

CITY OF CHARLOTTESVILLE
"To be One Community Filled with Opportunity."

Housing Advisory Committee



AGENDA

Wednesday, March 20, 2024, noon

Location: 100 Fifth Street NE, Charlottesville, VA 22902
Large Conference Room

- 1. Welcome**
- 2. Introductions & Attendance**
- 3. Agenda Items**
 - i. February 21 Regular HAC Meeting Minutes
 - ii. HAC Roles & Description and By-laws
 - iii. Land Bank Ordinance Recommendation
- 4. Public Comment**
- 5. Adjourn**

Agenda Attachments:

- Land Bank Entities Discussion Worksheet
- Housing Virginia presentation on Land Banks- The Fine Print

Agenda Item (i) Exhibit A

CITY OF CHARLOTTESVILLE
"To be One Community Filled with Opportunity."
Housing Advisory Committee



Housing Advisory Committee (HAC) Minutes
Wednesday, February 21, 2024
12:00 p.m.

Attendees:

- Sunshine Mathon (SM)
- Phil d'Oronzio (PdO)
- Joy Johnson (JJ)
- John Sales (JS)
- Heather Griffith (HG)
- Michael Payne (MP)

Staff Attendees:

- Madelyn Metzler (MM)
- Antoine Williams (AW)
- Alex Ikefuna (AI)

Other Attendees:

- Luis Oyola (LO)

JJ calls the meeting to order at 12:09 pm

1. Attendance and introductions

2. Approval of Minutes

MM- There was one correction made to attendees list, HG was omitted in error.

SM moves to approve, PdO seconds. All are in favor, none are opposed.

3. Elect a Secretary

JJ- This item will be tabled until there are additional committee members to fill vacant seats.

SM- MM will continue taking minutes in the interim.

4. Land Bank discussion

AW provided a summary of notes (attached to minutes) from the land bank work group and reviewed the timeline of previous land bank efforts from 2017-2023.

PdO- Thought it would be helpful for newer members of HAC to understand overview of current land bank discussion, then plan to go over work group and city manager expectations, then discuss how to organize the planning and setting up of the land bank.

HG- How will this vary from what the city already does?

PdO- This would be a separate entity, but city's ownership or title status will depend on what council approves.

SM- Who are HAC members and PC members on working group?

PdO- City staff in working group is City Attorney, Jacob Stroman (JS); City Manager, Sam Sanders (SS); and AW. Planning Commission member is Lyle Solla-Yates and the HAC member is PdO. The group was put into place in January 2024 to get this discussion moved forward and ensure we stay focused and keep momentum. This effort has stalled and been disorganized in the past, the hope is that this time it moves forward coherently.

JJ- Can you remind us of what got in the middle of moving this forward before?

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SM- In my perspective, there was language drafted that was perceived as the city being able to undermine CRHA's redevelopment efforts. That's how it ended up being handed off to HAC. There were differing opinions between Staff and HAC on how it should be written and administered, and City Council did not want to come in the middle. Then there were staff shortages and COVID that impacted the ability to move forward.

PdO- We did come to agreements on some of those points, but the conversation has changed as has the ordinance.

JJ- Is it possible to get meeting minutes from that time?

SM- AW did pull together those minutes, so we can share again.

SM- I understand the point of the working group is to ensure there is a sense of urgency and that it doesn't fall through the cracks, but it feels a bit disjointed to have only one HAC member in the group. Could it become a working group of HAC and invite the other members to attend?

PdO- That was not really the conception. The group should be focused more on internal processes and provide gut checks. Maybe working group is a misnomer. SS made clear that all land bank matter decision making should come from HAC.

JJ- And the gut checks are?

PdO- The City Attorney will be involved throughout to make sure we don't get too far down the road with any concepts that aren't workable from a legal standpoint. Ultimately the attorney will write the ordinance, but HAC will determine what should go into it. SS is there to ensure that any staff involvement that needs to occur will happen. The working group is there for speed and to expedite anything that is needed from city staff. SS's expectation is to have something together by summer, at least some tentative conclusions. One decision is whether the Land Bank will be an independent entity or a subsidiary of the city for both control purposes and making it a dynamic. JS wanted to make sure it's clear what the lines are between PHA and Land Trust and the City.

AW- I did not walk away with that conclusion. My understanding was the point was to ensure there is forward momentum and, for the public's benefit, SS will be responsible for reporting out from the working group.

MP- I think we should remain open as to whether it is a fully separate entity or an arm of the city.

PdO- Right, these are the types of decision HAC will need to discuss.

JJ- Can we get a date for what SS means by the summer? We need a date to be able to plan for.

AW- My interpretation is that he is looking for OCS staff to engage HAC on policy and pick up where the draft left off and that HAC's recommendations will also help determine the timeline.

JJ- Ok then we need to be sure that we determine some dates so that we can make this deadline.

SM- We have a document that we can dust off that is 80 to 90 percent there. In looking at the questions in AW's document, these are key for us to discuss to make our recommendations. I'm trying to wrap my head around a path forward. Should this go to the policy subcommittee of HAC as it has in the past? We will need to go through these questions substantively. Should we try to tackle one or two per meeting?

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AW- I think that's what we need to get back to City Manager with to determine a timeline.

JJ- We are working with a small group; how often can we meet without spreading ourselves thin?

HG- Is this a nonprofit?

PdO- That is part of the discussion that needs to be had.

AW- The working group I think can also help funnel different discussions going on around the city to HAC. Looking at these 7 questions, I created this list, it is not definitive, and there could be more. Perhaps we split those up and divide among members.

PdO- Number 1 (legal framework) is not a huge time sink, number 2 (mission and objectives) is a bigger discussion that will drive remainder of what we do.

MP- I think our mission for Charlottesville is quite narrow unlike some other jurisdictions with land banks.

PdO- I think first meeting should cover numbers 1 (legal framework), 2 (mission and objectives), and 3 (governance structure).

AW- Let's take a straw poll. I like the approach of dividing things up into major and minor categories.

JJ- Number 1 (legal framework) we will need the attorney to answer for us, right?

MP- I'm not sure I fully understand what the legal particularities are.

PdO- The presentation describes this very well, so that should be reviewed by everyone.

JJ- The legal framework needs to be discussed first and then mission and objectives.

SM- I think 3 (governance structure) and 6 (community engagement) are priority after that, they are interwoven.

JJ- I think 7 (partnerships and collaboration) could be in that discussion, too.

JS- And 5 (property acquisition and disposition).

JJ- I think 4 (funding and resources) and 5 (property acquisition and disposition) should go together.

SM- Community engagement should also determine what 4 (funding and resources) and 5 (property acquisition and disposition) look like.

PdO- We can set priorities for the land bank, but we can't tell them how to do things. The land bank board needs to have authority to make those decisions over time.

JS- I think both 5 (property acquisition and disposition) and 6 (community engagement) have a level of complexity. When the sales happen, you often can't have a big public meeting. We want community engagement, but we don't want to hamstring the organization from moving swiftly.

AW- I see 6 (community engagement) as more relating to setting the land bank up.

JS- But 5 (property acquisition and disposition) is us telling the land bank how to buy property, that will have to change over time.

PdO- I think that one needs to wait.

JJ- 1 (legal framework) and 2 (mission and objectives) need to come first.

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AW- We can set a date and invite the city attorney.

JJ- that's what I suggest. Mission can take a while. 4 (funding and resources) and 5 (property acquisition and disposition) I'm not sure how long those will take. 6 (community engagement) and 7 (partnerships and collaboration) could be another meeting. Maybe 3 (governance structure) should not go with 6 (community engagement).

AW- I think community engagement needs to be a part of all discussions, not a separate meeting.

SM- Maybe we need to clarify what we mean by community engagement. I read it as what level of the community engagement happens when land bank makes decisions, not about engagement in setting it up. What I've heard from other land banks is some have robust community engagement panel, and it slows the process, whereas others have almost no engagement and there's little transparency. I think we need to understand what the appropriate balance is. Real estate transactions move quickly, and public discussion can impact the sale of a property. There is interlink between governance and community engagement, I'm just not sure yet what that is. I suggest we do 1 (legal framework) & 2 (mission and objectives) in a single meeting and bring together the working group and HAC for that meeting. We don't want to go down a path that, ultimately, the city manager does not support. Then we could end up with a general mission that we all agree on and that can inform our next discussions.

JJ- Is that to help with speed? I think HAC needs to be taking the lead on what the objectives are.

HG- I think being on the same page will streamline the process.

JJ- I just think that HAC should discuss and agree on the mission and objectives and then have SS come in, but I will go with what the group's consensus is.

PdO- I want to avoid a situation where SS is developing a concept in his head and we are developing a concept and that there is no coordination. And neither me nor AW want to be in a position of speaking for SS to HAC or speaking for HAC to the working group.

SM- And I only suggest that because SS has already called for the working group.

JJ- Ok, question about 2 (mission and objectives)- It seems like we are creating another entity just based on these questions, but we haven't decided that's what we want to do.

AW- Was there a consensus on this in the past?

SM- No, we left it open to either operating by staff with the board being HAC, a stood up separate entity but is city operated with a separate board, or being a totally separate third party.

AW- So the three options available to the city are to designate a nonprofit, create legal authority, or to create a new entity. In the five examples we have, there are separate authorities, designated entities, and a designated entity with a land trust partnership.

PdO- Maybe number 2 (mission and objectives) should go before number 1 (legal framework), because what we want to do will determine how it should be formed.

AW- At this meeting to discuss 1 (legal framework) and 2 (mission and objectives), do you want to vote and move forward?

PdO- I think we need the objectives before we can determine the structure.

AW- Information can be provided about legal structure before that meeting.

PdO- Previous discussions talked about furthering affordable housing.

AI- I think the city manager is expecting recommendations from HAC. I'm not sure that he needs to be part of discussion.

JJ- I think legal needs to be involved because that is not our expertise and then HAC can discuss the objectives.

AW- To the extent that the Affordable Housing Plan brings up land banks, it does not prescribe a governance structure, but it does discuss possible objectives that land bank should include. It's very broad and we need to tighten it. There are several other groups preparing recommendations as well.

PdO- But SS also made clear those recommendations should be routed to HAC.

AW- That's correct.

SM- I propose that in March we focus on 1 (legal framework) and 2 (mission and objectives); in April we discuss 6 (community engagement), 3 (governance structure), and 7 (partnerships and collaboration); in May 4 (funding and resources) and 5 (property acquisition and disposition); and then in June we can make final recommendations and tie up any loose ends.

PdO- We should acknowledge 4 (funding and resources) and 5 (property acquisition and disposition) will start answering themselves.

SM- There will inevitably be overlap between all of these. My thought is there will need to be subcommittee meetings, so there would be meetings roughly every two weeks.

AW- Consider then that HAC meets the third Wednesdays and these meetings could happen the first Wednesdays.

MP- Subcommittees can meet over zoom, right?

AW- If it's a work session with no voting, I think so. But bylaws state if there is anticipated action it must be in person.

MP- The subcommittee could put together a recommendation and then have HAC approve it at the full meeting.

SM- I move that we relegate the discussions to the policy subcommittee and that the subcommittee meets monthly between March and June to make preliminary recommendations to bring to HAC for consensus.

HG seconds

JJ- Is there any further discussion?

PdO- At the regular HAC meetings will we also discuss land bank?

SM- The motion does not preclude that.

JS- And I just warn that what we create nothing so detailed that it will hamstring the future organization, which should have a board that can make some of these decisions.

PdO- That was my concern in past discussions.

AW- To be fair, other land banks did decide to be that prescriptive. What the ordinance can and cannot stipulate will depend on decisions about the legal framework.

JJ- Ok, all in favor?

All are in favor, none are opposed.

JJ- Who is on the policy subcommittee?

SM- Any members of HAC can participate, but the designated members are me, Dan Rosensweig (DR), and PdO. But again, any HAC members are welcome to join meetings.

AW- Who is the chair?

SM- DR. He did say he was ok with assignment of any tasks.

JJ- Is there anything else?

SM- Looking at the calendar, can we check if first Wednesdays of month work? March 6 works, April 3 conflicts with spring break but Tuesday April 9 seems to work, May 1 works, and June 5 works if we need it.

PdO- can we get JS and SS in here March 6?

AW- I will find out and get back to you. If there is a conflict, I will have them propose alternate dates.

JS- What if we just propose the regular HAC meeting as the alternate date?

AW- Ok.

SM- I don't know if it's too much work, but in each section could we go through last version of the ordinance and highlight the relative sections?

AW- Yes, I can do that. The last version will be what went before council in May 2018, and I will bring that. If there have been edits since then, I am unaware of them.

PdO- I think there's a more recent version.

AW- Then please send to me and I can circulate it.

PdO- I can create a google drive for documents.

AW- Please send me any related documents and I can attach them to meetings.

5. Public Comment

LO, Director of Piedmont Community Land Trust- I appreciate the discussion and have done some research and outreach with the Maggie Walker Community Land Trust. It operates as the land bank in three localities, Richmond, Henrico County, and Chesterfield County. They are happy to discuss with us about their experience. They did start first and have been through a lot. It took them a long time to develop procedures and really become operating. In that time, they did miss out on multiple property acquisition opportunities. They have a public panel in Richmond that decides on use of properties, and she did caution that it slows the process down. That public panel does not exist in Henrico or Chesterfield and they have been able to acquire more properties. There is a balance to be found between transparency and public engagement. There is a lot of administrative work

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involved and if they could re-do it, they would have at least one of their staff people be a city employee, which would make things go more smoothly. She also stressed it is important for there to be political and staff commitment, with turnover that can be challenging over time.

SM moves to adjourn the meeting at 1:22, JS seconds this motion. All are in favor, none are opposed.

DRAFT

BYLAWS

OF

**CITY OF CHARLOTTESVILLE
HOUSING ADVISORY COMMITTEE**

Article I – Name

Section 1. Name. The name of this organization shall be the “City of Charlottesville Housing Advisory Committee”.

Article II – Purpose

Section 1. Purpose. The principal purpose of the Committee is to serve in an advisory capacity to the City Council of the City of Charlottesville on matters concerning the creation and retention of affordable housing in the City.

Article III – Officers and Their Duties

Section 1. Officers. The Committee shall have two Officers: Chair, Vice Chair. Each Officer is responsible for the performance of his or her duties at each meeting, and is authorized and obligated to assign his or her duties to another in the event he or she shall be absent from the meeting. Each officer shall be responsible for carrying out the following:

A. Chair. The Chair shall preside at the meetings and be responsible for supervising the affairs of the Committee, with the support of City staff. The Chair shall set the agenda for each meeting and ensure that the annual work plan for the Committee is maintained. The Chair shall welcome any guests or speakers.

B. Vice Chair. The Vice Chair shall perform the duties of the Chair in his or her absence, and work on special projects for the Committee.

Section 2. Term of Office and Elections. The term of office shall be no more than two (2) years, co-terminus with the member’s appointment period. Officers may serve no more than two (2) consecutive terms. Officer elections shall be held during the first quarterly meeting of the calendar year as necessary, unless there is a vacancy, in which case an election shall be held at the regular quarterly meeting.

Article IV – Meetings

Section 1. Schedule. This Committee shall meet Quarterly. The meeting place and time shall be determined by the Officers.

Section 2. Substitutions. Substitutes for members shall be permitted at meetings. Substitutions shall be entitled to vote for members so long as the member has given advance notice that substitute will be attending in their stead. No member shall be represented by a substitute more than three (3) times during a calendar year.

Section 3. Quorum. For the purpose of these Bylaws, a quorum at any duly called meeting shall be one-half (1/2) of the appointed membership of the Committee.

Article V – Membership

Section 1. Number of Members. The number of Members shall be limited to no more than seventeen (17) as has been established by City Council. Council may change this number as desired.

Section 2. Representation. It is the goal of City Council that the private sector, including the non-profit sector, as well as the public sector, shall be represented on the Committee, so long as they have an interest in the Purpose of the Committee.

Section 3. Appointment. Members shall be appointed by City Council after any vacancy in membership on the Committee has been publicly announced and applications for membership received.

Section 4. Terms. Members shall be appointed for two (2) year terms, and shall be eligible for re-appointment to a total of four (4) terms. City Council shall promptly announce and appoint to fill any vacancies for the unexpired portion of the term of a member who resigns or otherwise can no longer serve their term. Persons initially appointed for less than a full term may thereafter serve four (4) complete terms.

Article VI – Delinquent Members

Section 1. Missed Meetings. Membership is contingent pursuant to established City Council directives regarding attendance of board members. Any member who misses three (3) consecutive meetings, or who misses more than four (4) meetings within a calendar year will be declared by the Chair, or in his or her absence, the Vice Chair, to be delinquent. City Council shall be informed of the status of delinquent members along with a recommendation as to action to be taken with regard to delinquent members.

Section 2. Attendance Records. It shall be the duty of the Staff to keep an attendance record. The Chair will adjudicate any dispute concerning attendance.

Article VII – General

Section 1. Action by the Committee. The Committee shall act upon a vote of a majority of the Committee membership at a duly called meeting at which there is a quorum present or outside of a meeting by the unanimous consent of members constituting a quorum, voting on any matter that had been put before the committee during the most recent duly called meeting when the Committee approves by vote during said meeting to such procedure.

Section 2. Amendments. The Bylaws may be amended by a two-thirds (2/3) vote of the Committee membership at a duly called meeting.

ORDINANCE
CREATING THE CITY OF CHARLOTTESVILLE LAND BANK CORPORATION AS A
NONPROFIT, NONSTOCK CORPORATION; ESTABLISHING A BOARD OF DIRECTORS;
ESTABLISHING THE POWERS OF THE CORPORATION AND PROVIDING GENERAL
PROVISIONS RELATING TO THE OPERATION OF THE CHARLOTTESVILLE LAND
BANK

Pursuant to authorizing legislation set forth within Virginia Code §§ 15.2-7500 et seq., and following a public hearing held pursuant to Virginia Code § 15.2-7502, **IT SHALL BE AND IS HEREBY ORDAINED AND ENACTED** the City Council for the City of Charlottesville as follows:

1. Findings

The Charlottesville City Council finds that the social and economic vitality of the City of Charlottesville is adversely affected by a deficit of affordable housing within the jurisdiction of the City, and by the existence of vacant, abandoned, blighted and tax delinquent properties. The purpose of this Ordinance is to serve a public necessity and the interests of the general welfare of City residents, by facilitating the return of vacant, abandoned, blighted and tax delinquent properties to productive use, and by establishing a legal entity whose sole purpose is to partner with the City government to facilitate the productive use of such properties, and the acquisition and transfer of these and other properties to individuals and entities who can create affordable housing and economic growth within the City.

2. Authority

This ordinance is adopted in accordance with the provisions of Virginia's Land Bank Entities Act, §§ 15.2-7500 et seq. of the Code of Virginia (1950), as amended ("Va. Code").

3. Authorization and Establishment

(A) The Charlottesville City Council hereby authorizes the creation of a nonprofit, nonstock corporation, created under Chapter 10 (§§ 13.1-801 et seq.) of Title 13.1 of the Va. Code, to be named the "Charlottesville Land Bank Corporation" and hereby establishes the same as a separate legal entity for the purposes of acting as a Land Bank under the provisions of Virginia's Land Bank Entities Act and implementing and administering the terms of this Ordinance. The Charlottesville Land Bank Corporation shall exist until terminated and dissolved in accordance with the terms of this Ordinance.

(B) Initially, the principal office of the corporation shall be at 605 East Main Street (P.O. Box 911), Charlottesville, Virginia, 22902. Thereafter, the governing board of the corporation may change the location of its principal office.

(C) Pursuant to the provisions of Virginia Code § 15.2-7510 the Charlottesville Land Bank Corporation shall not be required to pay any taxes upon any property acquired or used by the Land Bank under the provisions of this Ordinance.

4. Powers

The Charlottesville Land Bank Corporation shall have all of the powers enumerated and authorized within Va. Code § 15.2-7506, as amended.

5. Acquisition of Property

The Charlottesville Land Bank Corporation may acquire real property or interests in real property by any means and in any manner authorized by Va. Code § 15.2-7507 or other provisions of Virginia's Land Bank Entities Act. The Charlottesville Land Bank Corporation shall neither possess nor exercise the power of eminent domain.

6. Financing of Operations

(A) The Charlottesville Land Bank Corporation may receive funding, and may receive and retain payments, in accordance with the provisions of Va. Code § 15.2-7509.

(B) Fifty percent (50%) of the real property taxes collected on real property conveyed from the Land Bank to a transferee shall be remitted by the City to the Land Bank. This allocation of City real estate tax revenue shall commence with the first taxable year following the date of conveyance from the Land Bank and shall continue for a period of ten (10) years thereafter.

7. Use and Disposition of Property

(A) The Charlottesville Land Bank Corporation shall hold in its own name all real property acquired by it, regardless of the identity of the transferor of such property, and shall hold, use and dispose of such property in accordance with Va. Code § 15.2-7508 or other provisions of Virginia's Land Bank Entities Act.

(B) The governing board of the Charlottesville Land Bank Corporation shall adopt policies and procedures governing the use and disposition of real property interests. Real property or interests in real property shall be conveyed in accordance with the Virginia Land Bank Entities Act, this Ordinance, and the Land Bank's adopted policies and procedures, to be used for affordable housing.

Following a determination by the governing board of the Land Bank that specific real property, or an interest in real property, has no utility to be used for affordable housing, then such property or property interest may be conveyed by the Land Bank to be used for any of the following, as the governing board deems to be in the public interest: use for retail, commercial or industrial activities; preservation or rehabilitation of historic properties within a major design control district; use for public spaces and places; critical slope or stormwater management facilities.

(C) The policies and procedures adopted by the governing body of the Land Bank to govern the use and disposition of property shall specify the general terms and conditions for consideration to be received by the Land Bank for the transfer of real property and interests in real property.

(i) The board shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of property, contractual commitments of the transferee, and other forms of consideration as determined by the board to be in the best interest of the Land Bank.

(ii) Market Value shall be determined by up-to-date data, and by using valuation method(s) that the governing board determines is most appropriate given the particular condition of a property and the surrounding real estate market. Nominal or reduced price disposition shall be an option for any property owned by the corporation; however, in calculating a reduced sales price:

- (a) Any discount shall take into account the substantiality of the benefit provided by the proposed use, and the amount of support needed to make a project both initially financially feasible and continually sustainable as indicated in financial *pro formas* provided to the Land Bank; and
- (b) For housing projects serving households at a mix of income levels, the Land Bank may count the number of low and moderate income households served and provide proportionate discounting.
- (iii) The Land Bank shall enforce any provisions agreed upon as conditions of sale between a transferee and the Land Bank, through legally binding mechanisms, including but not limited to deed restrictions, covenants, and mortgages.

(D) The Charlottesville Land Bank Corporation is authorized to discharge liens and other municipal claims, charges or fines, and may seek to enter into agreements with City officials for such discharges against the properties that it acquires. For the duration of time that a property is held by the Charlottesville Land Bank Corporation, the corporation may abate all real estate taxes, water and sewer charges and other municipal charges and, to the extent necessary, may seek abatement or non-taxable status from other government entities.

8. Governance

- (A) *Governing board*—the Charlottesville Land Bank Corporation shall be governed by a board of directors comprised of nine (9) voting and one (1) non-voting members, as follows:
- (i). One Charlottesville City Councilor chosen by City Council, for a term specified by City Council, but which shall not exceed such councilor’s elected term of office;
 - (ii). Two individuals appointed by City Council, at least one of whom shall be qualified as having an expertise in real estate or the construction or financing of real estate developments. Initially, the terms of these members shall be staggered, such that one member shall be appointed to a term of two (2) years and the other, a term of three (3) years; thereafter, successive appointments shall be for terms of four (4) years;
 - (iii). Two individuals appointed by City Council, who shall be qualified as being participants in an assisted housing program, and who shall serve a term specified by City Council, not to exceed four (4) years. Initially, the terms of these members shall be staggered, such that one member shall be appointed to a term of two (2) years and the other, a term of three (3) years; thereafter, successive appointments shall be for terms of four (4) years;
 - (iv). The city’s housing advisory committee (“HAC”), which shall be represented by a member designated by said advisory committee. This member shall serve a term specified by said advisory committee, which shall not exceed the member’s term on the advisory committee, or four years, whichever is less.
 - (v). The Charlottesville Economic Development Authority (CEDA), which shall be represented by a member designated by said Authority. This member shall serve a term specified by said Authority, which shall not exceed the member’s term on the Authority, or four years, whichever is less.

The Fine Print: Land Bank Entities Act Code of Virginia - Chapter 75

§ 15.2-7501: Creation of land bank entities by localities.

Under state enabling legislation,
localities may form land banks one of three ways:

By creating a land bank **authority** — a department of local government;

By creating a **corporation** — a standalone nonprofit; or

By designating **an existing nonprofit** to ~~serve as land bank~~





The Fine Print: Land Bank Entities Act Code of Virginia - Chapter 75

- § 15.2-7502: **Public hearing required** with weekly advertisement for 2 successive weeks
- § 15.2-7503: When a land bank is created by a locality, they must elect a governing board of **5 people minimum**
- § 15.2-7504: The board can appoint an ED, and enter into  contracts for staffing services with locality

The Fine Print: Land Bank Entities Act Code of Virginia - Chapter 75

- § 15.2-7505: **No board members and employees can acquire a financial interest in a land bank property**
 - Revised in 2020 by HB1369: Regarding contracts for materials or services, members of a land bank entity are now subject to the State and Local Government Conflict of Interests Act
 - The board may also adopt its own additional COI guidelines



The Fine Print:

Land Bank Entities Act

Code of Virginia - Chapter 75

- § 15.2-7506: Land bank entities can...
 - **Accept real estate** from any source (see § 58.1-3965 for tax delinquent properties)
 - **Accept donations and grants** from any source
 - Design, develop, construct, demolish, reconstruct, rehabilitate, relocate, improve real property
 - Fix, charge, and collect rents, fees, and charges for use of real property
 - **Grant or acquire** licenses, easements, leases or options
 - **Enter into partnerships** for the ownership, management, development, disposition of property



The Fine Print: Land Bank Entities Act Code of Virginia - Chapter 75



- § 15.2-7507: Can acquire property by gift, transfer, exchange, purchase, from localities, private donors, etc.
- § 15.2-7508: Disposition of property
 - Property must be maintained in a **public database**
 - The land bank can **determine priorities/policies** around disposition
 - **Localities** may also determine their own



The Fine Print:

Land Bank Entities Act

Code of Virginia - Chapter 75

- § 15.2-7509: Financing of operations
 - In Virginia, land banks have the ability to **recapture up to 50% of real estate taxes on** on properties they have conveyed, **for up to 10 years**



The Fine Print:

Land Bank Entities Act

Code of Virginia - Chapter 75

- § 15.2-7510: Land banks are **exempt from taxes or assessments**
- § 15.2-7511: Can be dissolved after 60 calendar days with 2/3 majority and written public notice, all debts and obligations having been fulfilled
- § 15.2-7512: An **existing nonprofit can be designated** as a land bank, after a public hearing has been held





DICUSSION 1.0

Land Bank Entities: Legal Framework and Mission

What is the role of a Land Bank in supporting the Affordable Housing Plan?

A Land Bank is a public or nonprofit organization that can acquire and hold tax-exempt property. They are sometimes involved with the development of property, selling or transferring land to developers or developing it to support public goals such as the provision of affordable housing. A land bank may acquire and hold both undeveloped land (which may be limited in Charlottesville) and parcels for redevelopment, including infill land in neighborhoods (City of Charlottesville, 2021, p.125).

What are Charlottesville City Council's Land Bank Establishment Options?

Option	Description
• Land Bank Authority	A department of local government providing direct oversight and control.
• Standalone Nonprofit Corporation	An independent entity offering flexibility and autonomy in decision-making.
• Designating Existing Nonprofit	An action whereby council elects to utilize an established nonprofit's infrastructure and mission alignment to effectuate its Land Bank as <i>program of</i> .



OFFICE OF COMMUNITY SOLUTIONS STAFF REPORT LAND BANK ENTITIES

Considerations

Land Bank Authority: Offers direct government control, yet could also present and involve bureaucratic complexities.

Standalone Nonprofit Corporation: Provides flexibility, yet could also require additional administrative responsibilities.

Designating Existing Nonprofit: Leverages existing resources, yet perhaps may pose conflicts of interest.

Option	Benefits	Challenges
• Land Bank Authority	Offers city council Direct control	Potential bureaucratic complexities
• Standalone Nonprofit Corporation	Increased flexibility and independence	Additional administrative responsibilities
• Designating Existing Nonprofit	Use of established capacity/ resources	Potential conflicts of interest with organization



OFFICE OF COMMUNITY SOLUTIONS STAFF REPORT LAND BANK ENTITIES

Determining the mission and objective of the Land Bank: Discussion Questions

- How can the land bank acquire properties effectively, considering methods like tax foreclosure or donations?
- What strategies do you envision for the land bank to manage properties to prevent blight and foster community development?
- Regarding property disposition, what options do you see as viable for the land bank, such as selling to affordable housing developers or retaining for future projects?
- How do you propose engaging the community to ensure their needs and priorities are reflected in the land bank's operations?
- What funding strategies do you suggest to ensure the financial sustainability of the land bank, including grants, donations, and revenue from property sales?



CITY OF CHARLOTTESVILLE
"A Great Place to Live for All of Our Citizens"

City Manager's Office of Community Solutions

From: Antoine Williams, Housing Program Manager – City of Charlottesville, Virginia

Date: February 22, 2024

Re: Report on Draft Land Bank Ordinance for the City of Charlottesville

Attn: Housing Advisory Committee (HAC) Member Sunshine Mathon

Cc: The HAC and Appropriate City Staff

Hello Sunshine. Recall:

During yesterday's HAC meeting, just before it ended, you asked a question related to the last presented draft of the Land Bank Ordinance. You were referring to the seven key considerations and questions I had prepared to help me prepare for the meeting, which I also shared with everyone. If I understood you correctly, you were wondering whether it would be possible to provide some analysis of the last publicly presented draft of the Land Bank Ordinance that was presented to the City Council on May 21, 2018, along with the seven discussion questions that I had prepared during my meeting preparation notes. I have written this memo to share my observations with you. I want to inform you that I have analyzed the latest version of the Land Bank Ordinance that was presented to the City Council and considered it, considering seven key questions. As this memo may be shared with others, I will begin by providing a brief historical overview.

Land Bank Item History in Summary

- **May 21, 2018:** The City of Charlottesville presented a draft Land Bank ordinance for a second reading before the City Council, but no action was taken, and the item was tabled.
- **August 16, 2023:** The Housing Advisory Committee (HAC) resumed discussions on the Land Bank ordinance, receiving materials from the Office of Community Solutions Housing Staff. Despite intentions to draft an updated ordinance and recommendations, progress remained incomplete by the end of 2023.
- **January 12, 2024:** Two Planning Commission members (i.e., Phil d'Oronzio and Lyle Solla-Yates) requested to meet with city staff (i.e., City Manager Samuel Sanders; City Attorney Jacob "Jay" Stroman and myself to discuss the status of developing a Land Bank in Charlottesville.

At this January 12th meeting, under the guidance of the City Manager, a working group was formed to advance the ordinance, requesting that HAC's Policy Subcommittee, tasked with drafting recommendations by the full HAC, complete its efforts and advance its recommendations and any edits forward to himself and the City Attorney.

- **February 21, 2024:** The HAC revisited the Land Bank issue, re delegating it to a subcommittee. Subcommittee member Sunshine Mathon requested an analysis of the current ordinance based on key considerations outlined by Antoine Williams, Housing Program Manager. *Further details are available upon request.*

Concerning the May 2018 version of the Land Bank Ordinance presented to the city council, my thoughts in context to the seven questions from my meeting prep notes are as follows¹:

Regarding Legal Framework: The draft ordinance establishes the Charlottesville Land Bank Corporation in accordance with Virginia's Land Bank Entities Act (§§ 15.2-7500 et seq.). The ordinance heading states that the City of Charlottesville Land Bank Corporation is being created as a nonprofit, citing the legal framework provided by the legislation. This suggests a policy-leaning or intent in forming an "entity," which was also noted by HAC member Sales regarding the wording of a previous question. If there has been a change in this inference, the HAC Policy Subcommittee should immediately address it at its next meeting.

Regarding Mission and Objectives: Some goals of the drafted Land Bank, as outlined in the ordinance, include addressing the deficit of affordable housing and revitalizing vacant, abandoned, blighted, and tax-delinquent properties to promote economic growth and improve the overall well-being of Charlottesville residents (*Section 1 Findings*).

These objectives appear to align with a broad mission and/or vision that endeavors to combat blight, spurring or fostering the creation of more affordable housing and promoting economic development within the community.

Regarding Governance Structure: The ordinance appears to establish a governing board comprising various stakeholders, including City Council members, housing experts, representatives from advisory committees, and city officials (*Section 8 Governance*).

The board's composition prescribed within the drafted ordinance in question, appears to consistently align with the directive of Virginia's Land Bank Entities Act (§§ 15.2-7500 et seq.). As I understand it, this composition is meant to help ensure diverse perspectives and expertise in decision-making processes related to property acquisition, disposition, and overall Land Bank operations. Including specific terms for board members reflects a commitment to staggered appointments to maintain continuity and expertise within the Land Bank.

¹ See Attachments: Housing Program Manager's 5/21 Meeting Prep Notes

Regarding Funding and Resources: The ordinance outlines the Land Bank's funding mechanisms (Section 6 Financing Operations), including receiving payments from property transfers, remittance of real property taxes from conveyed properties, and potential agreements with the City for financial support. These provisions ensure the Land Bank has the resources to carry out its mission effectively.

Regarding Property Acquisition and Disposition: The ordinance grants the Land Bank authority to acquire real property through various means, including donation, transfer, or purchase (Section 7 Use and Disposition of Property). It also establishes criteria for the disposition of properties, emphasizing affordable housing as a primary consideration. Additionally, it provides flexibility for the Land Bank to adapt its policies and procedures based on property conditions and market dynamics.

Regarding Community Engagement: *While the ordinance does not explicitly address community engagement*, specific regulations with provisions for public hearings and transparency related to property disposition might also suggest a regulatory leaning or intent towards the compulsion for involving the community in similar disposition activities undertaken by Land Bank activities. While I recommend that the HAC ultimately differ from the legal guidance of the City Attorney's Office, I will share some of my preliminary thoughts now.

Although § 15.2-7507 and § 15.2-7508 of the Virginia Code primarily pertain to the land bank entity's acquisition and disposition of property, the topic of public hearings or community engagement is not explicitly addressed. These sections address various aspects, including acquisition methods, property record maintenance, terms and conditions for property transfers, and the authority to convey or transfer real property. Nonetheless, one could reasonably infer or imply the necessity of public engagement or community input from the text. For example:

1. **Acquisition of Property (§ 15.2-7507):** While this section outlines various property acquisition methods by the land bank entity, it doesn't explicitly mention public hearings or community engagement. However, the phrase "on terms and conditions and in a manner the land bank entity considers proper" could suggest that the entity may consider community input or engage in public processes when acquiring properties, though the statute does not mandate it.
2. **Disposition of Property (§ 15.2-7508):** This section mainly deals with the property disposition procedures held by the land bank entity. It requires the entity to maintain an inventory of all real property and to establish general terms and conditions for property transfers. While there's no explicit mention of public review or input, considering terms and conditions could involve public feedback or engagement, mainly if the land bank entity adopts policies prioritizing community interests or development goals.

As I conclude this memo, I want to let you know I may send a follow-up later. Thank you for considering my thoughts on this vital policy item for the city.

Attachment:

1. Last Version of a_Charlottesville Land Bank Ordinance Presented to Council_May 21 2018.pdf
2. For Key Considerations discussed at the 2/21 HAC Regular HAC meeting, **see Pg.5** of the Housing Program Manager's 5/21 Meeting Prep Notes.pdf attached.
 - a. Attachment to document: Adopted August 16 Minutes Regular HAC Meeting.pdf **see Pg. 5 and 6.**

A. Executive Summary: The Affordable Housing Plan on Land Bank

The Affordable Housing Plan on Land Bank aims to address the pressing need for affordable housing in Charlottesville by establishing a land bank within 3 to 5 years. Currently, there is no organization engaged in land banking in the city, despite previous efforts to develop one facing challenges regarding authority, governance, and necessity (1). The primary benefit of a land bank is its ability to abate property taxes, though the city has limited public land available for development.

The recommended changes involve continuing to establish a land bank entity, exploring governance structures, and considering existing entities for land banking functions. The new land bank should be flexible in using and assembling underutilized land, such as tax-delinquent parcels for redevelopment or strategic land to prevent price inflation. It should be prohibited from competing with the CRHA and may utilize available city property for development if land acquisition is not a funding priority. The impacts of a land bank are significant, as it can acquire and hold tax-exempt property, develop land, and support public goals like affordable housing. Guiding principles include addressing racial equity by reducing barriers to homeownership for BIPOC residents, regional collaboration to extend impact, and a comprehensive approach that complements new land use policies.

In summary, the Affordable Housing Plan on Land Bank is a strategic approach to tackle the affordable housing crisis in Charlottesville by making use of land resources, with a focus on equity, collaboration, and long-term sustainability. The plan recognizes that key stakeholders include Housing Staff and nonprofit partners, and it involves recommendations on format and governance and determining administration methods. The timeframe for the plan is 3 to 5 years, and it does not require direct funding but may have potential impacts on the city's fiscal position through property tax abatement.

¹ The statement "There is no organization engaged in land banking in the city, despite previous efforts to develop one facing challenges regarding authority, governance, and necessity" may have accurately reflected the situation prior to March 2021. However, it is no longer entirely true today. Since then, several organizations have actively engaged with the concept of land banks as a tool for affordable housing, as evidenced by their participation in public meetings, convening community gatherings, or forming working groups specifically dedicated to discussing land banking.

While this increased civic engagement signifies a positive trend toward community involvement in development initiatives, it also challenges managing numerous voices, audiences, and working groups advocating and leading development efforts. Balancing diverse perspectives and ensuring effective collaboration among stakeholders become crucial tasks for the city in navigating this landscape of increased involvement.

B. Timeline: Actions on Land Bank in Virginia and the City of Charlottesville

2016: the Virginia General Assembly passed the Land Bank Entities Act, which authorizes localities to form a land bank by creating a local government authority, including a nonprofit corporation, or selecting an existing nonprofit. Housing staff has identified at least 5 land banks operating within the commonwealth: Chesapeake, Danville, Richmond, Roanoke, and Martinsville. The table covers each land bank's key authorizations, priorities, funding mechanisms, and critical considerations².

Land Bank	Establishment Date of Record	Status	Authorizations / Priorities	Funding Mechanisms	Legal Structure
Chesapeake	June 2018	Active	Administration of Programs, Acquisition of Property, Maintenance of Real Property, Disposition of Property, Prioritization of Property Use, Financing Operations, Tax Exemption	Grants and Loans, Revenue Streams, Real Property Tax Remittance	Land Bank Authority (CLBA)
Danville	March 2019	Active	Acquisition and Revitalization, Promotion of Reclamation, Prioritization of Property Use, Residential Housing Development, Subordinate Priorities	Donations, Grants, Loans, Access to City Resources, Provision of Services, Real Estate Tax Exemption	Neighborhood Development Corporation
Richmond	February 2018	Active	Creation of Affordable Housing, Acquisition and Disposition of Properties, Community Involvement,	Grants and Loans, Revenue Streams	Designated land bank entity, i.e., Richmond Land Bank / Maggie Walker Community

² Note some information with this table remains unconfirmed by the actual entity, locality, or organization being discussed—additional communication and collaboration is required.

			Reporting Requirements		Land Trust (MWCLT)
Roanoke	March 2019	Active	Designation, Revitalization, Operation and Administration, Compliance, Acquisition and Maintenance, Disposition	Grants and Donations, Revenue Streams, Tax Exemption	Designated land bank entity, i.e., Total Action Against Poverty in the Roanoke Valley (TAP)
Martinsville	October 2019	Active	Acquisition, Community, and Economic Development, and Reuse or Redevelopment.	Not enough information is available.	Martinsville Land Bank Authority

Each land bank in Virginia appears to share common goals, but their specific authorizations, priorities, and funding mechanisms vary based on local needs and circumstances. Future research should focus on gathering more information about the Martinsville Land Bank Authority to enable a comprehensive comparative analysis.

2017: Throughout 2017, the Council sought clarification on regulations and comparisons of various entities' powers. The HAC formed a Subcommittee to review and provide input, meeting publicly multiple times. Staff incorporated many Subcommittee recommendations into the proposed Ordinance, further refining them through discussions with HAC leadership. The final HAC Subcommittee recommendation and staff's input shaped the proposed Ordinance presented during the first reading in April 2018.

2018: The City of Charlottesville further initiated discussions on creating a Land Bank Corporation (LBC) to bolster affordable housing development in line with state law. Following the Council's request, staff engaged the HAC to gather community input.

HAC and Staff presented recommendations for the ordinance and Land Bank formation and implementation in April and May, which, upon second reading, the council elected to table the discussion.

2023: HAC resumed discussion of the item³. A summary of the August 18, 2023, regular HAC meeting where this item was last discussed follows:

1. **SS:** Provided background and historical context on previous efforts related to the Land Bank.
2. **SS:** Mentioned five critical steps needed before the subcommittee could bring recommendations back regarding the Land Bank, including obtaining the most recent version of the Land Bank and contacting representatives of the Regional Housing Partnership and Albemarle County to discuss their thoughts.
3. **SS:** Discussed feedback from regional partners and the urgency from the city perspective to establish a Land Bank entity.
4. **MP:** Stressed the urgency from the city's perspective to have an entity capable of property acquisition, emphasizing the Land Bank's potential impact.
5. **JJ:** Asked questions about starting a regional land trust in Charlottesville and why it might be problematic, prompting discussion on differing contexts and policy strategies among partners.
6. **d'O:** Suggested that contracting the Land Bank out to a third-party organization through an ordinance could be advantageous.
7. **AI:** Highlighted the need for the HAC to come back with a recommendation on the best model for administering the Land Bank and involving input from the City Attorney's office.
8. **d'O:** Proposed writing the ordinance with flexibility to join a regional land bank if formed, allowing the city to adapt to future developments.
9. **JJ:** Deferred further discussion on the Land Bank back to the appropriate HAC subcommittee for further consideration and recommendation.

2024: The City Manager will create a working group consisting of himself, the City Attorney, the Housing Program Manager, and two members from the Housing Advisory Committee and the City's Planning Commission.

³ See Adopted August 16 Minutes Regular HAC Meeting.pdf attached.

Questions: Key Considerations for Establishing a Land Bank in Charlottesville

1. **Legal Framework:** *What legal authority does the city have to establish a Land Bank under Virginia law?*

This involves understanding the provisions and requirements outlined in the Virginia Land Bank Act and ensuring compliance with all relevant statutes and regulations.

2. **Mission and Objectives:** *What are the primary goals and objectives of the Land Bank?*

This includes defining the Land Bank's mission in addressing specific community needs related to blight elimination, affordable housing, economic development, or other targeted purposes.

3. **Governance Structure:** *How will the Land Bank be governed and managed?*

This involves determining the organizational structure, composition of the board or governing body, decision-making processes, and roles and responsibilities of staff and stakeholders.

4. **Funding and Resources:** *What financial resources and funding mechanisms will support the operations and activities of the Land Bank?*

This includes identifying sources of funding, such as grants, loans, tax revenues, or proceeds from property sales, as well as establishing a budget and financial management plan.

5. **Property Acquisition and Disposition:** *What criteria will govern the acquisition and disposition of properties by the Land Bank?*

This involves developing clear policies and procedures for acquiring tax-delinquent, vacant, or blighted properties, as well as strategies for disposing of properties through sale, lease, or other means.

6. **Community Engagement:** *How will the Land Bank engage with and involve the community in its activities?*

This includes establishing mechanisms for public input, transparency, and accountability, as well as building partnerships with local stakeholders, organizations, and residents.

7. **Partnerships and Collaboration:** *How will the Land Bank collaborate with other governmental agencies, nonprofit organizations, and private sector entities?*

This involves identifying potential partners, leveraging resources and expertise, and coordinating efforts to maximize impact and achieve shared goals.

Adopted

CITY OF CHARLOTTESVILLE

"To be One Community Filled with Opportunity."

Housing Advisory Committee



Housing Advisory Committee (HAC) Minutes

Wednesday, August 16, 2023

12:00 p.m.

Call to Order at 12:08

1. Welcome and introductions.

Attendees:

- Joy Johnson (JJ)
- Phil d'Oronzio (d'O)
- Sunshine Mathon (SM)
- Cory Demchak (CD)
- Councilperson, Leah Puryear (LP)

City Staff Attendees:

- Alex Ikufuna (AI)
- Antoine Williams (AMW)
- Taylor Harvey-Ryan (THR)
- Anthony Warn (AW)

Virtual Attendees

- Councilperson, Michael Payne (MP)
- Christine Jacobs (CJ)

Absent:

- Dan Rosenweig (DR)
- John Sales
- Josh Hughes

2. Minutes – Minutes from the regular July 19, 2023, HAC meeting were accepted.

3. Subcommittee Discussions

Adopted

SS: discussed what estimated fees were pre-March 2023 for a Piedmont Housing Alliance (PHA) Project compared to the new fee structure; SS further discussed three areas where fee wavier could contribute towards Affordable and Special Needs Housing, LIHTC, and federal home loan bank.

JJ: took questions.

d'O: Commented that he agreed in principle regarding the discussion on proration and questioned, "If we are going to prorate the fee, which I agree that is what we should do, is there value in a recommendation that if – you know – whether if you are doing this by unit number square foot percentage – or whatever – that is quote affordable—if you get to a certain point two thirds or seventy percent of the project is affordable do you get a pass on the rest of it too"...

SS: stated that he did not have a 'strong opinion about that' and inquired if others had opinions on d'O comments.

d'O: further commented that he didn't know the number or framework would be...

SS: remarked that a possible scenario where d'O's remarks could be 'conducive to affordable housing beyond simply to a fee wavier ... is if you are in a situation where someone like a non-profit like us is partnering with a for-profit entity, which incentivizes the for-profit to work with some like us if they could get fee waivers out of it" ...

d'O: Followed that, he was also thinking about a situation where an annex and other mixed-use buildings you would have a situation where you would have the first-floor commercial, and everything else is affordable, or a portion of the units are affordable...

AMW: Followed by commenting, "Does the Virginia code ... does it specifically ... the enable legislation covers housing in terms of fee waivers," and added that he doesn't think the legislation has edict for commercial use...

d'O: Followed that is a good City Attorney question.

JJ: Asked for input from anyone online.

THR: Commented that she saw no hands raised or individuals off mute.

JJ: Asked about the next steps and if the HAC would send the item to staff or the city attorney...

SS: Remarked that "it would be helpful to have the HAC itself vote on ... continue to push the motion forward because right now it was just the subcommittee voted on this." ...

JJ: Asked if HAC needs more advice from the City Attorney

d'O: Responded with a recommendation and suggested that 'since he was dealing with the bylaws later and since we have to send them to the city attorney anyway ... that he will forward both the bylaws and

Adopted

the HAC motion regarding fee waiver to AMW, who can send it up to City Attorney to get an attorney to review and to determine if it's possible.

SS asked, "Considering how broad the original motion was, could the HAC still push it forward?"

JJ: took consensus on the recommendation from the committee of the policy recommendation. The HAC appeared to be in consensus in favor of the subcommittee's recommendation.

JJ: asked Councilperson Puryear for comments

LP: Commented that if there is an issue 'as it relates to the statute and you move it forward, and then it is kicked back by the City Attorney, then you wasted your time and suggested that HAC should get the City Attorney to weigh in first on the recommendations of the subcommittee.'

d'O: Replied the HAC was looking for the appropriate staff, management, and council to develop a plan... that was just the subcommittee that said so ... so does the whole HAC agree to recommend the appropriate staff and management ... and then ask for clarification if the motion should move forward and ask if the recommendation to the fullest extent of the law... then ask what is the fullest extent of the law

SS: We, the HAC, would not be crafting the ordinance.

LP: replied, "Correct."

d'O: also responded by saying, "Correct."

SS: Stated that all this is doing is asking staff to begin that process.

LP: Further commented that 'if you ask staff to complete investigator review of the statute based on what you want to be done if they say it can be done, they will say yes if cannot be done they will say no... I can support that.'

JJ: Took comments from online

MP (Online): Stated, "No ... I don't have strong thoughts ... I think if it is voted on for staff to review, I would guess that as part of the initial process, the City Attorney would review it before it came to council."

JJ: Asked for a motion

d'O: I move that the HAC adopt the motion approved by the HAC subcommittee on the 2nd of August, which recommends "that appropriate staff, management, and Council develop a plan for the waiver of fees related to the development of affordable housing units to the fullest extent possible under current law(inclusive of 15.2-2304)and to include those fees as described in 15.2 -958.4 of the Virginia Code and to do so with a sense of urgency to apply to projects in the current development pipeline.

JJ: Asked if there was a second...

Adopted

DR: Seconded the motion

JJ: Asked for any further discussion ... hearing none, and then took a vote

The motion passed without any objections.

JJ: Asked about the additional commentary referenced by AMW

d'O: Stated that he will raise the specific question that AMW raised that he will raise it with the City Attorney once he discusses the HAC by-laws, according to the availability of the City Attorney

JJ: Move on to the following discussion item: Land Bank

SS: Provided a background and historical context where HAC and Staff ended up on the last efforts.

SS: Further commented that there were five key things ... next steps before the subcommittee could bring any recommendations back... 'The first thing is that staff would furnish committee members with the most recent version of the land bank, which we have received.' Members of the committee would reach out to representatives of the Regional Housing Partnership and Albemarle County to discuss their respective thoughts on a land bank entity that might be regional in nature. Three: given the amount of time and the desire to get feedback from regional housing partners ..., the subcommittee would review the existing draft and make suggestions and changes at another subcommittee meeting ... have another subcommittee meeting, and then HAC would need to all agree on a recommendation.

SS: Went on to comment on the current thoughts of some regional partners, like Keith Smith, who expressed that if there is any regional Land Bank entity that forms that resides in the City first, it would be hard to get some other regional partners on board—politically more than anything. Other examples, e.g., near Richmond and cited data points: 1.) None of the regional jurisdictions in the Richmond (Maggie Walker Community Land Trust) model fund the land bank, but they have passed through some land 2.) approx. 40 properties have been conveyed to Maggie Walker Community Land Trust. 3.) Keith Smith also informed SS that the Planning District Commission (TJPDC) could partner with multiple jurisdictions but noted that they were not set up as a development entity.

SS: then took comments from TJPDC's Christine Jacobs if it was a viable option from TJPDC's perspective.

CJ: Cited the original housing partnership identified doing a regional feasibility study, and questioned if that effort should be accelerated ... and closed remarks by stating, "The TJPDC would interested in considering that, but have to learn a lot more."

SS: replied, "At least the door is cracked open," and went on to remark about the other data point, at which time he mentioned that there is another region in Virginia contemplating a regional model (Western Piedmont PDC?) add closed remarks the also meet with Councilperson Payne regarding general Land Bank subject and the City's urgency to form a land bank.

SS: then asked for MP to add remarks ...

Adopted

MP: Stated that there is urgency from a city perspective to have an entity to be a land bank that can get involved in property acquisition ... that is a single powerful action that can be taken ... and that if the entity could be operable in Charlottesville and Albemarle County

SS: Followed by remarking that there were no clear recommendations from the subcommittee, that the subcommittee is still gathering data, and that it would have a policy meeting in a couple of weeks.

JJ: Asked questions about remarks made by SS regarding starting a regional land trust in Charlottesville as to why that would be problematic

SS: Summarized that it could be that other partners don't see their context of need or policy strategies as the same as Charlottesville.

d'O: Commented that an ordinance that contracted the Land Bank out to a third-party organization would be more advantageous.

SS: Asked for staff input regarding how the land bank would be administered (i.e., internally or externally through a third party)

AI: Stated the previous intent was the land bank would be transactional and administered by the city, and added that currently, staff doesn't have a position on how the land bank is administered.

AI: further commented that the HAC could come back with its recommendation as to the best model for the city regarding how the Land Bank is administered

d'O: Followed with comments that the ordinance could be written with the flexibility that states if a regional entity is formed that allows the city to join the regional land bank.

JJ: Differed the further discussion on Land Bank back to the appropriate HAC subcommittee and requested that the subcommittee come back with a recommendation on how the HAC should move forward.

AI: Highlighted that the City Attorney may have a position and thoughts about this item and that HAC may want to involve the input of the City Attorney's office

AMW: Asked if any final materials would be coming back as the final recommendation for those items to be forwarded to OCS staff ahead of time.

SS: Asked AMW to follow up with DR to discuss when the policy subcommittee could convene.

JJ: Moved on to discuss the Governance subcommittee

d'O: Reported that the subcommittee met on 8/15/2023, went through the old by-laws, and presented the new edits.

CD: Added remarks regarding edits or language within the by-laws as it relates to quorum at subcommittee meetings and regular meetings

Adopted

LP: Remarked that the language regarding CD's comments could be written more clearly in the by-laws.

d'O: Advised that he would write the final draft and would then CC OCS staff (Antoine) when he emails the by-laws to the City Attorney

SS: Recommend new language be included in the by-laws specifically as it relates to the Secretary role; suggesting the Secretary will provide and develop meeting minutes with the coordination and assistance of Staff; and then asked about Article Four Section as it relates to the meeting schedule. SS suggested that the language stated shall meet monthly regularly unless otherwise noticed.

LP: Commented supporting that language should be consistent with SS's observations and recommendations.

JJ: Requested for motion

SS: Moved that the HAC send the current by-laws with the recommended inclusive of all edits and changes as discussed during the meeting to the City Attorney's office.

d'O: Second motion, with a friendly additament: to ask the Attorney how to phrase section seven.

JJ: Asked for any further discussion ... hearing none, and then took a vote

The motion passed without any objections.

JJ: Open for public comment ... hearing none took a motion to adjourn.