



**Human Rights Commission
Meeting Minutes
Regular Meeting
August 17, 2023
City Space, 100 5th Street NE, Charlottesville, VA 22902
6:30 pm**

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1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Jessica Harris, called the meeting to order at 6:32 pm
- b. ROLL CALL
 - i. Jessica Harris
 - ii. Ernest Chambers
 - iii. Jeanette Abi-Nader
 - iv. Wolfgang Keppley
 - v. Suzanne Lynn
 - vi. Andrew Orban
 - vii. Lyndele Von Schill
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MINUTES

- a. Review of Regular Meeting minutes from 07/20/2023
 - i. Vote
 - 1. In favor: 5
 - 2. Opposed: 0
 - 3. Abstained: 2
 - ii. Motion to approve minutes passes
- b. Review of Work Session minutes from 08/03/2023
 - i. Commissioner suggests adding action items for Jessica "Email City Council" and "Email Capt. Van Meter the letter with Commission's questions about the Salvation Army"
 - ii. Vote with proposed amendments
 - 1. In favor: 5
 - 2. Opposed: 0
 - 3. Abstained: 2
 - iii. Motion to approve minutes with amendments passes

3. BUSINESS MATTERS

- a. CHAIR UPDATE
 - i. None
- b. OHR STAFF REPORT
 - i. Director

1. Report is attached in agenda packet
2. HRC Work Record is updated with up-to-date HRC actions
- ii. Outreach Specialist
 1. Kimberly Fontaine and John Sales for the housing panel had last-minute cancellations
 2. Westhaven Day and Soul of Cville both occurred
 - a. HRC Vice Chair and OHR Interns tabled at Westhaven Day
 3. There was a tabling event Tuesday at Southwood
 4. Weekend of 8/19 and 8/20: Back-to-school celebrations on the Downtown Mall and at the Boys & Girls Club
 5. September 16 and 17: Pride and Sabroso
 - a. Let Victoria know if interested in participating
 6. Week of September 20: ADA team is doing a public town hall to get feedback on the ADA transition plan

4. WORK SESSION (I)

- a. The Commission hosts a Housing Legislation panel inviting housing-related organizations in Charlottesville to talk about their state-level legislative priorities (8-minute presentations with 2-minute transitions between speakers)
 - i. Deadline for the HRC submitting its legislative recommendations typically occur in September
- b. Commissioner asks if it would be possible to invite Kimberly Fontaine and John Sales (unable to attend this meeting) back to speak
 - i. Director says that the Commission could follow up with those who did not speak today asking for their recommendations via email
 - ii. Could also reach out to state legislators about current state legislation that is in the works at the moment
 - iii. **OHR Outreach Specialist will follow up with Charlottesville organizations who were unable to attend tonight**
 - iv. **Wolfgang will reach out to state legislators**

5. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
 - i. None
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. None

6. WORK SESSION (II)

- a. Housing Legislation Panel
 - i. Katie Darden, Livable Cville
 1. Livable Cville is an all-volunteer group open to anyone that advocates for policies that support an inclusive Charlottesville and Albemarle County
 2. Believes housing is a human right and that Charlottesville is in a housing crisis
 3. Advocates for affordable housing, sustainable transportation, and healthier neighborhoods for all
 - a. Includes inclusive zoning that allows residents to live in multiple different kinds of homes
 4. Group keeps informed of current issues and policies; works with other organizations to add a strong pro-housing voice to the

community

- a. Formed a coalition to advocate for Charlottesville's Comprehensive Plan
 - b. Pushes for things like affordable housing fund and bicycle/pedestrian infrastructure during budget season
 - c. Helped write pro-zoning reform coalition letter
 5. Encourages individuals to add their voices to pro-housing advocacy by providing accessible information
 - a. Creates monthly newsletter of recent developments in housing and transportation; offers suggestions for contacting policymakers; provides other resources to inform the community
 6. Also believes in local actions as power to combat climate change; supports renewable energy projects like the Woodridge Solar Project
 - a. Wants to also make sure the burden of pursuing these goals do not fall upon historically disadvantaged communities
 7. Strongly believes Charlottesville and Albemarle need more housing in every neighborhood and a greater focus on non-car-centric infrastructure and renewable energy
- ii. Liz Nyberg, People and Congregations Engaged in Ministry (PACEM)
1. PACEM has served over 1,800 individuals since 2004 as a low-barrier winter emergency shelter for adults in collaboration with other organizations
 - a. Welcomes all adults regardless of mental health status, substance use, criminal record, etc.
 - b. Operated through the pandemic in hotel-based settings
 - c. Served 177 individuals at Premier Circle with high health risks and housed 91 of them
 - d. Has team of case managers, over 50 staff, and many community partners
 2. Current focuses
 - a. Looking to implement its 20th year of winter shelter
 - b. Wants to establish year-round low-barrier shelter
 3. Observations
 - a. Changing rental landscape from additional dwelling units and small-holding landlords to management companies has made it much more difficult for the people who access PACEM to obtain housing
 - i. Many factors like the pandemic have caused landlords to outsource property management and convert to short-term vacation rentals, meaning there are more layers of bureaucracy between PACEM clients and housing
 - b. Loss of affordable units driven by HUD determinations; rent is drastically increasing by hundreds of dollars
 - i. Most impacted by those with sex offense charges and felony charges because they

- cannot rent from public housing authorities and are excluded from vouchers
- c. Loss of mental health services during the pandemic
 - i. VA lost half of its mental health beds, and these individuals with significant mental illnesses went to PACEM
 - ii. Clients needed help from facilities more specifically equipped for mental health care
- 4. Recommendations
 - a. Understand that shelter (short-term lodging) saves lives
 - i. Housing is not a panacea, nor is it easily achievable for many of PACEM's guests
 - b. Every part of the system requires support; support existing work in the community
- iii. Anna Mendez, the Haven
 - 1. Recommendations
 - a. Would like the General Assembly to prohibit discrimination based on homelessness and recognized homelessness as a protected class
 - i. Use voice to end de-facto income discrimination for those relying on housing vouchers
 - ii. VA Tenant Bill of Rights explicitly denies discrimination based on payer source, but landlords are increasingly working around this by instead requiring tenants prove their income is three times the monthly rent (which would make an individual ineligible for a voucher)
 - b. Recognize homelessness as a public health crisis
 - i. Individuals should be able to use Medicaid and Medicare for rent payments
 - ii. Housing is closely linked to decreased hospital/emergency room visits—return on investment is significantly higher than housing them in the first place
 - c. Virginia must develop a meaningful statewide plan to end homelessness and address systemic causes of homelessness
 - i. Causes include a lack of deeply affordable units and incomes that are insufficient to pay rent
 - 2. Draws attention to VA Code 3.2-6546 which requires that each county and city in VA maintain a public shelter for animals or fund a private equivalent
 - a. There is no such requirement for shelters for humans
- iv. Emily Dreyfus, Charlottesville Low Income Housing Coalition (CLIHC) and Legal Aid Justice Center (LAJC)
 - 1. LAJC works closely with VA Poverty Law Center on General Assembly bills and defensive measures
 - a. Defensive work is a very important part of what happens at the General Assembly

2. Current agenda:
3. Restore 14-day payer quit notices
 - a. Eviction notice time was previously extended during the pandemic, but it is now back down to 5 days
4. Allow tenants to raise unsafe/unsanitary conditions as an affirmative defense to non-payment of rent
 - a. VA landlord-tenant law strongly favors landlords
 - b. There is not currently any rent-withholding right in Virginia
5. Allow indigent tenants waive appeal bond
 - a. Would give them the same rights other indigent people have in other types of civil cases
6. Require landlords to disclose all fees in a separate document before the lease is entered into
 - a. Many local landlords have significant add-on fees
7. Prohibit mid-lease rent increases in VA Residential Landlord and Tenant Act and the Manufactured Home Lot Rental Act
 - a. Unless the renter agrees in writing that the mid-lease rent increase is permissible
 - b. Puts them more at risk for displacement and homelessness
8. Authorization for localities to pass rent stabilization ordinances for mobile home lot rent and residential rent in multi-family dwellings
 - a. Would take rent control out of the Dillon Rule process and make it more possible for localities to add rent stabilization to their local control
9. Budgeting: looking to start state-sponsored voucher program so more people can get rental subsidies
10. There is a home ownership initiative to use Habitat for Humanity's model and increase home ownership for people up to 60% of the area median income
11. Improve manufactured homes (mobile homes) to give them the ability to buy their communities when an owner wants to sell
 - a. Gives them more of the first right of refusal and keep a property as a mobile home park
 - b. Trying to preserve manufactured homes and prevent price increases
- v. Public Comment
 1. None
 2. No Commission Response to Matters by the Public
- b. Question & Answer Session
 - i. Commissioner asks Ms. Dreyfus about legality of mid-lease rent increases
 1. It is occurring more often as housing prices increase; other communities may experience it significantly more
 2. The only solution LAJC has thought of is state law prohibiting it
 3. Only applies to low-income housing
 - ii. Commissioner asks Ms. Mendez to clarify she would like the General

Assembly to identify homelessness as a protected class

1. Confirmation that this is the request
- iii. Commissioner asks Ms. Nyberg and Ms. Darden what their legislative agenda items would be for the respective concerns they brought up
 1. Ms. Nyberg says issue with funding for long-term shelter for individuals is that funding comes and goes with popularity
 - a. Urges the inclusion of both shelter and housing in the conversation, not either/or
 2. Ms. Darden says that many from Livable Cville focus on zoning; believes government should not be in the decision of creating housing, and it should be legal to build homes
 - a. Sustainable transportation is also integral to inclusive housing
- iv. Commissioner asks where Virginia stands on mental health services, shelters, and affordable housing
 1. Ms. Mendez: Virginia is the tenth wealthiest state in the nation but the 30th least well-funded in public mental health services
 - a. While VA does not spend as much money on public mental health care, it has the 3rd highest number of in-patient psychiatric beds
 - i. Means that 75 cents of every public mental health dollar goes to pay for an in-patient bed, and only 25 cents goes to community-based services; this is the opposite of the national average
 - ii. The existence of more in-patient beds does not prevent the need for an in-patient bed; the need for in-patient beds is reduced by easily accessible high quality, evidence-based, culturally competent, trauma-informed care in communities before the point of crisis
 - b. Individuals need reliable care before crisis, not in-patient beds
 - c. Mental health (which includes substance use disorder) is not a driver of homelessness
 - i. West Virginia has one of the highest rates of mental health disorders, but also one of the lowest rates of homelessness and highest rates of home ownership
 - ii. People who are unhoused often have mental health disorders (and are often Black and Brown) because when there is a resource scarcity, the people most affected are those who have been historically oppressed
 - d. Commissioner asks where the split of public mental health funding comes from
 - i. Ms. Mendez says it is historical artifact—there is a long historic tendency in VA to lock up patients with mental health disorders

- ii. Virginia is also a low-tax, low service state
 - 1. There is a similar lack in accessible public mental health care to a lack of public school systems
 - a. Not marijuana revenue
 - iii. Level of investment needed to have an adequately funded mental health care system would require an overhaul of VA tax structure, which has not been overhauled in over 100 years
 - 1. VA needs progressive income tax
 - 2. VA needs tax for consumer services the same way as consumer goods
 - a. Spending for consumer services outpaced spending for consumer goods in the late 60s/early 70s
 - 3. These two things would increase revenue by over 1 billion dollars annually
- 2. Ms. Nyberg: highlights how Charlottesville is trying to fill the need for mental health care locally
 - a. There is a resource in crisis intervention programs
 - i. There is nationally-recognized CIT leadership in Charlottesville and organization of wraparound care to support individuals who are losing or have lost housing
 - b. PACEM has increasingly seen people come from further and further away from Charlottesville, which has to do with generational impacts of racism and poverty; however, there are local programs that help renovate and keep people from losing the livability of their homes
 - i. AHIP
 - ii. Building Goodness Foundation
 - c. These are good things Charlottesville is doing, and it would be worth investing further in these resources
- v. Commissioner expresses hope that these service providers will be able to access some of this affordable housing money that the City recently received from the state
- vi. Chair explains that the Commission will take these speakers' points into account when they raise their recommendations to Council for sending to the General Assembly; asks speakers if they have questions for each other
- vii. Ms. Darden asks how it is legal to raise someone's rent mid-lease
 - 1. Ms. Mendez says it seems to only be legal in Virginia if one is in a designated low-income housing unit that has an escalator clause and HUD income guidelines change during the course of the lease
 - 2. Ms. Dreyfus says it is bizarre mid-lease increases are legal, and

it always take tenants by surprise who are already living in precarious positions

- a. Renters in low-income tax-credit developments do have some level of just cause eviction protections and organizing protections; retaliatory protections are more difficult in these areas
 - b. These properties have expired room subsidies, so they will need lots of local dollars and organizing to keep these developments affordable
 - i. Some landlords are dedicated to long-term affordability, while some are not
- viii. Ms. Darden asks Ms. Mendez about homelessness as a protected class in employment law
 1. Ms. Mendez explains that once something is deemed a protected class, it is illegal to discriminate on that basis in Virginia across multiple domains (housing, employment, public accommodations, credit, private education)
 2. Also urges Charlottesville to more strongly communicate to surrounding localities that homelessness does not end at Charlottesville's city limits
 - a. The Haven has been able to get a financial commitment from the City for its day shelter, which has been in operation since 2009
 - b. The City has given \$90,000 for these operations, yet Albemarle only provides \$14,000, which has a significantly larger budget
 - i. Over half of those experiencing homelessness list somewhere in Albemarle as their last stable address
 - ii. The Haven serves as the legal address of record for over 500 different people, which results in huge amounts of mail
 - c. There is also an increasing number of individuals staying at the shelter who are from other counties (Greene, Nelson, Fluvanna, Louisa), likely because they already worked in Charlottesville
 - i. Some of these localities may not have the financial resources to address this, but Albemarle does
 - d. It is a myth that most individuals who are unhoused are also unemployed
- ix. Ms. Nyberg explains that there is a community hotline for those at risk of losing housing shared with Albemarle County, which functions well
 1. The Monticello Area Community Action Agency (MACAA) manages similar funds for three nearby counties
 2. Skyline Community Action Partnership (CAP) manages fund for other counties
 3. Encourages development of these funding/communication systems as an approachable solution

- x. Ms. Dreyfus says that LAJC runs into similar frustrations with rent assistance
 - 1. During the pandemic, many organizations from the City and County worked together well, but now, the County's independent rental assistance program still is not functional
 - 2. Asks whether there are ways the HRC can lobby the City to hold the County more accountable
- xi. Chair requests that speakers share their notes from these presentations
 - 1. Commissioner mentions the positive of people moving into Kendalwood
 - 2. Also says that there is an issue with people from surrounding localities using the City's resources without the localities' support, and would like to address this issue
 - a. Says these localities do have the financial resources to help; references Lake Monticello housing units
 - 3. Ms. Nyberg adds that voucher limits vary, but they generally vary by \$1,000-\$1,200, and there are strict heartbeat rules for how many bedrooms families must have
 - a. Oftentimes, one has to combine voucher with additional one-time financial support to pay utility deposits or even moving costs
 - b. Housing exists, but the requirements for these units are unrealistic for many individuals; even those with vouchers are being priced out of the market
 - 4. Ms. Mendez adds that housing prices are becoming a barrier even for staff of the city
- xii. Ms. Dreyfus adds that Commission should support zoning efforts as a Commission or as individuals
 - 1. Uses Dairy Market situation as an example
 - a. When Crescent Halls was under renovation, there was a major water main break, and everyone had to be moved into emergency temporary housing; they had to look for other permanent housing
 - 2. Chris Henry's rent in that development was \$50 too high to qualify for voucher use, and they refused to lower it
 - 3. The zoning being considered is looking at adjoining properties to "sensitive areas" (neighborhoods experiencing mass displacement) to see what works well for their neighborhood
- c. Confirmation of next work session on 09/07/2023
 - i. Commissioners decide to not hold work session due to lack of attendance

7. BUSINESS MATTERS

- a. OHR STAFF REPORT

8. COMMISSIONER UPDATES

- a. None

9. NEXT STEPS

- a. Commission, OHR staff
 - i. Consolidate Charlottesville housing organizations' recommendations into a letter to City Council before meeting on 09/21/23

- b. Wolfgang
 - i. Reach out to state legislators about legislative recommendations
- c. Victoria
 - i. Follow up with those unable to attend this meeting for their legislative recommendations

10. ADJOURN

- a. Meeting adjourned at 7:56 pm