



**Human Rights Commission
Meeting Minutes
Work Session
January 4, 2024
City Space, 100 5th Street NE, Charlottesville, VA 22902
6:30 pm**

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1. WELCOME

- a. CALL TO ORDER
 - i. Vice Chair Ernest Chambers called the meeting to order at 6:32 pm
- b. ROLL CALL
 - i. Ernest Chambers
 - ii. Mary Bauer
 - iii. Wolfgang Keppley
 - iv. Kathryn Laughon
 - v. Suzanne Lynn
 - vi. Andrew Orban
 - vii. Charley Burton
- 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. MATTERS BY THE PUBLIC

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

3. WORK SESSION

- a. Vice Chair welcomes new Commissioners Angela Estes and Charley Burton
- b. Welcomes City Attorney Jacob Stroman, Mayor Lloyd Snook, and Deputy City Attorney and Delegate-Elect Katrina Callsen
- c. 2024 Legislative Agenda updates and discussion:
- d. Vice Chair explains that one of the HRC's roles is to present annual legislative recommendations to Council
- e. Mayor explains legislative process
 - i. Council wants to ensure that delegates and state senators receive recommendations early enough that they are able to do something with them, which means that they are aiming for the beginning of December (term begins in January)
 - ii. This year, Council submitted a one to two-page summary of its priorities instead of a 10-page list
- f. Mayor explains that the most important priority for the City is the expansion of the option for a local one-cent sales tax increase for the construction and

renovation of public school facilities

- i. Has already funded Buford; next step is Walker and each elementary school, but funding would not come in until at least 2027 without the sales tax increase
- ii. Would simply allow schools to do what they need to do within a reasonable time frame

g. Other issues

- i. Funding of Virginia's home visiting programs
 1. These funds will decline unless something is done
- ii. Salaries of members of local governing bodies
 1. Mayor Snook is less concerned about this issue; it will simply allow Council to take further action rather than immediately raise salaries
- iii. Regional transit authorities
 1. This is an equity issue because to afford the significant increase in essential transit capabilities, it would be necessary to establish some kind of transit authority that would be able to tax, or have localities come to some kind of agreement
 2. Important to factor in rent but also cost of transportation to a job
 3. Commissioner asks whether one-cent sales tax would be coming from the same pot of money
 - a. It would be an additional one-cent sales tax, though there are many ways it could be done; for instance, one cent could go toward schools and another cent could go toward regional transit
 - b. Commissioner expresses concern that sales taxes are regressive
 - i. Mayor says there are only a few taxes that local government has authority over, and currently estimate that a one-cent sales tax would be equivalent to about \$12 million, which is similar to the amount estimated for regional transit
 - c. VA Governor is currently proposing raising the sales tax and lowering the income tax
- iv. Change to notice requirements
 1. Probably will not face much opposition
- v. Allowance of virtual meetings/allowing in-person attendees to count toward a quorum
 1. FOIA had previously prohibited virtual meetings post-COVID

h. Focus on increasing affordable housing accessibility by enhancing tenant rights (incorporates the Commission's recommendations)

- i. Some points have been worked into the Affordable Housing Plan passed two years ago
- ii. When reviewing the HRC's recommendations, Council chose to incorporate points that seemed more attainable than others given a Democratic-majority House and Republican Governor
 1. Council's recommendations to the General Assembly are not necessarily a reflection of its positions; rather, it is a group of points that seem more politically doable

2. In law school, Mayor Snook called the strategy outlined in the G1 provision (“amending the Virginia Residential Landlord and Tenant Act to allow tenants to raise unsafe or unsanitary conditions as an affirmative defense to non-payment of rent”) “partial constructive eviction,” meaning one has a right to get a credit against one’s due rent for the amount by which the landlord had not lived up to all of their obligations
- i. Mayor adds that Council has a longer 10-page list in addition to the shortlist included in the agenda with the Thomas Jefferson Planning District Commission (TJPDC) legislative program
 - i. There are two places in the TJPDC legislative program where Charlottesville dissented:
 1. Maintain principles of sovereign immunity for local government (Charlottesville dissented against sovereign immunity)
 2. Oppose legislation mandating expansion of the Chesapeake Bay Preservation Act’s coverage area (Charlottesville would like this coverage area increased)
 - j. Delegate Callsen describes the current landscape of the General Assembly
 - i. Submitted all four points in G of Charlottesville City Council’s Legislative Positions to begin working them:
 - ii. Delegate Rae Cousins is going to be working on a VRLTA escrow bill that would allow tenants to not have to pay rent while they are trying to get fixes for places (G1)
 1. Delegate Cousins is working with the Virginia Poverty Law Center
 2. Commissioner asks whether “escrow” means that people would have to pay money into the court system instead of withholding money
 - a. Delegate Callsen has not yet received all of the details, but this does seem to be the case; however, it would allow for getting the money back
 - b. Recognizes that Commissioner is referencing a larger problem in the system
 - iii. Delegate Callsen is working with the VA Poverty Law Center (VPLC) who requested that she delay pursuing appeal bond waivers (G2) until next year because it should happen after there are reforms to the process
 1. Otherwise, indigent clients would still be required to pay the rent while doing it, among other complications; VPLC would rather pour advocacy into other efforts and then work town halls to get advocacy for waiving the appeal bond
 2. Delegate Callsen will likely be the patron for that next session
 3. Commissioner says that requiring indigent individuals to pay money into the court is extremely ineffective; it is too onerous a process for most individuals
 4. Delegate Callsen, along with many other delegates, is working with Christie from VPLC to move through a pathway; they are open to incorporating the Commission’s experiences and feedback

- iv. Requiring landlords to disclose additional fees (G3) seems ready to go for this session and carried by Kathy Tran, who is current Chair of the Caucus
- v. Authorizing localities to pass rent stabilization ordinances (G4) is being carried by Nadarius Clark, co-patroned by Adele McClure
 - 1. Delegate Clark has been working on this point for over a year and meeting with stakeholders, and he introduced similar legislation last year
- vi. Delegate Callsen will be co-patron for these bills, but not filing any of them
- k. Other information
 - i. Truth in Renting Act is being carried by Delegate Tran, as well as on the Senate side by Jennifer Boysko
 - ii. Prohibition of fees for maintenance calls (unless reason for the maintenance call is caused by the tenant) is being carried by Delegate Tran and Senator Adam Ebbin
 - iii. 14-day payer quit (increasing time a tenant can pay late rent from 5 days and prevent the filing of an eviction case) is being carried by Delegate Marcia Price
 - iv. Eviction expungement is being carried by Delegate Patrick Hope
 - 1. Using the legal system to achieve your means is often out of reach for those who are not lawyers
 - v. Anti-rent gouging (rent stabilization) is being carried by Delegate Clark and Senator Boysko
 - vi. Limits on attorney's fees awards in eviction cases is being carried by Senator Stanley
- l. Delegate Callsen's bills
 - i. Co-patroning bill about study on single stair
 - 1. Requiring multiple staircases makes it more cost-prohibitive for constructing affordable housing
 - 2. There are other ways to ensure safety
 - ii. Going to patron a bill from Delegate Cousins about having to provide a reason for rejecting a tenant during tenant screening
- m. Housing is a big focus in the General Assembly at the moment; there are people who have been working on it for a long time
- n. VPLC is having a housing advocacy class; reach out for further information
 - i. May be virtual
- o. Also has other bills out on foster care, the sales tax, etc.
- p. Delegate Callsen offers to partner with the HRC, as she is interested in similar issues
- q. Commissioner asks for more information on criminal justice reform
 - i. Delegate Callsen has three bills on this subject:
 - ii. Probation reform bill that would allow probation to be shortened up to 90 days for achieving certain credentials
 - 1. Has been passed in some Republican-majority states; bill is already drafted
 - iii. The two other bills come from Virginia trial lawyers and another group of prosecutors, defense attorneys, and judges
 - 1. Not as progressive because they have been vetted and

- approved by all stakeholders--helpful because there is a Republican Governor
2. One is about reducing automatic felony given for residual amounts of drugs; sentence could be reduced to a misdemeanor at the discretion of the prosecutor
 - a. Currently, progressive prosecutors get around this by charging for things like drug paraphernalia (not technically the correct)
 - b. Bill does not currently allow for reduction at the motion of a defense attorney
 3. Other one is about first-time drug offender program in which those with previous marijuana charges can still have access to drug rehabilitation programs
- iv. Submitted drafting for a bill redoing pleas, but Delegate Callsen likely will not be taking the lead on it
- r. City Attorney Stroman adds that Delegate Callsen has long been an expert on juvenile and domestic relations law in the City Attorney's Office; this will also be a legislative priority for Delegate Callsen
- i. Has a bill for kinship as foster care prevention, which would allow for more abused/neglected children to be placed with family outside of the foster care system
 1. Most people go through the foster care system now to get more money; this bill would hopefully appropriate about \$16 million to support kinship placements
- s. Delegate Callsen can make amendments until the next day, 1/5/24, and will be filing all of her bills before Tuesday, 1/9/24
- t. This General Assembly session is generally set, but Delegate Callsen is open to working with the HRC more closely for next year's session
- u. Commissioner asks Mayor about the City Council Statement of Legislative Positions funding for regional transit authorities (D)
- i. Bus drivers already have collective bargaining and are trying to work on a contract; there is question of whether there is a voice they need to have
 - ii. Top concern is that by 2026, the City will be able to have buses that are double the frequency of the current situation (ex. running every thirty minutes instead of an hour)
 - iii. Also hoping that many of these buses will be battery-powered
 - iv. Cannot move to a greener system very quickly because diesel buses are legally required to remain in service for twelve years
 1. Some hybrid buses that the City had bought had mechanical issues that prevented them from meeting requirements to take them off road
 2. Buses take around 2 years for paperwork to go through and would cost \$10-15 million per year, so the goal is to have money paid by 2026
 3. Access and use of transit in the county is going to be important, and it will take lots of resources
 - v. Delegate Callsen further explains collective bargaining:
 1. Jaunt is trying to unionize with the Amalgamated Transit Union

(ATU), and they were having issues with whether enabling legislation applied to them

2. Delegate Tran is overhauling the collective bargaining ordinance and is willing to include the transportation piece in the new version
3. Delegate Callsen is working with Delegate Bonita Anthony on definitions
4. Delegate Tran will include it in her bill, though Delegate Callsen will submit her own bill, as well
5. Jaunt would be able to make the decision about whether they will allow their workers to unionize with ATU, and they would not be able to point to legislation as a stopping factor
6. Charlottesville has already allowed their workers to enter into collective bargaining
7. City Attorney adds that the collective bargaining process is well underway, and he is optimistic about the outcome
 - a. Mayor clarifies that City Council cannot comment on the City's position on transit unions
 - vi. Mayor says that there will be many moving parts in this project, but they cannot be started until they have the power to do so
- v. Delegate Callsen advises the Commission to reach out to her sooner rather than later, maybe during the summer, if there are bills of interest for the next session
 - i. Vice Chair says once the Commission meets with all of the new Commissioners, they will produce some kind of document for City Council in the summer to relay to Delegate Callsen
 - ii. Democrat majority in the House are trying to prevent as much pushback
- w. Commissioner asks whether Delegate Callsen is playing a role in supporting the constitutional amendment to codify abortion rights
 - i. Delegate Callsen will hopefully be co-patroning bills on this, as it is one of the top four priorities
- x. City Attorney explains that the City Attorney's Office's role is to assist City Council with staff, and he expresses gratitude for working with Delegate Callsen and her dedication to the issues that Council has raised
- y. HRC Director encourages the continued collaboration between the HRC and Council; asks the guest speakers whether there is anything for the Commission to do in the coming year
 - i. Mayor Snook says that the HRC could meet with him and Councilor Natalie Oschrein around the time they submit their next set of legislative recommendations

4. MATTERS BY THE PUBLIC

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

5. COMMISSIONER UPDATES

- a. Outreach Specialist
 - i. Will be sending out an email soon regarding upcoming outreach events

6. NEXT STEPS

- a. Next meeting: Regular meeting on 1/18/24 which will discuss the ADA Transition

Plan, as well as hold officer elections

- b. Have legislative recommendations for the 2025 session ready in summer 2024

7. ADJOURN

- a. Meeting adjourned at 7:28 pm