confusion, frustration, and administrative chaos for the Board, property owners, developers, and Arlington's citizens as a whole"** in papers filed in the Supreme Court of Virginia last week in the Missing Middle Housing/Expanded Housing Options (EHO) case.

The Board blames this chaos on the appellate court that has "repeatedly flipped the EHO Amendment on and off." But the appellate court has only acted at the behest of developer Wilsons Ventures, without opposition from the County Board.

A September 5 ruling of a 3-judge panel of the Virginia Court of Appeals turned EHO zoning "on," ruling that Wilsons Ventures should have been allowed to intervene in the case after the homeowners won at trial. On October 1, the Board began accepting new EHO applications and building permit applications for existing EHO permits. As of today, the County's EHO tracker shows 47 EHO permits as "approved." **The Board told the Supreme Court of Virginia that it has expended "considerable effort and time to restore the administrative and technological apparatus that supports EHO implementation."**

If the Supreme Court of Virginia decides in favor of the homeowners in their appeal of the September 5 decision, then EHO zoning will be "off" again and all of the County's efforts, and more taxpayer money, will be wasted. **The County Board details in its filing the additional costs of EHO being ruled "off" again: more "litigation for the Board" and "just as with the ramp-up process, stopping EHO administration will require considerable effort and resources."**

Arlington homeowner David Gerk implored the County Board at its October 18 meeting to end the chaos by pausing the EHO process: "There is little to gain by rushing to resume an EHO process before a final court disposition. But, by blazing forward, the County invites multipliers of harm, liability, abuses of the process, and chaos." Gerk added: "Anyone that purchases an EHO property in the meantime will be without notice that at any moment the property can be in violation as a result of a Court ruling. Chaos. Will Arlington force the property to become compliant, be torn down? Chaos. Or, perhaps you will just ignore it and bless violators of the law. Chaos. All avoidable chaos."

The Board Chair responded that the Board must move forward with EHO permitting to comply with the September 5 ruling. But this ignores the fact that the Board has the power to vote to pause implementation of its own ordinance to end the "chaos."

Arlington taxpayers fund the County's costly EHO permitting process that it thus far has refused to put on hold while the September 5 ruling is appealed. They also pay for the **County Board's legal fees in this case – more than $1.4 million to date to a private law firm.**

Ken Hughes, who lives down the street from an EHO 6-plex under construction, urges residents not to give in to the County's deep pockets and power: "**Don't be worn down by the process. It's hard not to be, okay, when you're just citizens trying to raise money for attorneys, and the County can pay over a million dollars to very high priced attorneys who are very good at what they do, and we've got a scrounge for nickels and dimes. So give those nickels and dimes and be part of the process - kind of the American way."**

https://www.youtube.com/watch?v=P-gyTBtQ0nY – Ken Hughes video.

Dan Creedon, with Neighbors for Neighborhoods, says: "**These nickels and dimes allow the homeowners who sued the County Board to keep up the fight. Neighbors for Neighborhoods has received more than 1,500 donations** through Arlington residents' fundraisers in homes and community centers, and as well as contributions made via GoFundMe, (https://www.gofundme.com/f/suit-re-end-of-singlefamily-zoning-in-arlington), Venmo (Neighbors for Neighborhoods), and check: (payable to NFN Litigation Fund, LLC.) to 1405 S. Fern St., Box 556, Arlington, VA 22202."

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