



MISSING MIDDLE NEWS

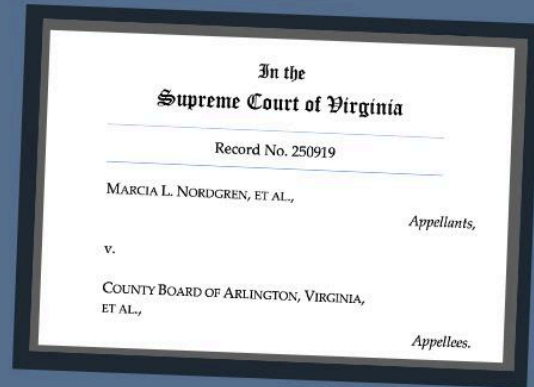
Keeping Arlingtonians informed on the fight to STOP
Missing Middle Housing & SAVE single-family neighborhoods

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July 14, 2026



Opening Brief of Appellants



[\(click to read brief\)](#)

MAKING THE CASE *The Legal Brief is Filed*

Your **Support** Keeps It Alive

The EHO brief is filed. The Nordgren/homeowners' attorney, Jay O'Keeffe, lays out exactly where the Court of Appeals went wrong. He makes the case to reinstate the trial court's original ruling that EHO (Expanded Housing Option) is illegal. Once the County and developer file their opposing briefs and the homeowners reply, the Court will set a hearing date.

Thank you for supporting our efforts. Arlington County has spent \$1.5 million on outside legal fees using your tax dollars.

Background

The original 2023 trial voided the County Board's zoning change that scrapped single-family-only zoning across Arlington and opened the door to six-unit apartment buildings by right. It's been a roller coaster ever since — EHO permitting on again, off again, and on again. Visit our website for the [full timeline](#).

Court recap

Developer Wilsons Ventures tried to jump into the case only after a five-day trial had ended and the judge had already ruled EHO invalid. The request came too late, and Wilson Ventures never explained what it could have added that the County's own legal team hadn't already argued. There's more: the County Board filed its notice of appeal on time. Wilsons Ventures did not — a discrepancy two of the three Supreme Court justices zeroed in on when they agreed to hear this case.

What's at stake

- If the homeowners (Nordgren) win, the case returns to the Court of Appeals to finally rule on the County Board's appeal of the trial judge's decision that EHO is void. That process — briefing, argument, ruling — could take well over a year.
- If the homeowners lose, the case goes back to the trial court with Wilson Ventures at the table. The judge has already signaled he'd rather decide on the existing record plus new evidence from Wilsons Ventures than hold a new trial.

Fight is far from over

In the three-plus years since the County Board rammed through EHO, only four Missing Middle projects have been completed. Only 32% of eligible EHO permits have even been issued. The pending litigation is doing exactly what it's meant to do: slow multi-unit (EHO) permitting while the courts sort out whether it was ever legal in the first place. That doesn't happen without resources.

Your contribution keeps the fight alive.

(excerpt)

INTRODUCTION

This appeal turns on threshold limits on appellate jurisdiction and permissive intervention. The trial court entered final judgment on October 25, 2024. The County Board of Arlington timely appealed.

Wilson Ventures, LLC, did not. Never a party below, Wilsons did not move to intervene until after 17 months of high-profile litigation, a five-day bench trial, and ruling on the merits. When its motion was denied Wilsons filed its notice of appeal 49 days after final judgment.

[\(read more\)](#)

COMING TO A NEIGHBORHOOD NEAR YOU!

LATEST EHO PERMITTING - 2721 S GRANT ST

Click on the map. It's the only notification the County offers.

My Arlington – Permits



Read our report

The Reality of EHO In Arlington County

POLICY IMPACT REPORT
MAY 15, 2026

An analysis of the implementation of Expanded Housing Option
(EHO) zoning against the initial goals and community promises

PREPARED BY
NEIGHBORS FOR NEIGHBORHOODS



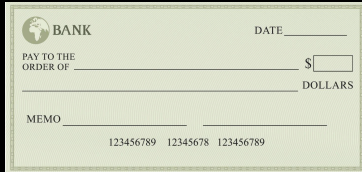
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OUR MISSION

[Neighbors for Neighborhoods \(NfN\)](#) is a grassroots, citizen organization that supports efforts to provide housing affordable to Arlington's low- and moderate-income households. NfN believes in preserving single-family neighborhoods and concentrating housing density near transit, consistent with Arlington County's decades-old development policy. We support the neighbors who filed a lawsuit against the County Board in 2023 to have Expanded Housing Option (EHO) declared illegal because it violated state law.



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