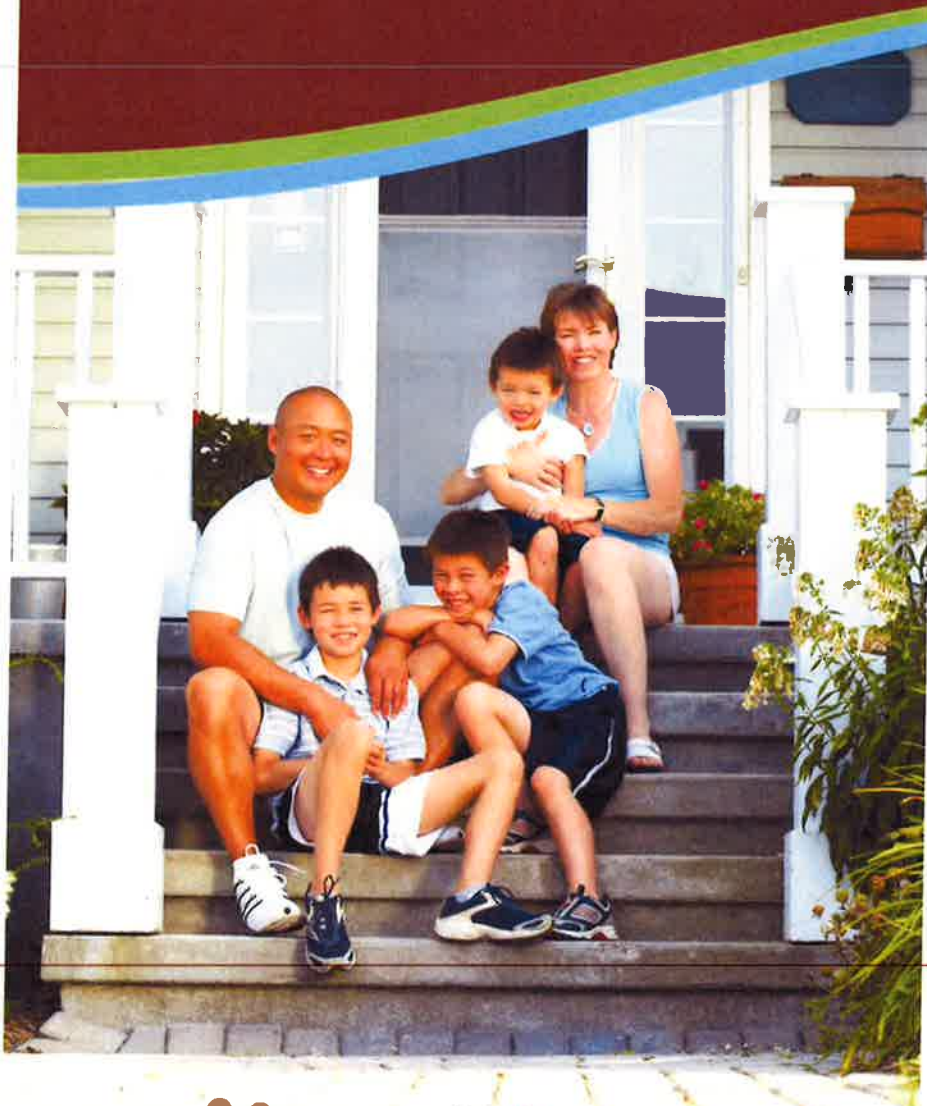


# 2014 Housing Policy Agenda



**HOME**  
*Housing Opportunities Made Equal*

 **Virginia Housing Coalition**  
*Educate, Advocate, Change*

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**Dear Housing Advocates,**

HOME proudly presents this 2014 Housing Policy Agenda with the goal of continuing to expand housing access to all Virginians through thoughtful policy, research and advocacy.

This housing policy agenda is more important this year than ever before, as the housing market and our economy slowly recover. Job growth remains anemic, rental costs are rising faster than incomes and true housing choice has grown more unattainable.

We must all advocate for better housing policy. Housing impacts the quality of your life in so many ways. From the schools your children will attend, to the types of jobs available to you, to the supportive communities we build, where you live makes all the difference.

Thank you for your interest in creating better neighborhoods of opportunity, better communities of choice and better access to a quality life.

Sincerely,

Heather Mullins Crislip, President & CEO  
Housing Opportunities Made Equal of Virginia, Inc.



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**Dear Fellow Housers,**

The Virginia Housing Coalition is pleased to once again work with our colleagues at HOME on a unified housing policy agenda that will expand housing opportunities across the commonwealth. Affordable housing helps to ensure Virginia's families are safe and secure, which leads to successful communities and a better economy.

This past year was filled with milestones. The first Housing Trust Fund awards were made, with \$8 million distributed across the commonwealth. This marked the second year that money was allocated to the Housing Trust Fund, as well as to homelessness. Thanks to these efforts and successes, Virginia saw a reduction in homelessness this year.

In addition to these state efforts, the Virginia Housing Coalition has been active on federal issues. We have taken the lead on preserving the Housing Credit Program. This program has produced more than 4,000 affordable rental homes and has generated \$7.8 billion in economic impact for Virginia's communities. Although we face growing challenges in the next few years, we are encouraged by the momentum our successes have created.

Please work with us to achieve these goals. Contact us through our website, [www.TheVirginiaHousingCoalition.org](http://www.TheVirginiaHousingCoalition.org), and sign up for our mailing list to receive alerts for opportunities to talk with elected officials and make your voice heard. We look forward to working with you!

Sincerely,

**Bob Newman, President  
Virginia Housing Coalition**



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For more specific information on each of these priorities, including detailed policy briefs, action alerts, and a real-time bill tracker, please visit [www.TheVirginiaHousingCoalition.org](http://www.TheVirginiaHousingCoalition.org) and click on “Policy Center” for the latest information.



**2014**  
**HOUSING POLICY ISSUES**

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## ABOUT THE HOUSING POLICY AGENDA

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The Housing Policy Agenda is created by gathering information from a wide array of consumers, developers, housing counselors and social service organizations.

HOME conducted two focus groups during the summer of 2013. The first focus group examined homeownership issues facing low-and-moderate income Virginians. This included issues for first-time home buyers and those facing foreclosure. The second focus group examined barriers to housing choice, looking at discrimination in rental housing, homeownership and mortgage lending.

Below are the dates and locations of four regional policy sessions co-hosted by the Virginia Housing Coalition and the Virginia Coalition to End Homelessness in the fall of 2013 to gather input for our 2014 Housing Policy Agenda.

**September 23rd – Arlington**

**September 26th - Roanoke**

**October 2nd - Hampton**

**October 4th - Richmond**

We took what we heard at these meetings and crafted the 2014 Housing Policy Agenda. The Housing Policy Agenda reflects the depth and breadth of experience and expertise of Virginia’s consumers and housing practitioners on issues ranging from affordable housing and homelessness, to housing discrimination and predatory lending. We are pleased to contribute the 2014 Housing Policy Agenda to Virginia’s public debate on improving economic growth and bringing opportunity to every corner of the commonwealth.



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## PROHIBITING HOUSING DISCRIMINATION AGAINST LOWER-INCOME CHILDREN AND FAMILIES

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### EXPANDING HOUSING CHOICE FOR VIRGINIANS WITH PUBLIC BENEFITS

**Problem:** *Discrimination against Virginians who use housing assistance or other public benefits prevents them from living in neighborhoods with great schools, services, and jobs.*

**Solution:** *Make it illegal for housing providers to deny people housing solely because they will pay with a “lawful source of funds” such as rental assistance, disability payment, or a Housing Choice Voucher.*

Families at all income levels deserve a safe, decent and affordable place to call home, in communities that offer good schools, healthy food, jobs, transportation and other life-enhancing opportunities. Unfortunately, many Virginians are locked out of such communities because it is legal to discriminate against people who use housing assistance or other public programs to help pay the rent.

The Housing Choice Voucher Program, through which HUD<sup>1</sup> provides qualified tenants rent vouchers to be used in the private market, was designed to improve both the efficiency of subsidizing housing for lower-income individuals and the ability of these people to move to safer, more advantageous neighborhoods.<sup>2</sup>

Unfortunately, data in Virginia indicate that neither goal has been fully achieved. Utilization rates for housing choice vouchers in Virginia was only 89 percent in 2010,<sup>3</sup> and most families using vouchers live in areas where 10 to 50 percent of residents live below the poverty line.<sup>4</sup> One obstacle to the program reaching its full potential could be the ability of landlords to **lawfully discriminate** against voucher holders by refusing to even consider their rental applications.<sup>5</sup>

Virginia should add protections against discrimination based upon lawful source of funds to its Fair Housing Act.<sup>6</sup> Legislation prohibiting such housing discrimination has already been passed in 12 states. Many states expressly define lawful source of funds to include rental subsidies.<sup>7</sup> According to a 2011 HUD-funded evaluation, these laws improved voucher utilization rates from four to 11 percent, and had improvements<sup>8</sup> on the ability of families with vouchers to move to better neighborhoods. Senator Mamie Locke introduced legislation to protect lawful source of funds from housing discrimination in the

2013 General Assembly session. This bill was referred to the Virginia Housing Commission for further study. The Commission held one hearing on this bill for the full commission, and then formed a work group, chaired by Delegate Rosalyn Dance, to study it further. The work group met at least once before the 2014 General Assembly Session. As of this publication, the Housing Commission has not taken a vote on this legislation.

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### **The Potential Benefits of Protecting Lawful Source of Funds:**

- Such laws have been shown to improve voucher utilization rates, thereby allowing states to issue more vouchers and house more families with the same amount of funding.<sup>9</sup>
- Because this proposed legislation would prohibit landlords from artificially shrinking the affordable rental market for housing for voucher holders, protecting lawful source of funds enable parents with these vouchers to make the best possible housing choice for their children. By improving the chances of moving to low-poverty neighborhoods, such laws can help children move to better school districts from which they may now be blocked. For example, Hanover County, with a high school graduation rate of more than 94 percent, is home to only a few hundred voucher families; over 2000 voucher families presently live in the city of Richmond, where the graduation rate is 71 percent.<sup>10</sup>
- Voucher holders who successfully move to low-poverty areas have been shown to experience significant health benefits. In particular, adults who moved with vouchers to areas with less than 10 percent poverty rates were shown to have lower incidences of obesity and diabetes, and improved mental health. Adolescent girls moving to low-poverty areas as voucher holders similarly experienced significant improvements to their mental health.<sup>11</sup>
- Girls who grow up in high-poverty affordable housing projects have reported increased fear, due to harassment from males, sexual victimization and increased pressure to engage in sexual activity during adolescence.<sup>12</sup> Protecting lawful source of funds can improve the chances that these girls will be able to move to lower-poverty, safer neighborhoods.

**Prohibiting discrimination against voucher holders will enable motivated families to move into the best neighborhood for which their voucher will pay, helping these families live safer, healthier lives and providing children chances to escape poverty and its dangers.**



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## PROHIBITING HOUSING DISCRIMINATION AGAINST LGBTQ INDIVIDUALS

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**Problem:** *Fair housing law in Virginia does not protect LGBTQ Virginians from housing discrimination.*

**Solution:** *Make housing discrimination against LGBTQ Virginians illegal by adding “sexual orientation and gender identity” as a protected class to Virginia’s Fair Housing Act.*

The U.S. Department of Housing & Urban Development (HUD) released a study of LGBT housing discrimination in May 2013.<sup>13</sup> The results showed that:

“...same-sex couples experience less favorable treatment than heterosexual couples in the online rental housing market. The primary form of adverse treatment is that same-sex couples receive significantly fewer responses to email inquiries about advertised units than heterosexual couples.”

Recently, the National Association of REALTORS changed their Code of Ethics to protect “sexual orientation” and “gender identity” from housing discrimination:<sup>14</sup>

“NAR’s Board of Directors has also approved amending the Statement of Policy on Fair Housing, affirming that the right to rent or purchase shelter of choice should not be abridged because of sexual orientation or gender identity.”

Unfortunately, both the Federal Fair Housing Act and the Virginia Fair Housing Act fail to provide protections for LGBTQ Virginians on the basis of sexual orientation or gender identity. Such housing barriers could contribute to the fact that LGBTQ youth are twice as likely to be homeless as the general youth population.<sup>15</sup> Virginia should outlaw housing discrimination against its LGBTQ residents.



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## VIRGINIA HOUSING TRUST FUND

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**Problem:** *All \$8 million of the Virginia Housing Trust Fund has already been allocated to projects across the commonwealth.*

**Solution:** *Protect funding for the Virginia Housing Trust Fund in FY2014 of the State Budget.*

Two years ago the General Assembly took the historic step to create a Housing Trust Fund and appropriated \$8 million from two national mortgage related settlements.

Last year, we worked to incorporate the new Virginia Housing Trust Fund into the state code within the section that controls the Virginia Department of Housing and Community Development. This language clarified that 20 percent of the Fund should be utilized in the form of grants with a special focus on ending homelessness; and that the balance should be used in the form of flexible loans.

Now we need to protect this FY2014 funding during the 2014 General Assembly session. Projects have already begun development under the assumption that this funding will be in place.

In 2010, Governor Bob McDonnell identified housing as a top priority as soon as he took office, and established a statewide housing policy framework as one of his first executive orders. Protecting the \$8 million in the Virginia Housing Trust Fund will ensure that these projects can meet some of the goals in the Governor's Housing Policy Framework.



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## PREVENTING & ENDING HOMELESSNESS

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**Problem:** *There are approximately 40,000 men, women, and children in Virginia who live in places not meant for human habitation.*

**Solution:** *Increase state funding for solutions to homelessness including permanent supportive housing and rapid re-housing.*

Homelessness is tragic and costly-- it prevents children from succeeding in school, inhibits people from securing good jobs and makes achieving recovery more difficult for individuals with mental illness. Homelessness also increases costs to the penitentiary system because frequently homeless individuals are arrested for lifestyle crimes. It also proves costly to hospitals from homeless individuals using the emergency room for all visits. Virginia should invest in proven and cost-effective solutions toward preventing and ending homelessness in the commonwealth. Specifically, we advocate retaining the \$1.5 million in the state budget for homelessness, \$500,000 of which is for Rapid Re-Housing and \$1 million for Permanent Supportive Housing.

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## IMPROVING ACCESSIBILITY OF VIRGINIA'S HOUSING STOCK

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**Problem:** *There are many trends that require more of Virginia's housing stock to be modified for better accessibility.*

**Solution:** *Increase the amount for the Livable Home Tax Credit from \$900,000 to \$2 million.*

Accessible homes benefit people of all ages and abilities, and they help people to live independently in their communities for as long as they are safely able to do so. There are many trends in Virginia where the accessibility of homes and facilities could become problematic. In the very near future, adults ages 60 and older will outnumber school-aged children in many parts of the commonwealth. Virginia's housing stock must be prepared for the changing needs and new opportunities to come with this demographic shift known as the Age Wave. Accessibility and home modification services are key examples of these changing needs.

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## LAND TRUST TAX ABATEMENTS

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**Problem:** *Many localities provide property tax abatements to low-income seniors and persons with disabilities. Unfortunately, if those persons are living in a home, or on land that is owned by a trust, they often cannot benefit.*

**Solution:** *If otherwise eligible individuals have “life estate” interest in homes owned by a trust, they should qualify for abatement as long as they live in the home.*

There are numerous cases of seniors or persons with disabilities living in homes owned by a family trust or on land that is owned by a community land trust. These individuals usually have the right to live there for the rest of their lives. Unfortunately, because they are not “fee simple” owners, they are frequently unable to benefit from tax relief programs implemented by local governments. By expanding the definition in state code to include trust ownership when the individual has a long term legal right to occupy the home, we would solve this problem and allow these individuals to benefit from the tax abatements meant for them.



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## INCREASE NEIGHBORHOOD ASSISTANCE PROGRAM (NAP) CREDITS

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**Problem:** *Users of NAP credits have increased dramatically, but the program has not had significant increases.*

**Solution:** *Increase the amount of credits for Virginia's Neighborhood Assistance Program.*

The Virginia General Assembly should increase NAP credits to restore the funding of human services (non-education) projects to its prior levels. Historically, affordable housing providers have been users of the Neighborhood Assistance Program, and recent changes to the program reduced the availability of NAP credits to human services projects. This effort would restore funding for human services to previous levels without reducing the amounts now allocated to education projects.

The purpose of the Neighborhood Assistance Program (NAP) is to encourage businesses, trusts and individuals to make donations to approved 501(c)(3) organizations for the benefit of low-income persons. The program has \$15 million in tax credits where \$7 million is allocated to the Virginia Department of Social Services, to administer General Human Services and \$8 million is allocated to the Virginia Department of Education to administer Education Organizations.

Over the past several years, NAP credit usage has skyrocketed, while public resources to reduce poverty at the state and federal levels have been reduced significantly. Increasing NAP credits is an effective and appropriate way to respond to the needs of Virginia's families.

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## PREDATORY LENDING

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**Problem:** *Predatory open-end credit lenders in Virginia charge more than 360% APR for small loans to primarily low-income borrowers.*

**Solution:** *Require open-end credit lenders to report more information to the Bureau of Financial Institutions.*

Predatory lenders are exploiting Virginia's open-end credit statute to charge 360% APR for small loans. These lenders are almost completely unregulated and we have no information on the amount or volume of this type of lending. These companies are using loopholes to avoid laws passed by the Virginia General Assembly in 2008, 2009 and 2010 to reform predatory lending.

Predatory open-end credit lenders offer open-end lines of credit loans between 260% APR to 400% APR. This is like having a 300% APR credit card. The business practices of these open-end lenders would be in violation of current payday and car title restrictions under Virginia law. For example, these lenders electronically debit borrowers bank accounts multiples times in one day, even after the borrower has revoked such rights.

Most predatory open-end lenders were former payday lenders and never used the open-end credit statute until regulations were tightened on payday loans. Nearly half of all payday loan licensees applied to do open-end credit loans, just before the law changed in 2009 to avoid any restrictions. None are registered, let alone regulated by the state. Payday loan licensees are the only unregulated lenders who charges more than 12% APR, besides explicitly illegal loans.

Virginia should require these lenders to report more information to the Bureau of Financial Institutions at the State Corporation Commission so that we will have more information about this industry, its practices and how these practices affect low-and-moderate income families.





# **EMERGING POLICY ISSUES FACING VIRGINIA**

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## HOUSING ISSUES FOR FORMER INMATES

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**Problem:** *Former inmates have difficulty finding stable housing because of their criminal background. This contributes to homelessness and recidivism by making it harder to find and keep a job.*

**Solution:** *Reduce recidivism and homelessness by taking steps to reduce barriers to housing for former inmates.*

After release from prison, life often becomes more difficult for ex-offenders than while they were locked-up. Housing is one of the top three most pressing re-entry challenges for ex-offenders (the others being drug treatment/medical care and employment). A deficiency in any one of these three is a serious risk factor to relapse and recidivism.<sup>16</sup>

Housing issues, including homelessness, are common among individuals leaving the criminal justice system. Their criminal history and limited-to low-incomes make it difficult to obtain housing through the channels that are open to other low-income Virginians. As a result, one in five people who leave prison becomes homeless soon thereafter, if not immediately.<sup>17</sup>

Reducing barriers to stable housing for former inmates is crucial to securing and maintaining stable employment. Successful models/tools include supportive housing, re-entry housing and support for family members who take in relatives leaving the criminal justice system.

Such policies and programs are cost-effective and create safer communities for all Virginians.





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## STATEWIDE HOUSING POLICY

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**Problem:** *We have not connected housing to job growth, education, transportation and health care.*

**Solution:** *Governor-elect McAuliffe should continue in Gov. McDonnell's footsteps by building on the housing policy framework and convening a new housing work group.*

We support the adoption of a formal housing policy for the commonwealth that recognizes the interrelationship of housing to transportation, economic development, education, and health & human services. Such a policy is essential if we are to ensure that the housing needs of Virginians are met in a way which contributes to the overall economic and social health of the commonwealth. Ensuring that the implications for housing are recognized in decisions made in other arenas, and vice versa, is critical. We are very pleased that Governor McDonnell created a Housing Work Group and empowered it to create the housing policy framework. This framework has bold ideas to help Virginia continue to be the best place to live, start a business, and raise a family.

Governor-Elect McAuliffe should build on this momentum by convening a new work group. This work group should be empowered to expand and amend the previously created Housing Policy Framework.





## FOOTNOTES

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1. The U.S. Department of Housing and Development, which provides all of the funding for the Housing Choice Voucher Program (formerly called the Section 8 Voucher Program).
  2. L. Freeman, "The Impact of Source of Income Laws on Voucher Utilization and Locational Outcomes," prepared for the U.S. Department of Housing and Urban Development Office of Policy Development and Research (2011).
  3. Center for Budget and Policy Priorities – Housing Choice Voucher Data for Virginia
  4. According to HUD 2008 and 2009 data, 67% of voucher holders in Virginia live in areas where 10-50% of residents live below the poverty line.
  5. A review of rental advertisements across the state by Housing Opportunities Made Equal revealed hundreds of landlords who expressly refused to accept inquiries from housing choice voucher holders, generally still referred to by landlords as "Section 8" tenants.
  6. Va. Code section 36-96.1:1, et. seq.
  7. Cal. Gov't Code section 12955 (2005); Conn. Gen. Stat. sections 46a-64c (1989); Me. Rev. Stat. Ann. Tit. 5, section 4582 (1975); Mass. Gen. Laws Ann. Ch. 151B, section 4; N.J. Stat. Ann. Section (1971); N.J. Stat. Ann. Section 10:5-4, -12(g) (2002); N.D. Cent. Code section 14-02.4-01 and 14-02.5.07 (1999).
  8. Approximately one percentage point; L. Freeman (2011).
  9. HUD authorizes a maximum number of vouchers per state and provides states with a certain amount to fund those vouchers. With a utilization rate of 89%, Virginia uses ALL of its funding without reaching its maximum number of vouchers because of the cost of the vouchers issued. The available data indicates that prohibiting voucher discrimination gives voucher holders more options and as a result they are able to get the greatest "bang for the buck."
  10. Virginia Department of Education 2011 data; HUD Picture of Subsidized Housing 2009.
  11. Sanbonmatsu, L., et. al., "Moving to Opportunity Final Evaluation – Executive Summary" (October 2011).
  12. S. Popkin, T. Leventhal and G. Wiesmann, "Girls in the 'Hood: The Importance of Feeling Safe" (March 2008).
  13. Friedman, Samantha et. al. "An Estimate of Housing Discrimination Against Same Sex Couples." U.S. Department of Housing & Urban Development. May 2013. <http://www.huduser.org>.
  14. "REALTORS Add Gender Identity to Code of Ethics." National Association of REALTORS. Nov 2013. <http://www.realtor.org/news-releases/2013/11/realtors-add-gender-identity-to-code-of-ethics>.
  15. "LGBT Homeless." National Coalition for the Homeless. June 2009. <http://www.nationalhomeless.org/factsheets/lgbtq.html>.
  16. Heroux, Paul. "Reducing Recidivism: The Challenge of Successful Prisoner Re-Entry." Aug 17, 2011. [http://www.huffingtonpost.com/paul-heroux/reducing-recidivism-the-c\\_b\\_929510.html](http://www.huffingtonpost.com/paul-heroux/reducing-recidivism-the-c_b_929510.html).
  17. "Re-Entry." National Alliance to End Homelessness. [http://www.endhomelessness.org/pages/re\\_entry](http://www.endhomelessness.org/pages/re_entry).
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## ABOUT HOME

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Housing Opportunities Made Equal of Virginia, Inc. (HOME) is Virginia's only nonprofit with a core mission of fair housing. Since 1971, HOME has offered a variety of programs and services designed to ensure equal access to housing for all people. You can learn more at [www.HOMEofVA.org](http://www.HOMEofVA.org).

HOME is a 501(c)(3) nonprofit corporation, Better Business Bureau accredited charity and a HUD-approved housing counseling agency. HOME pushes for systemic changes in the housing industry and policy, to increase the opportunities for quality standards of living that accompany where one lives. HOME aims to provoke conversation and incite change in housing and economic, academic and other related arenas by:

- Informing the public on policy and legislative matters
- Working to translate data and trends into policy proposals
- Building partnerships and coalitions with other agencies
- Campaigning against abusive lending practices
- Promoting systemic change on emerging issues
- Presenting reliable, factual information on the state of housing
- Serving as a catalyst for change at local, state and national levels



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## ABOUT THE VIRGINIA HOUSING COALITION

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With the mission of improving access to safe and affordable housing, the Virginia Housing Coalition is a 501(c)(4) organization founded in 1981. It is dedicated to supporting organizations and individuals working to provide affordable housing options in Virginia by influencing and developing public policy. VHC's companion organization, the VHC Information Service, is a 501(c)(3) organization that is committed to providing education, training and services, as well as recognizing exemplary achievement and best practices that will make Virginia affordable housing and service providers more effective in attaining their goals.

The Virginia Housing Coalition provides high quality advocacy and public policy information, along with activities that improve housing opportunity for low and moderate-income people across the commonwealth. The VHC is the voice for housing opportunity in Virginia at the state and federal level.

Open to participation by all interested individuals and organizations, VHC offers current, relevant legislative and policy information, easy online tools that simplify the ability to communicate directly with elected officials, comprehensive web-based resources and participation in seminars and training sessions. An additional program includes affordable title insurance services. In 2013, VHC sponsored Virginia's first ever statewide conference on the Housing Credit and is leading a state effort to protect the credit from congressional threats.

For as much as VHC offers to non-members and the public at large, there are many more benefits to becoming a VHC member. Please visit [www.TheVirginiaHousingCoalition.org](http://www.TheVirginiaHousingCoalition.org) to join and learn more about the benefits of membership.



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## **VIRGINIA HOUSING COALITION MEMBERS:**

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ACTS, Inc.

AHIP

Alexandria Housing Development Corporation

Alliance for Housing Solutions

Bay Aging

Beacon Construction (Big Ben LLC)

Better Housing Coalition

Blue Ridge Independent Living Center

Bon Secours Health System

Central Virginia Housing Coalition

Chesapeake Redevelopment & Housing Authority

City of Danville

City of Virginia Beach

Clearpoint Credit Counseling Solutions

Clinch Valley Community Action Inc.

Community Housing Partners

Community Residences, Inc.

County of Fairfax

CPM Housing Group

Eastern Shore Coalition Against Domestic Violence

FAHE

Farmville Area Habitat for Humanity

Fluvanna/Louisa Housing Foundation

Freedom First Federal Credit Union

Friends of Guest House

Habitat for Humanity Roanoke Valley

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## **VIRGINIA HOUSING COALITION MEMBERS:**

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Habitat for Humanity of Virginia

Hampton Roads Housing Consortium

Housing Opportunities Made Equal of Virginia, Inc.

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Hope Community Builders

HOPE, Inc.

Humanities Foundation, Inc.

Kanady & Quinn, P.C.

Marion Redevelopment and Housing Authority

Mark-Dana Corporation

North Carolina Housing Coalition

Northern Virginia Affordable Housing Alliance

NRCAA

Our House Families

Piedmont Housing Alliance

Pinnacle Construction and Development Corp.

Portsmouth Redevelopment and Housing Authority

Project Faith

project: HOMES

Richmond Metropolitan Habitat for Humanity

Roanoke Regional Housing Network

Senior Connections, The Capital Area Agency on Aging

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Southeast Rural Community Assistant Project - SERCAP

Southside Outreach Group, Inc.

Staunton Redevelopment & Housing Authority

SunTrust Bank

The Laurel Center

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## **VIRGINIA HOUSING COALITION MEMBERS:**

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Virginia Beach Community Development Corp.

Virginia Community Development Corporation

Virginia Housing Development Authority

Virginia LISC

Virginia Supportive Housing

Volunteers of America Chesapeake, Inc.

Wesley Housing Development Corp.

YWCA

Mission First Housing Development

Red Stone Equity Partners, LLC

Nonprofit Virginia

HomeAid Northern Virginia

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This Housing Policy Agenda is produced in partnership with:



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