



## CITY COUNCIL AGENDA September 16, 2024

Juandiego R. Wade, Mayor  
Brian R. Pinkston, Vice Mayor  
Natalie Oschrein  
Michael K. Payne  
J. Lloyd Snook, III  
Kyna Thomas, Clerk

### 4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

### Call to Order/Roll Call

### Agenda Approval

### Reports

1. Report: FY26 Budget Kickoff

### 5:30 PM CLOSED MEETING (if called)

### 6:30 PM BUSINESS SESSION

### Moment of Silence

### Announcements

### Recognitions/Proclamations

- Proclamation: National Co-Responder and Crisis Responder Week September 15-21, 2024

### Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

### Consent Agenda\*

The consent agenda consists of routine, non-controversial items whereby all items are passed with a single motion and vote. Individuals speaking during Community Matters may address items on the Consent Agenda.

2. Minutes: September 3 regular meeting
3. Resolution: Resolution appropriating funds from the 2024 Energy Efficiency and Conservation Block Grant (EECBG) - \$76,840 (2nd reading)
4. Resolution: Resolution for State Pass-Thru Funding for Tonsler League - \$250,000 (2nd reading)
5. Resolution: Resolution to appropriate Fiscal Year 2025 Fire Programs Aid to Locality Funding (Firefund) - \$238,581.00 (2nd reading)
6. Resolution: Resolution to appropriate funds from the Department of Housing and Community Development- Virginia Homeless Solutions Program Grant \$470,805 (2nd reading).
7. Resolution: Resolution to approve the Seventh Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (2nd reading)
8. Ordinance: Ordinance for Stonehenge Avenue Encroachment Agreement (2nd reading)
9. Ordinance: Ordinance amending the City Code to extend the Public Safety Supplement Retirement Benefit to EMS-only Employees Enrolled in the Defined Benefit plan (2nd reading)

10. Resolution: Resolution to appropriate insurance claim reimbursement for The Avon Fuel Station Replacement Project - \$65,000 (1 of 2 readings)
11. Resolution: Resolution to appropriate Victim Witness Assistance Program Grant funds - \$257,024 (1 of 2 readings)
12. Resolution: Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$500,000 (1 of 2 readings)

#### **City Manager Report**

- Report: City Manager Report

#### **Action Items**

13. Public Hearing/Res.: Public Hearing and Resolution to approve the *2024 Parks & Recreation Accessibility Enhancements Project at Jordan Park* and to reprogram associated Community Development Block Grant funds, a major amendment, \$25,000 (1 of 2 readings)
14. Ordinance: Ordinance to adopt Fire Safety Code Fee Schedule (1 of 2 readings)
15. Ordinance: Ordinance to approve a Funding Agreement for Carlton Mobile Home Park (1 reading with 4/5 vote)
16. By Motion: Confidential Settlement Agreement

#### **General Business**

#### **Community Matters (2)**

#### **Adjournment**

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	September 16, 2024
<b>Action Required:</b>	None
<b>Presenter:</b>	Krisy Hammill, Director of Budget
<b>Staff Contacts:</b>	Samuel Sanders, Jr., City Manager Krisy Hammill, Director of Budget
<b>Title:</b>	<b>FY26 Budget Kickoff</b>

**Background**

The annual budget informs the City Council and the public of the City government's operational and capital plans for the coming fiscal year. The budget development process begins in the fall and provides the Council and the public the opportunity to review and decide the level of services that will be provided to the citizens. Once the budget is adopted by City Council in April, it becomes a work plan of objectives to be accomplished by the City Manager and City staff over the coming year.

**Discussion**

The City Manager's Proposed Budget, along with the School's Budget, is presented to City Council at the first Council meeting in March of each year. Throughout the budget development process, City Council work sessions and public hearings are held. The presentation tonight will highlight the process and important dates for the FY 26 budget development process.

**Alignment with City Council's Vision and Strategic Plan**

This item aligns with the strategic outcome area of Organizational Excellence while the budget itself will help to facilitate and plan for the success of the overall Strategic Plan..

**Community Engagement**

The public may attend City Council meetings, budget work sessions, and public hearings to comment on the proposed budget.

**Budgetary Impact**

The FY 26 Budget Development process will inform the FY 27 budget.

**Recommendation**

**Alternatives**

## **Attachments**

None



# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### National Co-Responder and Crisis Responder Week

**WHEREAS** the City of Charlottesville, with the Commonwealth of Virginia, and the United States have continued to address the issue of mental health concerns and substance use disorders; and

**WHEREAS** mental health concerns, substance use challenges, and co-occurring conditions often can lead to homelessness, incarceration, and emergency room visits, which are more intrusive and costly for communities than earlier interventions and connections to behavioral health services; and

**WHEREAS** many communities, towns, cities, counties, and states have realized the need for additional resources to address these issues and specifically when individual persons are experiencing crisis situations, including those in the City of Charlottesville, have identified the promising emerging practice and effective program called Co-Response; and

**WHEREAS** co-response is defined as pairing a crisis-trained mental health professional with a first responder, such as a police officer a firefighter paramedic, who respond as a team to collaboratively intervene in varying levels of crisis with the goal of diverting individuals from arrest and jail, diverting individuals from emergency department visits, and connecting those individuals in crisis with necessary and effective resources; and

**WHEREAS** the City of Charlottesville's Co-Responder Program, the ANCHOR Team (Assisting Navigation, Crisis Help, and Outreach Resources Team) was established in 2024 to partner mental health professionals and peers from our local nonprofit, Partner for Mental Health, with members of the Charlottesville Fire Department and Charlottesville Police Department to respond collaboratively to individuals in crisis; and

**WHEREAS** since its launch in July 2024, the five-member ANCHOR team has responded to over 50 calls for help by members of our community who were in crisis due to mental health and substance use concerns that caused them to call our Public Safety professionals via 9-1-1 for help; engaged in over 20 follow up calls or resource provision services to members of our community who were in crisis or otherwise needed supportive services;

**NOW, THEREFORE**, the Charlottesville City Council recognizes September 15-21, 2024, as **NATIONAL CO-RESPONDER AND CRISIS RESPONDER WEEK** in appreciation and gratitude for the ANCHOR Team members and the International Co-Responder alliance. We call upon the community to join in celebrating the addition of Co-Response to our community.

Signed and sealed this 16<sup>th</sup> day of SEPTEMBER in the year 2024;



## CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

### September 3, 2024 at 4:00 PM

### Council Chamber

The Charlottesville City Council convened in a regular meeting on Tuesday, September 3, 2024. Mayor Juandiego Wade called the meeting to order at 4:03 p.m., and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Mayor Juandiego Wade, Vice Mayor Brian Pinkston, and Councilors Natalie Oschrin, Michael Payne, and Lloyd Snook.

On motion by Pinkston, seconded by Payne, Council unanimously approved the meeting agenda.

## REPORTS

### 1. REPORT: UVa Student Research: The Memory Project

Dr. Jalane Schmidt, UVA Professor and former Director for The Memory Project at UVA's Karsh Institute of Democracy, presented findings from The Memory Project which concluded earlier in 2024. Between 2021 and 2024 a team of researchers working on behalf of the University of Virginia's Memory Project researched the antebellum history of Court Square and the Albemarle County Courthouse to uncover the site's significance as a place of enslavement and the commodification of human beings.

The research team's efforts involved reading through all Chancery Orders of the Albemarle County Court between the years 1830 and 1865, documenting every mention of enslaved people. Over the course of this research, documents revealed that the Court directly involved itself in the auctioning and sale of hundreds of enslaved people, especially in relation to the arbitration of estate disputes. These sales were ordered, advertised, and administered directly by court commissioners and on the grounds of Court Square. The Memory Project research indicated deep implications for further research, anticipating that genealogists and historians could use the hundreds of names and stories recovered to make connections and enhance their research into the history of slavery in Central Virginia. The research also indicated implications for ongoing interpretation of public spaces like Court Square. The final project was titled, "Enslavement by the Book: An Index to the Albemarle County Chancery Court Cases with mentions of Enslaved People, 1831 – 1865".

Following questions by City Council, City Manager Sam Sanders stated that the consultants retained for the Parks Master Plan process will not design what goes in city parks. The consultants have been instructed to have deeper engagement with the public regarding Tonsler, Washington, Court Square and Market Street parks to retain the character and integrity of what the city wants, while recommending options that take into consideration the historical context of the particular park and intentionality in future usage. The Memory Project findings and other community projects such as Swords into Plowshares will be provided as input to the Parks Master Plan process.

## **2. REPORT: Downtown Mall Tree Management Plan**

Riaan Anthony, Director of Parks and Recreation introduced Paul Josey, Wolf/Josey Landscape Architects, who presented the Downtown Mall Tree Management Plan report and recommendations. The Downtown Mall is on the National Register of Historic Places for its design innovation and high artistic value. The Downtown Mall represents Lawrence Halprin's only remaining work in Virginia and his only existing pedestrian mall. Of the 132 pedestrian malls constructed in U.S. cities between 1959 and 1974, only 43 remain. Charlottesville's Downtown Mall is eight blocks long, making it the longest in the country.

The presentation detailed the history of Downtown Mall trees, the original intentions of the landscape architect that designed the Downtown Mall, relative health of the trees occupying the mall, suggestions regarding how mall trees will be removed and replaced over time, and suggestions regarding how utilities and services will be maintained throughout the span of the project.

Councilors engaged in discussion and City Manager Sanders spoke about the interconnectivity of work performed by various city departments to manage and maintain the Downtown Mall. He also explained that he would bring forth related requests for Council's consideration and approval, some having financial implications.

### **CLOSED MEETING**

On motion by Pinkston, seconded by Snook, Council voted unanimously to close the open meeting and convene in closed session pursuant to Virginia Code 2.2-3712 as authorized by the Virginia Freedom of Information Act, Section 2.2-3711(A)(1) for discussion and consideration of assignment, appointment, performance, demotion, salary, discipline, and/or resignation of a specific named employee of the public body.

On motion by Pinkston, seconded by Snook, Council certified by a recorded vote that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed, or considered in the closed session (Ayes: Oschrin, Payne, Pinkston, Snook, Wade; Noes: none).

### **BUSINESS SESSION**

Council began the business session with a moment of silence.

### **ANNOUNCEMENTS**

Councilor Oschrin read a press release regarding the renaming of City schools and corresponding celebrations.

Councilor Payne reminded members of the public to sign up for CHAP real estate tax relief.

### **RECOGNITIONS/PROCLAMTIONS**

- **RECOGNITION: Charlottesville High School Varsity Boys Tennis and Soccer Teams**

### **and Elaina Pierce - State Champions**

Mayor Wade presented Certificates of Achievement to the Charlottesville High School state athletic champion teams and to Elaina Pierce as an individual state champion.

- **PROCLAMATION: International Day of Democracy - September 15**

Mayor Wade presented the proclamation to Kirk Bowers, who stated words of thanks and invited everyone to an event on September 14 promoting democracy.

- **PROCLAMATION: Sister City Besancon - 80th anniversary of liberation**

Mayor Wade presented the proclamation to Edward Herring, Chair of the Charlottesville Sister Cities Commission.

### **COMMUNITY MATTERS**

Mayor Wade opened the floor for comments from the public.

1. Sally Hudson, city resident, spoke in support of ranked choice voting.
2. Jen Fleisher, city resident, spoke in support of ranked choice voting.
3. Alexandra McGee, city resident, spoke in support of ranked choice voting, and about the need to anticipate and prepare for violence following the November General Election.
4. Nicholas Co, city resident, spoke in support of ranked choice voting.
5. Joshua Throneburg, on behalf of the Charlottesville Democratic Committee, recommended adoption of ranked choice voting.
6. Brett Jones, city resident, spoke in support of ranked choice voting.
7. Kevin Cox, city resident, spoke about the need for crosswalks and specific areas where marked crosswalks have been removed. He requested a copy of the engineering study that was used to justify the crosswalk at Hessian Road and Barracks Road between 2008-2012, and he requested an estimate of the cost.
8. Andrew Shelton, city resident, spoke in support of ranked choice voting.
9. Gloria Beard, city resident, spoke about the homeless population and the loss of affordable housing in the city.
10. Dede Smith, on behalf of the Charlottesville Historic Resources Committee, presented the new walking tour brochure available in hard copy and at [charlottesville.gov/walkingtourmap](http://charlottesville.gov/walkingtourmap).
11. Cindy Cartwright, city resident, spoke in support of ranked choice voting.
12. Liza Vance, city resident, spoke about the condition of the city with increasing homelessness and the need for improved city cleanliness. She requested that citizens come together to help beautify the city and help the homeless population.
13. Mo Van de Sompel, city resident, explained the fairness of the single transferable vote as a component of ranked choice voting.

### **CONSENT AGENDA**

Clerk Thomas read the following Consent Agenda items into the record, and on motion by Snook, seconded by Pinkston, Council by a vote of 5-0 adopted the Consent Agenda (Ayes: Oschrein,

Payne, Pinkston, Snook, Wade; Noes: None).

3. MINUTES: July 15 regular meeting, August 5 regular meeting, August 19 regular meeting, August 26 and 27 special meetings

4. RESOLUTION to Appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (2nd reading)

**RESOLUTION**

**Appropriating the sum of \$452,704 received from the Commonwealth as a Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)**

**WHEREAS**, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice; and

**WHEREAS**, this grant requires local maintenance of effort funds in the amount of \$52,231 from Albemarle County and \$108,415 from the City; and

**WHEREAS**, the grant award covers the period from July 1, 2024 through June 30, 2025.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that upon receipt of the sum of \$452,704 from the Commonwealth of Virginia, that sum is hereby appropriated in the following manner:

**Revenue – \$452,704**

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

**Expenditures - \$452,704**

\$103,704	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$349,000	Fund: 220	Cost Center: 3523001000	G/L Account: 599991

All funds hereby appropriated shall be accounted for and expended only in accordance with requirements of the VJCCCA grant program.

5. CDBG and HOME Investment Partnerships Programs (2nd readings)

- a. Program Year 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs (2nd reading)

**Resolution to Approve the City of Charlottesville & Thomas Jefferson HOME Consortium Consolidated Annual Performance and Evaluation Report (CAPER) for the Program Year 2023-2024 (PY23) CDBG & HOME Programs**

**WHEREAS** the City of Charlottesville has been designated as an Entitlement Community by the United States Department of Housing and Urban Development (HUD) and as such is a recipient of federal funds through the Community Development Block Grant (CDBG) & HOME Investment Partnerships (HOME) programs, and

**WHEREAS** the City is a contributing member of the Thomas Jefferson HOME Consortium (TJHC) in partnership with the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD's HOME program, and

**WHEREAS** City Council approved a 5-Year Consolidated Plan covering program years 2023-2027 at a public hearing held on May 1, 2023, and the associated 1-Year Annual Action Plan for program year 2023-2024 at a public hearing on June 5, 2023; and

**WHEREAS** HUD requires all localities receiving HUD funds to report on their annual accomplishments at the end of each program year through the CAPER; now

**THEREFORE, BE IT RESOLVED** that the City Council of Charlottesville, Virginia, hereby approves the city's Program Year 2023-2024 CAPER report.

b. Establish Council Priorities for Program Year 2025-2026 (2nd reading)

**Resolution to Establish Council Priorities for the Program Year 2025-2026  
Community Development Block Grant (CDBG) &  
HOME Investment Partnerships (HOME) Programs**

**WHEREAS** the City of Charlottesville has been designated as an Entitlement Community by the United States Department of Housing and Urban Development (HUD) and as such is a recipient of federal funds through the Community Development Block Grant (CDBG) & HOME Investment Partnerships (HOME) programs, and

**WHEREAS** the City is a contributing member of the Thomas Jefferson HOME Consortium (TJHC) in partnership with the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD's HOME program, and

**WHEREAS** in accordance with the City of Charlottesville's HUD-approved Citizen Participation Plan, the city's CDBG/HOME Task Force composed of residents and community representatives will be called on to review requests for funding of potential CDBG & HOME projects and to make recommendations for funding to Council in the Spring of 2025; now

**THEREFORE BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that the Program Year 2025-2026 CDBG & HOME programs (PY25) shall prioritize to the degree possible:

- A continued emphasis on expanding access to affordable housing opportunities, including but not limited to low-income housing redevelopment; workforce development, including but not limited to efforts to bolster Section 3 training opportunities other economic development activities; microenterprise assistance; access to quality childcare; homeowner rehabilitation and energy-efficiency upgrades; down payment assistance; and improvements to public infrastructure designed to eliminate or reduce barriers to access to public amenities for mobility-impaired residents
  - For program year 2025-2026, \$89,896.51 of CDBG Entitlement funds shall be set aside to support Economic Development activities
  - For program year 2025-2026, \$89,896.51 of CDBG Entitlement funds shall be set aside to support Public Facilities and Improvement activities, with a special emphasis on activities that will eliminate or reduce barriers to access for mobility-impaired residents
  - The CDBG Admin and Planning budget shall be set at 20% of the City's CDBG allocation
  - Any other guidelines or directions Council may wish to give in determining how CDBG and HOME funds should be spent
6. ORDINANCE to repeal City Code Sections 18-24(b) and 18-25(f) pursuant to the Ragged Mountain Reservoir Settlement Agreement (2nd reading)

**AN ORDINANCE TO AMEND CITY CODE CHAPTER 18, PARKS, AND RECREATION SECTIONS 18-24(b) and 18-25(f)**

7. RESOLUTION appropriating funds from the 2024 Energy Efficiency and Conservation Block Grant (EECBG) - \$76,840 (carried)
8. RESOLUTION for State Pass-Thru Funding for Tonsler League - \$250,000 (carried)
9. RESOLUTION to appropriate Fiscal Year 2025 Fire Programs Aid to Locality Funding (Firefund) - \$238,581.00 (carried)
10. RESOLUTION to appropriate funds from the Department of Housing and Community Development- Virginia Homeless Solutions Program Grant \$470,805 (carried).
11. ORDINANCE for Stonehenge Avenue Encroachment Agreement (carried)

**CITY MANAGER REPORT**

Deputy City Manager Eden Ratliff summarized an ongoing contract negotiation process with the Charlottesville-Albemarle SPCA.

City Manager Sanders reported that at the end of August there was a Rivanna Water and Sewer Authority Board update on the Rivanna Reservoir. The update addressed water quality concerns related to other localities and assured that those issues are not present for the city and that water quality and safety are a top priority for the City of Charlottesville and partners. Mr. Sanders

stated that there has been some interest in a land bank for the city as an additional affordable housing tool and he has been working with the Housing Advisory Committee to review a proposed ordinance that will be presented to City Council. Regarding the issue of homelessness, he acknowledged the complicated nature of finding solutions. A city working group has been working with The Salvation Army and other partners with the hope of establishing for the first time a permanent year-round low barrier shelter. The project would require a comprehensive approach as well as significant and ongoing investments of time and funding.

## **ACTION ITEMS**

### **12. ORDINANCE and RESOLUTION: Ranked Choice Voting**

Staff previously presented reports on Ranked Choice Voting (RCV) at several City Council meetings. Council engaged in discussion. Councilors Payne, Oschrein, Pinkston, and Wade spoke in favor of the proposed ordinance to adopt RCV. Councilor Snook expressed concern that the proposal is not a straightforward RCV but includes Single Transferable Vote (STV). Mayor Wade expressed a need for RCV proponents to conduct outreach to a diverse population of voters for public input and education.

#### **a. Ordinance to Adopt Ranked Choice Voting ("RCV") as the Voting Method for the June 2025 City Council Primary election (2nd reading)**

On motion by Pinkston, seconded by Oschrein, Council by a vote of 4-1 adopted the **ORDINANCE ESTABLISHING RANKED CHOICE VOTING AS THE ELECTION METHOD FOR THE JUNE 2025 CITY COUNCIL PRIMARY ELECTION.** (Ayes: Oschrein, Payne, Pinkston, Wade; Noes: Snook).

#### **b. Resolution to appropriate \$26,460 for Ranked Choice Voting (2nd reading)**

On motion by Pinkston, seconded by Oschrein, Council by a vote of 5-0 approved the resolution for funding to support ranked choice voting for the June 2025 City Council Primary election.

### **RESOLUTION**

#### **Appropriating Funding for Ranked Choice Voting \$26,460**

**WHEREAS** the City Council has approved an ordinance to adopt Ranked Choice Voting as the voting method for the June 2025 City Council Primary election; and

**WHEREAS** pursuant to Virginia State Administrative Code 1VAC20-100-80, the local governing body must develop and distribute an educational/outreach program and purchase new hardware/software for ranked choice voting tabulation;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, that the sum of \$26,460 is hereby appropriated to be transferred



from the Council Strategic Initiatives account in the General Fund to the Voter Registrar's budget for this purpose.

**Transfer From:**

\$26,460      Fund: 105      Cost Center: 1011001000      G/L Code: 599999

**Transfer To:**

\$26,460      Fund: 105      Cost Center: 2301001000      G/L Code: 599999

**13. ORDINANCE amending the City Code to extend the Public Safety Supplement Retirement Benefit to EMS-only Employees Enrolled in the Defined Benefit plan (carried)**

Scott Carpenter, Deputy Chief of Operations, introduced the ordinance request. Current members of the Charlottesville Fire Department ("CFD") who are classified as firefighters/ EMT's and enrolled in the Defined Benefit (pension) plan receive a public safety supplement if they retire with at least twenty (20) years of service. The CFD intends to hire EMS-only employees and would like to extend the same public safety pension supplement under the same provisions.

Council agreed to carry the item to the September 16 consent agenda for second reading and vote.

**14. RESOLUTION to approve the Seventh Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (carried)**

Antoine Williams, Housing Program Manager, introduced the agenda item. On June 19, 2017, the City Council approved the creation of the Charlottesville Supplemental Rental Assistance Program (CSRAP). The Grant Agreement between the City and the Charlottesville Redevelopment and Housing Authority (CRHA) was executed in January 2018, with the first voucher issued in April 2018. To date, the City Council has approved a total funding of \$5,295,000 for CSRAP, distributed across various fiscal years. This includes a contribution of \$900,000 for FY23-24. Additionally, the City Council has committed \$900,000 annually from FY25 through FY29, totaling \$4,500,000 from the Capital Improvement Program (CIP). As part of the City's CIP housing investment portfolio, this ongoing commitment ensures that the program can scale and adjust to meet the community's needs, with specific funding allocations reviewed and adjusted each year, generally between July and August. For this current iteration of CSRAP, there are no substantial changes as part of the CSRAP seventh amendment.

Zoe Parakuo, CRHA, made a presentation about CSRAP and helping participants to reach self-sufficiency. John Sales, CRHA, mentioned reasons for the decreased number of referrals and plans to enhance relationships with referral agencies as well as to enhance education about the program.

Council agreed to carry the item to the September 16 consent agenda for second reading and vote.

**15. RESOLUTION considering a Sidewalk Waiver Request for 2117 Ivy Road**

Dannan O'Connell, Planner, presented the waiver request.

Timmons Group ("Applicant"), on behalf of Up Campus Student Living ("Owner"), requests a waiver from the requirement of Section 29-182(j)(3) of the City Code for construction of sidewalks to connect to existing sidewalk on adjacent properties. The request seeks to waive the sidewalk requirement for a portion of Copeley Road as part of the 2117 Ivy Road Planned Unit Development (PUD) final site plan. This development was subject to a PUD rezoning and development plan with proffers, which was approved by City Council on January 24, 2024. The approved PUD Development Plan does not show sidewalk along this stretch of Copeley Road, and the submitted site plan matches this layout. However, approval of the PUD Development Plan does not constitute a waiver for subdivision or engineering streetscape design standards, and an approved waiver is still required to permit the proposed sidewalk layout. The City's new Development Code no longer requires City Council approval to waive or modify sidewalk standards for new development projects; however, the 2117 Ivy Road PUD is considered vested in the City's previously approved zoning and subdivision regulations, and therefore the previous practice remains applicable to the project.

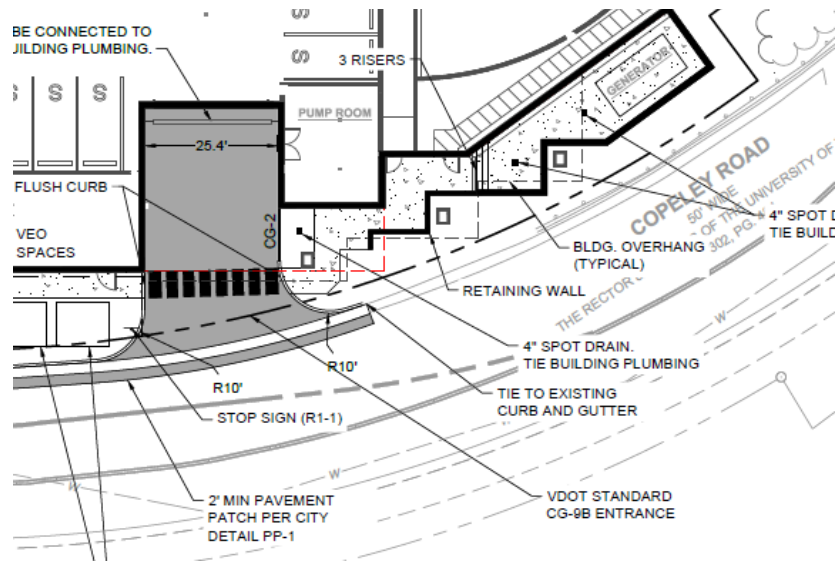
On motion by Snook, seconded by Pinkston, Council by a vote of 5-0 approved the resolution granting the sidewalk waiver (Ayes: Oschrein, Payne, Pinkston, Snook, Wade; Noes: none).

**RESOLUTION  
SIDEWALK WAIVER REQUEST FOR A RESIDENTIAL DEVELOPMENT  
REFERRED TO AS "2117 IVY ROAD PUD"**

**WHEREAS**, Timmons Group ("Applicant"), on behalf of Up Campus Student Living, ("Owner") the owner of certain land fronting on Ivy Road and Copeley Road, designated on the City Tax Map and Parcel (TMP) as Parcel 070001200 (the "Subject Property"), has submitted an application seeking a waiver of the requirement of City Code Section 29-182(j)(3) that sidewalks shall be constructed and land dedicated to the public for developments along existing streets to connect them to existing sidewalks. This application is submitted in connection with the Applicant/Owner's proposed development of ZM23-00003 (Planned Unit Development), and

**WHEREAS**, City staff has submitted to City Council a staff report providing information and staff's recommendation regarding the sidewalk waiver request, and City Council has reviewed the application and the staff report and has considered the factors set forth within the City's Subdivision Ordinance, Sections 29-36 and 29-182(j)(5); now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the sidewalk waiver request presented to this Council by the Applicant/Developer is hereby granted along approximately one hundred thirty (130) feet along the west side of Copeley Road abutting City Lots currently identified as Real Estate Parcel Identification Number 070001200 as depicted below.



## GENERAL BUSINESS

Mayor Wade announced the retirement of City Attorney Jacob Stroman.

## COMMUNITY MATTERS (2)

Mayor Wade opened the floor for comments from the public.

- Sally Hudson thanked Council for adopting Ranked Choice Voting and thanked councilors for their input.
- Nicholas Co thanked Council for adopting Ranked Choice Voting.

The meeting adjourned at 8:31 p.m.

BY ORDER of City Council

BY Kyna Thomas, Clerk of Council

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Appropriation
Presenter:	Tray Biasioli, Climate Program Specialist
Staff Contacts:	Kristel Riddervold, Director of the Office of Sustainability Tray Biasioli, Climate Program Specialist Taylor Harvey-Ryan, Grants Program Manager FOIA Account, FOIA Officer
Title:	<b>Resolution appropriating funds from the 2024 Energy Efficiency and Conservation Block Grant (EECBG) - \$76,840 (2nd reading)</b>

**Background**

The City of Charlottesville has been notified of a \$76,840 Energy Efficiency and Conservation Block Grant (EECBG) award from the U. S. Department of Energy (DOE). Funding for this grant was appropriated through the Infrastructure Investment and Jobs Act of 2021. The City of Charlottesville was a formula recipient for these funds and was notified of funding approval in August 2024. This funding will be transferred to LEAP to fund energy audits for low- and moderate-income households in the City.

**Discussion**

The purpose of the EECBG Program is to provide funds to units of local and state government, Indian tribes, and territories to improve energy efficiency and reduce energy use and fossil fuel emissions in their communities. The City's application was written with the goal of leveraging additional federal funds to advance residential energy efficiency and electrification work within the community. EECBG funding will be used to provide LEAP energy audits to low- and moderate-income households, allowing these households to take advantage of income-limited federal rebates through the Inflation Reduction Act.

The grant funding will allow LEAP to perform approximately 160 in-depth residential energy audits. The grant period of performance is up to 2 years, requiring project close-out by August 2026. LEAP anticipates that the audits will be completed within 1 year.

**Alignment with City Council's Vision and Strategic Plan**

This action is in direct alignment with the City's Strategic Plan Framework's outcome areas of *Climate Action* and *Housing*. These audits will help households reduce energy consumption and associated carbon emissions, as well as improving building durability, indoor air quality, and energy affordability. Additionally, these audits are supported by the City's 2023 Climate Action Plan. Chapter 5 of the Climate Action Plan calls for the City to "increase participation by low-income households in

*fully funded programs for energy efficiency improvements”, and “develop and identify funding assistance programs designed for mid-income households” (CAP, pg. 41).*

Additionally, the funded audits are in alignment with City Council’s Green City Vision and the City’s Comprehensive Plan: Chapter 7 (Environment, Climate, and Food Equity).

### **Community Engagement**

Through the development of the Climate Action Plan, the community provided comments and input supporting energy efficiency in homes to achieve cost savings and GHG emission reductions. As these funds are programmed to provide residential energy audits to identify these opportunities, there will be engagement efforts to connect eligible and interested community members with the audit services.

### **Budgetary Impact**

There is no (\$0) impact on the General Fund. This is a 100% federal grant with no local match required.

### **Recommendation**

Staff recommends City Council approval and appropriation of the funding in the amount of \$76,840 from the DOE EECBG Program.

### **Alternatives**

If grant funds are not appropriated, this federal, formula funding will have to be forfeited.

### **Attachments**

1. Council Memo\_EECBG\_Resolution

## RESOLUTION

### **Appropriating Funding in the Amount of \$76,840 To Be Received from the Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program**

**WHEREAS**, The City of Charlottesville, through the Office of Sustainability, has been notified that it will be awarded a \$76,840 grant from the US Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program to support the residential energy audits; and

**WHEREAS**, the funds will be used by the Local Energy Alliance Program (LEAP) to conduct home energy audits; and

**WHEREAS**, the City Manager is authorized to execute the DOE agreement and a subsequent sub-recipient agreement with LEAP at a later time as it pertains to completing the activities of this grant.

**NOW, THEREFORE BE IT BE RESOLVED** by the Council of the City of Charlottesville, Virginia, that upon receipt of the awarded DOE grant, said funding, anticipated in the sum of \$76,840 is hereby appropriated, in the following manner:

#### Revenues

\$76,840	Fund: 211	Funded Program: 1900565	G/L Account: 431110
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#### Expenditures

\$76,840	Fund: 211	Funded Program: 1900565	G/L Account: 599999
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of \$76,840 from the DOE EECBG Program.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Approval of the Resolution
Presenter:	Krisy Hammill, Director of Budget
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	<b>Resolution for State Pass-Thru Funding for Tonsler League - \$250,000 (2nd reading)</b>

**Background**

The Tonsler League was originally established in 2010 by Damien “Snake” Banks, and formerly known as the Banks Collage Basketball Association (BCBA). In 2022, the league was taken over by Dr. Wes Bellamy, and renamed as the Tonsler League in honor of Benjamin Tonsler, the former principal for 30 years of the first Black school in Charlottesville, entrepreneur and community leader.

The Tonsler League is a summer basketball league that plays from June through August each summer at Tonsler Park in Charlottesville, Virginia. The league is known for its infectious family-like atmosphere. Arguably the largest and most consistent weekly gathering of African American community members in the area, the Tonsler League has played a pivotal role in promoting peace and positivity within the community through an array of different activities. Each summer, teams get together to compete at Tonsler Park (aka THE JUNGLE) in hopes of winning the championship title and bragging rights until the next season. While the Tonsler League is widely known for its weekly basketball match-ups, they pride themselves on their community engagement events. The league now has a Lady Tonsler League and Junior Tonsler League to help provide more opportunities for the community to participate. In addition to the basketball component, the Tonsler League also provides bikes at their annual bike giveaway, free food for families at our annual Thanksgiving turkey giveaway, a sneaker ball for the community, and scholarships and sponsorships for a variety of partner programs in the greater Charlottesville community.

Now in its third year as the Tonsler League, we are looking to expand our programming year round, and serve more portions of the region.

**Discussion**

The FY25/26 state budget under the Virginia Department of Social Services (VDSS) has appropriated \$250,000 for the state's general fund to be given to the City of Charlottesville in FY 25 to support the programming at the Tonsler League. Dr. Wes Bellamy and City Staff are working with VDSS staff to procure the funds. These funds will be received as pass-thru funds from the state to the City. Once received, the City will transfer the funds to the Tonsler League in accordance with the terms and conditions as set forth by VDSS..

**Alignment with City Council's Vision and Strategic Plan**

This item aligns with the Council's strategic outcome area of **Partnerships**.

**Community Engagement**

The Tonsler League is well attended and the community is looking forward to the expanded activities.

**Budgetary Impact**

The Virginia Department of Social Services is providing 100% of the funding. There is no local match required. Once received, the funds will be released to the Tonsler League in accordance with the terms and conditions as set forth by VDSS.

**Recommendation**

Staff recommend approval and appropriation of the funding.

**Alternatives**

N/A

**Attachments**

1. VDSS Funding for Tonsler League



**RESOLUTION**  
**Appropriating funds from the Virginia Department of Social Services**  
**(VDSS) for the Tonsler League**  
**\$250,000**

**WHEREAS**, the City of Charlottesville through the Virginia Department of Social Services will receive a funding award of \$250,000 to support the Tonsler League;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$250,000 received from the Virginia Department of Social Services is hereby appropriated in the following manner:

**Revenues - \$250,000**

\$250,000      Fund: 209                      Order: 1900564                      G/L Code: 430110

**Expenditures - \$250,000**

\$250,000      Fund: 209                      Order: 1900564                      G/L Code: 540100

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$250,000 from the Virginia Department of Social Services.

Approved by Council

Kyna Thomas, CMC  
Clerk of Council

Approved as to form:

\_\_\_\_\_  
City Attorney

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Appropriation
Presenter:	Mike Rogers, Deputy Chief of Business Services
Staff Contacts:	Mike Rogers, Deputy Chief of Business Services
Title:	<b>Resolution to appropriate Fiscal Year 2025 Fire Programs Aid to Locality Funding (Firefund) - \$238,581.00 (2nd reading)</b>

**Background**

The Code of Virginia provides for the collection of an annual levy each fiscal period from the insurance industry. Such a levy is collected by the State Corporation Commission, and the amounts collected are then transferred into the Fire Program Fund (Firefund). These aid to locality monies are then distributed to the jurisdictions to supplement the localities' funding for fire service based training, training supplies, training equipment, prevention activities, and some response equipment. This is an annual allotment of funding. All usage and any carryovers are reported out to the Department of Fire Programs at the end of the fiscal period before the next fiscal period monies are granted. The City of Charlottesville has been awarded \$238,581.00 in these funds for FY 2025.

**Discussion**

The Aid to Locality monies are distributed annually to aid departments in their training, prevention, and equipment efforts. While the monies cannot be used to directly/indirectly supplant or replace other locality funds, they help us to provide for additional firefighting training resources, logistics, courses, and equipment as outlined in the Department of Fire Programs Aid to Locality allowable uses chart.

**Alignment with City Council's Vision and Strategic Plan**

The Aid to Locality/Firefund allocation supports the City's Vision Statement and Strategic Outcome Area for Public Safety by providing supplemental training and equipment funding for fire prevention, firefighting, hazardous materials, and technical rescue. With this additional funding being put towards these purposes, we are better able to prepare our responders to deliver emergency services and/or information to the citizens, students, business community members, and guests of the City.

**Community Engagement**

N/A

**Budgetary Impact**

There is no impact on the General Fund, as these funds do not require a City match. The FY 2025 funds will be budgeted and expensed in the City's grant fund.

**Recommendation**

Staff recommends approval and appropriation of grant funds.

**Alternatives**

If Aid to Locality funding is not appropriated, the Fire Department will not be able to utilize this supplemental funding to help support its training, prevention, and equipment efforts.

**Attachments**

1. Resolution\_Firefund FY 2025

**RESOLUTION to APPROPRIATE**  
**Fiscal Year 2025 Fire Programs Aid to Locality Funding (Firefund)**  
**\$238,581.00**

**WHEREAS**, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$238,581.00 be appropriated in the following manner:

**Revenues - \$238,581**

\$238,581	Fund: 209	I/O: 1900010	G/L Account: 430110
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**Expenditures - \$238,581**

\$238,581	Fund: 209	I/O: 1900010	G/L Account: 599999
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$238,581.00 from the Virginia Department of Fire Programs.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Appropriation of DHCD VHSP Funds Approval for City Manager to execute Grant Agreement
Presenter:	Taylor Harvey-Ryan, Grants Program Manager
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	<b>Resolution to appropriate funds from the Department of Housing and Community Development- Virginia Homeless Solutions Program Grant \$470,805 (2nd reading).</b>

**Background**

The Office of Community Solutions, in coordination with the Blue Ridge Area Coalition for the Homeless (B.R.A.C.H.) applied for and received a grant from the Virginia Department of Housing and Community Development (DHCD). The Virginia Housing Solutions Program award is \$470,805 and funds to be expended between July 1, 2024 and June 30, 2025.

**Discussion**

The City of Charlottesville has staff from the Office of Community Solutions and the Department of Human Services serving on the B.R.A.C.H. Board of Directors. The Virginia Homeless Solutions Program (V.H.S.P.) is an important resource in our community's effort to end homelessness. Included in the amount of \$470,805 in state general funds, of which \$120,286 is for State Rapid-Rehousing. The balance of the funds is split among the other eligible categories which provide service at various points along the local continuum of services:

1. Coordinated Assessment: The Haven serves as the physical front door to the homelessness system of care, using an evidence-based tool for determining priority access to available resources.
2. Emergency Low Barrier Shelter: P.A.C.E.M. provides low barrier shelter for adults using rotating local churches for support.
3. Rapid Re-housing & Housing Navigation: The Haven screens and administers rapid re-housing assistance and housing navigation to households experiencing homelessness.
4. Case Management: The Haven provides supportive services, including crisis intervention, case management and service referrals.
5. Targeted Prevention: The Haven administers the Targeted Prevention program which assists households who are 14 days or less to entering homelessness either locate housing or maintain their current housing.

6. Homeless Management Information System (H.M.I.S.): B.R.A.C.H. ensures that data is entered into the H.M.I.S. system, which is a well-populated database for individuals experiencing homelessness. H.M.I.S. collaboration provides real-time monitoring of the needs and progress of individuals and households facing homelessness. Collaborative use of H.M.I.S. among B.R.A.C.H. Continuum of Care Service Providers expedites communication and reduces the need to interface disparate documentation systems.
7. CoC Planning (Coalition Coordination): B.R.A.C.H. provides leadership and coordination for the required local homelessness continuum of care.
8. Administration: The City of Charlottesville, as the award recipient, is eligible for an administrative fee. Staff proposes that we pass these funds through to B.R.A.C.H. (as we have done in prior years) in recognition of staff time spent processing checks and managing this grant process.

### **Alignment with City Council's Vision and Strategic Plan**

This grant advances the City of Charlottesville's Strategic Outcome Areas of:

1. Housing: Provides temporary housing for individuals experiencing homelessness; provides Rapid Re-housing services to individuals so that they may quickly exit homelessness into permanent housing; and Targeted Prevention which assists individuals in either maintaining or securing permanent housing so that they do not become homeless.
2. Partnerships: This grant provides opportunities for the City to partner with B.R.A.C.H. in the administration of the VHSP grant, as well as requires collaboration between community partners to ensure individuals experiencing homelessness are evaluated, prioritized, and receive services to end their housing crisis as quickly as possible.

### **Community Engagement**

This grant is a product of extensive engagement of the service provider community for people experiencing homelessness. This partnership is reflective of the governance model for B.R.A.C.H. and the priority requests submitted by the service providers.

### **Budgetary Impact**

There is no budgetary impact for the City of Charlottesville, as this grant consists of state funds from the Virginia Department of Housing and Community Development. The match requirement is made through previously appropriated CAHF funds awarded to B.R.A.C.H.

### **Recommendation**

Staff recommends the appropriation of the \$407,805 from DHCD to support VHSP.  
Staff recommend the approval for the City Manager to execute the VHSP grant agreement.

### **Alternatives**

Council may elect not to accept the funds and the community will not have the capacity to administer the following services to people experiencing homelessness: emergency low-barrier shelter, coordinated entry/ assessment, Rapid Re-housing, Targeted Prevention, Continuum of Care Coordination, and services for the grant.

**Attachments**

1. VHSP FY 25 Resolution
2. City of Charlottesville FY25 VHSP Grant Agreement

**RESOLUTION**  
**Appropriating Funding in the Amount of \$470,805 To Be Received from Virginia Homeless Solutions Program**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has been notified that it will be awarded an additional grant from the Virginia Housing Solutions Program (V.H.S.P.) Fund of the Virginia Department of Housing and Community Development, in the amount of \$470,805.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that, upon receipt of the additional VHSP funding from the Commonwealth, said funding, anticipated in the sum of \$470,805, is hereby appropriated in the following manner:

Revenues		
\$470,805	Fund 209	Order 1900566 GL 430110 State Grant

Expenditures		
\$470,805	Fund 209	Order 1900566 GL 53550 Contracted Services



**GRANT AGREEMENT  
VIRGINIA HOMELESS SOLUTIONS PROGRAM  
Program Year 2024-2025**

**25-VHSP-008**

This Grant Agreement is made by and between the **Virginia Department of Housing and Community Development (“DHCD”)**, and **City of Charlottesville (“Grantee”)** for the period **July 1, 2024 to June 30, 2025** in the amount of **\$470,805**. Included in the amount is **\$470,805** in state general funds to be expended for outreach, emergency shelter operations, targeted prevention activities, rapid re-housing activities, centralized/coordinated entry, CoC planning, HMIS, and/or administration as indicated in the DHCD Continuum of Care (CoC) Year One Funding Request. Rapid re-housing activities are to be divided according to the chart below.

<b>Rapid Re-housing</b>	<b>Allocation</b>	<b>Performance Period</b>
State Rapid Re-housing	<b>\$120,286</b>	<b>July 1, 2024 – June 30, 2025</b>

The Grantee was identified as part of the community's emergency response system to homelessness in the 2024-2026 Homeless and Special Needs Housing (HSNH) Virginia Homeless Solutions Program (VHSP) application submitted by the lead agency (or designee) of the Continuum of Care (CoC) or Virginia Balance of State Local Planning Group (LPG). Activities funded through this grant will be provided at the Grantee location(s) identified in DHCD's Centralized Application Management System (CAMS).

DHCD administers the Commonwealth of Virginia's homeless services resources through the VHSP. The Grant, which is the subject of this Agreement, is comprised of state funds through State General Fund appropriations. The Grant is subject to the terms, guidelines and regulations set forth in the Homeless and Special Needs Housing 2024-2026 Guidelines document, any subsequent amendments, the CoC/LPG proposal as amended through negotiations with DHCD, the DHCD approved Grantee budget, HUD regulations 24 CFR Part 576, as amended, which are incorporated by reference as part of this Agreement, the laws of the Commonwealth of Virginia and federal law.

**I. Scope of Services**

The VHSP goals are to assist households experiencing homelessness to quickly regain stability in permanent housing and to prevent households from becoming homeless. This funding will support coordinated community-based activities that are designed to reduce the overall length of homelessness in the community, the number of households becoming homeless, and the overall rate of formerly homeless households returning to homelessness.

VHSP funds may be used for one or more of the following activities as detailed in the HSNH guidelines and must coincide with the year one request submitted by the CoC/LPG lead agency and approved by DHCD:

- Outreach
- Centralized or Coordinated Assessment/Entry System
- Targeted Prevention
- Emergency Shelter Operations

- Rapid Re-housing
- CoC Planning
- HMIS
- Administration

## II. Conditions

### A. Service Provision

The Grantee is responsible for coordination of VHSP activities with other CoC/LPG VHSP Grantees and mainstream resources. The Grantee must assure non-duplication of services with other VHSP Grantees.

### B. Reimbursement

Funds are disbursed on a reimbursement basis. Grantees must submit remittances in DHCD's CAMS and be able to provide documentation that the work, services, or cost occurred within the grant period and the expenses were paid appropriately by the Grantee.

Grantees may elect to submit remittances on a monthly or bi-monthly basis. The option selected should be adhered to throughout the year. Supporting documentation must clearly indicate the period for which the reimbursement is requested.

Payment Period	Remittance Submission Timeframe
July 1-31, 2024	August 1-31, 2024
August 1-31, 2024	September 1-30, 2024
September 1-30, 2024	October 1-31, 2024
October 1-31, 2024	November 1-30, 2024
November 1-30, 2024	December 1-31, 2024
December 1-31, 2024	January 1-31, 2025
January 1-31, 2025	February 1-28, 2025
February 1-28, 2025	March 1-31, 2025
March 1-31, 2025	April 1-30, 2025
April 1-30, 2025	May 1-31, 2025
May 1-31, 2025	By June 5, 2025
June 1-30, 2025 (projection)	By June 5, 2025

### C. Reporting

Grantees must submit reports as required by DHCD. Such reports may include, but are not limited to, outcomes and performance reports. Any required reports and their due dates will be announced by DHCD along with any relevant instruction. Submission of reports implies approval from the executive director and is considered final. DHCD reserves the right to withhold reimbursement payments if the Grantee fails to submit the reports.

#### Year-End Report

The Grantee must submit a year-end report no later than the Tenth day of July 2025.

### D. Continuum of Care Participation

Grantees must actively participate in the Homeless Management Information System (HMIS) and regional Continuum of Care or Balance of State Local Planning Groups. In addition, Grantees must assure full participation in annual point-in-time and housing inventory counts.

**E. Accounting**

The Grantee must adhere to Generally Accepted Accounting Principles (GAAP). The Grantee shall establish and maintain separate accounts within its existing accounting system or set up accounts independently. The Grantee shall record in its accounting system all grant payments received pursuant to the grant and all other match funds provided for, accruing to, or otherwise received on account of the grant.

All costs charged to the grant shall be supported by properly executed payrolls, timesheets, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, contracts, vouchers, or other accounting documents pertaining in whole or in part to the grant shall be clearly identified, readily accessible, and separate and distinct from all other such documents. Such documents shall reside at the offices of the grantee.

**F. DHCD Notification**

Grantee must notify DHCD of any potentially illegal act, such as misuse of grant funds or fair housing violations, immediately upon knowledge of such act. In addition, Grantee must notify DHCD should any other local, federal or state agency uncover evidence of any potentially illegal act.

Grantee must notify DHCD if there is a change in agency management and/or fiscal personnel. Failure to do so will constitute a finding and may result in repayment of funds by the Grantee, the de-obligation of current funding and the preclusion of future funding.

**G. Audit**

All grantees, sub-grantees, CHDOs, sub-recipients, localities, developers, or any other organizations that receive funding during a program year and/or have projects in progress are required to submit financial statements to DHCD. Required statements are as followed: Financial Statement(s)\*\*, Reviewed Financial Statement(s) prepared by an Independent Certified Public Accountant (CPA), Financial Statement(s) that have been audited by an Independent CPA or an audit required by the Code of Federal Regulations (CFR), (2 CFR 200 Subpart F), audited by an independent CPA. Please see the table below to determine which documents your organization is required to submit.

The threshold requirements outlined below are the minimal standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures <\$100,000 (Regardless of source)	Financial Statement(s) prepared by organization**

Total annual expenditure between \$100,001 and \$300,000 (Regardless of source)	Reviewed Financial Statement(s) prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures > \$300,000 (Regardless of source)	Financial Statement(s) that have been audited by an Independent CPA
Federal expenditures >\$750,000	2 CFR 200 Subpart F Audit – Audited by an Independent CPA

\*\* Does not require preparation by a CPA

Required financial statements must be submitted yearly, within nine (9) months after the end of your fiscal year or 30 (thirty) days after it has been accepted (reviewed financial statement(s), audited financial statements, and 2 CFR 200 Subpart F audit only) - whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at:

<https://www.dhcd.virginia.gov/sites/default/files/Docx/audit-policy/dhcd-audit-policy.pdf>

#### H. **Suspension and Debarment**

Non-Federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, [2 CFR part 180](#). The regulations in [2 CFR part 180](#) restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

- (a) Independent Public Accountants (IPAs) debarred from providing audit services for all recipients are prohibited from soliciting or entering into any new contracts for audit services with recipients for the duration of the specified period of debarment. Recipients shall not knowingly award contracts to, extend or modify existing contracts with, or solicit proposals from, such IPAs. Debarred IPAs also are prohibited from providing audit services to recipients as agents or representatives of other IPAs.
- (b) IPAs debarred from providing audit services for one or more specific recipient(s) are prohibited from soliciting or entering into any new contracts for audit services with such recipient(s) for the duration of the period of debarment as determined pursuant to this part. The affected recipient(s) shall not knowingly award contracts to, extend or modify existing contracts with, or solicit proposals from, such IPAs. Debarred IPAs also are prohibited from providing audit services to the affected recipient(s) as agents or representatives of other IPAs, and are required to provide prior written notice to the debarring official before providing such services to other recipients. Debarred IPAs also must provide prior written notice of the debarment to any recipient for which the IPA provides audit

#### I. **Compliance**

Grantees with outstanding audit findings, IRS findings, DHCD monitoring findings or other compliance issues are not eligible to receive allocations. DHCD will

work with all interested parties toward the resolution of unresolved matters, where appropriate.

**J. Maintenance of Records**

Records shall be readily accessible to DHCD, appropriate state and federal agencies, and the general public during the course of the grant agreement and shall remain intact and accessible for five years thereafter. The exception is in the event that any litigation claim or audit is started before expiration of the five year period, the records shall be retained until such action is resolved.

**K. Costs Incurred Prior To Grant Agreement Execution**

No costs incurred prior to the start of the contract period shall be eligible for reimbursement with grant funds, unless incurred costs are authorized in writing by DHCD.

**L. Expenditure Review**

DHCD will monitor expenditure rates to ensure state resources are maximized. Failure to expend funds proportionately throughout the contract period may result in the de-obligation of funds. DHCD reserves the right to de-obligate funds at any time during the contract period and reallocate as deemed appropriate within the CoC/LPG or statewide based on compliance, performance, need, and available funding.

**M. Termination, Suspension, Conditions**

If through any cause, the Grantee fails to comply with the terms, conditions or requirements of the contract documents, DHCD may terminate or suspend this Agreement by giving written notice of the same and specifying the effective date of termination or suspension at least five (5) days prior to such action.

In the case of contract violation by the Grantee, DHCD may request that all or some of the grant funds be returned, even if the Grantee has already expended the funds. The Grantee agrees to return such funds as requested by DHCD within 30 days of the written request.

**N. Subsequent Contracts**

The Grantee shall remain fully obligated under the provisions of the Grant Agreement notwithstanding its designation of any subsequent or third parties for the undertaking of all or part of the activities for which the Grant assistance is being provided to the Grantee.

The Grantee agrees to ensure that any contractor or subcontractor who is not the Grantee shall comply with all the lawful requirements of the Grantee necessary to ensure that the project for which this assistance is being provided under this Agreement are carried out in accordance with the Grantee's Assurances and Certifications.

**O. Default**

A default is any unapproved use of grant funds. Upon due notice to the Grantee of the occurrence of any such default and the provision of a reasonable opportunity to respond, DHCD may take one or more of the following actions:

- (1) direct the Grantee to submit progress schedules for completing approved activities;
- (2) issue a letter of warning advising the Grantee of the default, establishing a date by which corrective actions must be completed and putting the Grantee on notice that more serious actions will be taken if the default is not corrected or is repeated;
- (3) direct the Grantee to suspend, discontinue or not incur costs for the affected activity;
- (4) require the Grantee to reimburse DHCD for costs inappropriately charged to the program;
- (5) other appropriate action including , but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omissions by DHCD in exercising any right or remedy available to it under the Agreement shall impair any such right to remedy or constitute a waiver or acquiescence in any Grantee default.

**P. Conflict of Interest**

Grantees shall ensure that the provision of any type or amount of assistance may not be conditional on an individual's or family's acceptance or occupancy of housing owned by the grantee, the sub-grantee, a parent organization, or subsidiary. Grantees/sub-grantees, parent organizations, or subsidiaries may not administer rapid re-housing or prevention assistance and use the assistance for households residing in units owned by the grantee/sub-grantee, parent organization, or subsidiary.

Individuals (employees, agents, consultants, officers, or elected or appointed officials of the grantee or sub-grantee) may not both participate in decision-making related to determining eligibility and receive any financial benefit. This financial benefit may not be received by the specific individual, any member of his/her immediate family or a business interest. The restriction applies throughout tenure in the position and for a one-year period following tenure.

**Q. Religious Influence**

The Grantee may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under VHSP. If an organization conducts these activities, then they must be offered separately, in time or location, from the programs or services funded under VHSP and participation must be voluntary for program participants.

**III. Additional Assurances**

- A. Grantee will give the DHCD, the Virginia State Comptroller, HUD and any other authorized state or federal representatives access to and the right to examine all records, books, papers, or documents related to the Grant.
- B. In accordance with federal law, grantee will provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin, in any phases of employment or in any phase of service delivery.

#### **IV. Additional Certifications:**

The Grantee certifies that it will comply with the following:

- (a) Freedom of Information Act (5 U.S.C 552) and Virginia Freedom of Information Act;
- (b) Virginia Fair Employment Contracting Act;
- (c) Fair Housing Act (42 U.S.C. 3601-20), and implementing measures under:
  - 24 CFR 100 (discriminatory conduct under Fair Housing Act);
  - Executive Order 11063 and regulations at 24 CFR 107 (preventing discrimination on basis of race, color, creed, or national origin);
  - 24 CFR Part 8 (prohibiting discrimination against handicapped individuals);
  - Title VIII of Civil Rights Act of 1968 as amended (prohibiting discrimination based on race, color, national origin, religion, sex, familial status [including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18], and disability)
- (e) Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at:
  - 24 CFR 146 (nondiscrimination on basis of age in HUD programs);
  - Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
- (f) 24 CFR 574.320 (Federal rent standards for rental assistance, requiring rents to be charged no greater than appropriate Fair Market Rent levels);
- (g) 24 CFR Part 35 (Federal lead-based paint provisions, requiring visual inspections and stabilization of paint before commencement of occupancy);
- (h) Adhere to Executive Orders 11625, 12432, and 12138, that Grantee must make efforts to encourage participation of minority and women-owned business enterprises in connection with funded activities;
  - Encourage participation of locally-owned enterprises in connection with funded activities;
- (i) McKinney-Vento Homeless Assistance Program Regulations;
- (j) Anti-lobbying Certification;

(k) Drug Free Workplace.

If requested by DHCD:

1. A Grantee that is a unit of local government agrees to assume the status of a responsible Federal official under the National Environmental Policy Act (NEPA) of 1969 and other provisions of Federal law as specified at 24 CFR 58 and 58.5 and agrees to comply with these NEPA regulations.
2. All Grantees that are not units of local government agree to assist DHCD in carrying out 24 CFR 58 and 58.5.

The Agreement is hereby executed by the parties on the date set forth below their respective signatures as follows:

**Virginia Department of Housing and Community Development**

\_\_\_\_\_  
Sandra Powell, Sr. Deputy Director

\_\_\_\_\_  
Date

**City of Charlottesville**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed or typed)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Resolution
Presenter:	Antoine Williams, Housing Program Manager
Staff Contacts:	Alexander Ikefuna, Director, Office of Community Solutions Antoine Williams, Housing Program Manager
Title:	<b>Resolution to approve the Seventh Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (2nd reading)</b>

**Background**

On June 19, 2017, the City Council approved the creation of the Charlottesville Supplemental Rental Assistance Program (CSRAP). The Grant Agreement between the City and the Charlottesville Redevelopment and Housing Authority (CRHA) was executed in January 2018, with the first voucher issued in April 2018.

To date, the City Council has approved a total funding of \$5,295,000 for CSRAP, distributed across various fiscal years. This includes a contribution of \$900,000 for FY23-24. Additionally, the City Council has committed \$900,000 annually from FY25 through FY29, totaling \$4,500,000 from the Capital Improvement Program (CIP).

As part of the City's CIP housing investment portfolio, this ongoing commitment ensures that the program can scale and adjust to meet the community's needs, with specific funding allocations reviewed and adjusted each year, generally between July and August. For this current iteration of CSRAP, there are no substantial changes as part of the CSRAP seventh amendment.

**Discussion**

The Charlottesville Supplemental Rental Assistance Program (CSRAP) continues to play a critical role in providing housing assistance to the city's most vulnerable residents. Since its inception in 2017, CSRAP has helped hundreds of households secure stable housing, operating in tandem with the federal Housing Choice Voucher Program but funded and managed locally by the City of Charlottesville through the Charlottesville Redevelopment and Housing Authority (CRHA).

**Program Performance and Impact**

From FY19 through FY24, the program has demonstrated consistent growth in participant numbers and effectiveness. The most recent analysis indicates that, despite a slight decrease in the total number of participants in FY24 due to the successful transition of several households to self-

sufficiency, the program has overall achieved its goals of stabilizing housing for low-income residents (CRHA, 2024).

- **Participant Growth:** Over the evaluation period, the program supported a diverse range of participants, with notable increases in the number of referrals and successful housing outcomes. FY24 saw a total of 61 participants, reflecting a natural exit of individuals who have achieved self-sufficiency (CRHA, 2024).
  - **FY21:** 67 participants
  - **FY22:** 69 participants (3% increase from FY21)
  - **FY23:** 75 participants (8.7% increase from FY22)
  - **FY24:** 61 participants (reflecting successful exits due to self-sufficiency)
- **Referral and Engagement:** The program's referral network includes key partners such as the Department of Social Services, CRHA's Housing Choice Voucher (HCV) Wait List, and local self-sufficiency programs. These partnerships have been instrumental in identifying and supporting eligible households, with the referral process showing increased efficiency and reach over the years (CRHA, 2024).
  - **CRHA HCV Wait List:** Referrals increased from 120 in FY21 to 250 in FY23.
  - **Department of Social Services:** Consistently provided 63-73 referrals each year.
  - **PVCC Self-Sufficiency Program:** Maintained a steady referral rate of 17-20 participants annually.
- **Focus on Self-Sufficiency:** CSRAP has been successful in moving participants towards long-term self-sufficiency. Data indicates that the number of participants achieving self-sufficiency increased steadily from FY21 to FY23, underscoring the program's effectiveness in fostering independence (CRHA, 2024).
  - **PVCC Self-Sufficiency Program:** Helped 20 participants achieve self-sufficiency each year from FY21 to FY23.
  - **Department of Social Services:** Maintained 7 participants achieving self-sufficiency annually.
  - **CRHA HCV Wait List:** Improved from 1 self-sufficient participant in FY21 to 8 in FY23.
  - **Overall:** Total self-sufficient participants grew from 32 in FY21 to 37 in FY23.

## Proposed Changes Under Evaluation

These changes are not yet finalized but are being carefully considered based on the program's performance data from FY19 to FY24:

1. **Self-Sufficiency Emphasis:** One area under evaluation is the continued focus on helping participants achieve long-term self-sufficiency. This includes targeted support for previously homeless individuals, aiming to increase successful program exits (CRHA, 2024).
2. **Strengthening Referral Networks:** The program is also considering ways to enhance partnerships with key referral sources, such as the CRHA HCV Wait List and the Department of Social Services. These enhancements aim to ensure that the program can identify and assist more eligible households (CRHA, 2024).

3. **Enhanced Use of Technology:** Another potential change under review involves expanding the use of Yardi Voyager. This system could further improve program management by streamlining reporting, communication, and decision-making processes (CRHA, 2024).
4. **Program Adaptation and Expansion:** The program is evaluating strategies for expanding its reach and adapting to the needs of underserved populations. Although FY24 saw a slight decrease in participants due to successful exits, there is ongoing consideration of how to broaden the program's impact (CRHA, 2024).

### **Alignment with City Council's Vision and Strategic Plan**

The Charlottesville Supplemental Rental Assistance Program (CSRAP) directly supports the City's Strategic Outcome Areas of Housing and Partnerships. This program is integral to the City's efforts to provide safe, affordable housing options to its most vulnerable families. Furthermore, the program aligns with the objectives outlined in the City's Affordable Housing Plan (2021) and the Comprehensive Plan (2018 Update), both of which emphasize the importance of housing equity and collaborative partnerships in addressing community needs.

### **Community Engagement**

The CRHA staff has reviewed the amendments to the Grant Agreement, ensuring alignment with community goals and feedback received from program participants and partners.

### **Budgetary Impact**

This request does not require additional funding from the City budget. As part of the CIP, these funds are already planned and accounted for in the City's budget process. Each year, the planned amount for CSRAP is typically approved as part of the overall budget process, with specific allocations reviewed and adjusted between July and August of the applicable budget year.

### **Recommendation**

Staff recommends that the City Council approve the attached Resolution for the Seventh Amended Grant Agreement.

### **Alternatives**

City Council could choose not to approve this Resolution which may effectively end this program and/or negatively affect the provision of housing assistance currently providing relief for some of our most vulnerable families.

### **Attachments**

1. CRHA 2024 CSRAP Program Analysis
2. Seventh Amendedment to CSRAP Grant Agreement
3. Executed First Aggreement FY2018-2019
4. Resolution



# CSRAP Program Analysis: FY 2019-2024

This presentation analyzes participant data for a self-sufficiency program from fiscal years 2019 through 2024. We'll examine referral sources, participant demographics, and program outcomes to gain insights into the program's effectiveness and reach within the community. The data showcases the various organizations involved in referring participants and the program's impact on helping individuals achieve self-sufficiency.

Charlottesville Redevelopment & Housing Authority



# Referral Sources Overview

## 1 Primary Referral Sources

The main referral sources include CRHA HCV Wait List, Department of Social Services, PVCC Self Sufficiency Program, and Thomas Jefferson Area Coalition for the Homeless.

## 2 Consistent Contributors

Other consistent referral sources are DSS Self Sufficiency Program, Haven/Human Rights Referrals, Region Ten Referrals, and CHIP Referrals.

## 3 Varying Contributions

The number of referrals from each source varies year to year, with some sources showing significant changes in their referral numbers over time.





# Participant Distribution by AMI Percentage

AMI %	FY 2021	FY 2022	FY 2023
0-30%	54	59	65
31-50%	9	8	7
51-80%	4	2	3
Total	67	69	75

# Participant Distribution by Locality

City Residents	County Residents	Total Participants
FY 2021: 37	FY 2021: 30	FY 2021: 67
FY 2022: 37	FY 2022: 32	FY 2022: 69
FY 2023: 39	FY 2023: 36	FY 2023: 75



# Recertification Schedule

1

## Peak Months

November consistently has the highest number of recertifications across all years, with 11-12 participants.

2

## Steady Months

February, April, June, and September show consistent recertification numbers, ranging from 7-10 participants.

3

## Low Activity Months

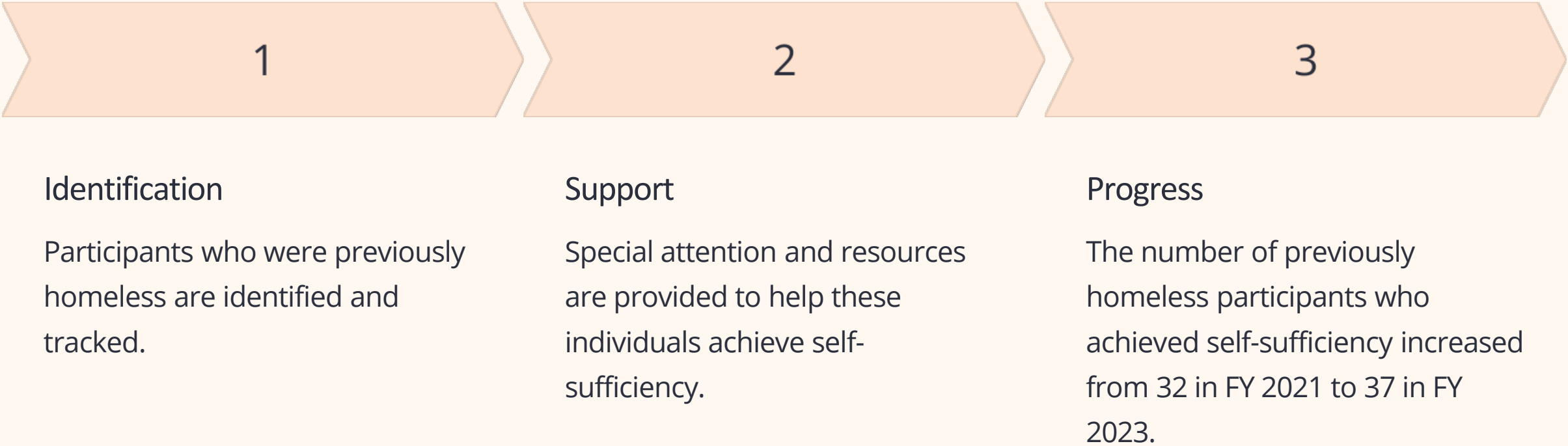
March and August typically have the lowest number of recertifications, with only 2-5 participants each month.







# Previously Homeless Participants



# Top Referral Sources Performance



## CRHA HCV Wait List

Referrals increased from 120 in FY 2021 to 250 in FY 2023, showing significant growth.



## Department of Social Services

Consistently provided 63-73 referrals each year, demonstrating stable contribution.



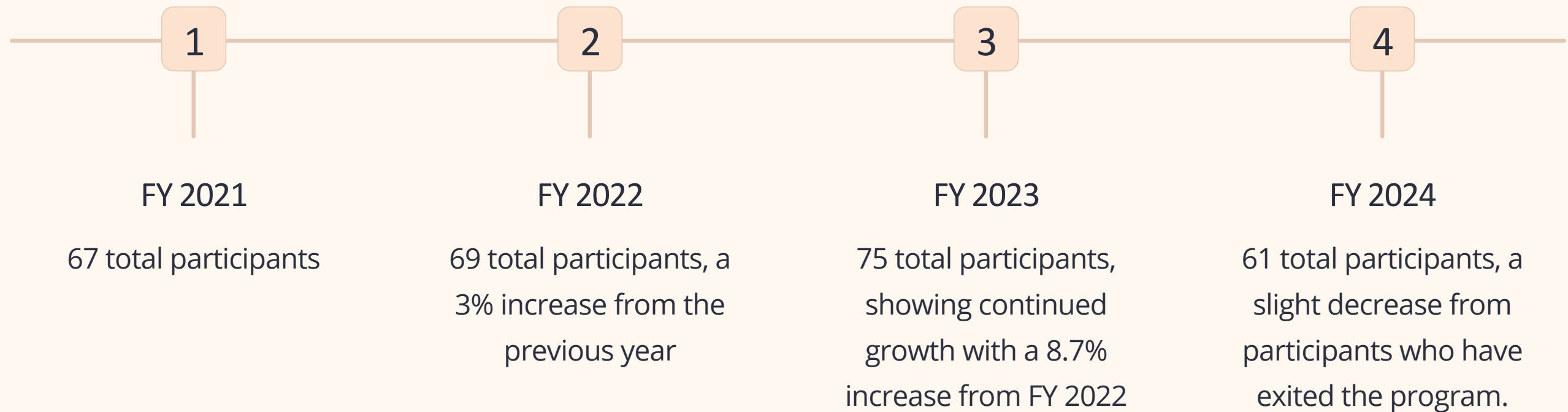
## PVCC Self Sufficiency Program

Maintained a steady referral rate of 17-20 participants annually.





## Program Growth and Participant Increase





# Self-Sufficiency Achievement

## PVCC Self Sufficiency Program

Consistently helped 20 participants achieve self-sufficiency each year from FY 2021 to FY 2023.

## Department of Social Services

Maintained a steady rate of 7 participants achieving self-sufficiency annually.

## CRHA HCV Wait List

Showed improvement, with self-sufficient participants increasing from 1 in FY 2021 to 8 in FY 2023.

## Overall Progress

Total self-sufficient participants grew from 32 in FY 2021 to 37 in FY 2023, indicating program effectiveness.



# Eligibility Period

Participants will be eligible for the program for a set duration, ensuring equitable access and opportunity.

1

2

# Successful Completion

Participants who meet program goals and milestones are considered successful, paving the way for a smooth exit.

3

# Participant End Date

Each participant will have a defined end date, signaling the completion of their time in the program.

1

## Exit Strategy

The program will streamline a clear strategy for limiting participation time and guiding participants towards self-sufficiency.

2

## Graduation Indicators

Key milestones and achievements indicate when a participant is ready to graduate and exit the program.

3

## Future Considerations

The program is continuously evaluated for opportunities to expand, improve, and better serve the community.

### ► Call System Updates

#### Proposed Changes Under Evaluation

The program is exploring new initiatives and adjustments to better meet participant needs.

#### Self-Sufficiency Focus

A key priority is empowering participants to achieve long-term self-sufficiency before exiting the program.

# Leveraging Yardi Voyager

1

## Improved Reporting

Utilizing the robust reporting capabilities of the Yardi Voyager system to generate detailed, data-driven insights on program performance.

2

## Enhanced Communication

Streamlining communication with landlords and participants through Yardi Voyager's integrated communication tools and dashboards.

3

## Data-Driven Decisions

Leveraging Yardi Voyager's analytical capabilities to make more informed and data-driven decisions to improve the program.

## Landlord Engagement

Yardi Voyager's landlord portal allows for seamless communication, payment processing, and real-time status updates, fostering stronger relationships with participating landlords.

## Participant Tracking

The system's comprehensive participant management tools enable efficient monitoring of progress, milestones, and overall program engagement for each individual.

# Conclusion and Future Outlook

The CSRAP program has shown consistent growth and positive outcomes from FY 2019 to FY 2024. With increasing participant numbers, diverse referral sources, and improving self-sufficiency rates, the program demonstrates its effectiveness in supporting community members. Moving forward, focusing on strengthening partnerships with top referral sources and addressing the needs of previously homeless participants could further enhance the program's impact and reach within the community.



## **Seventh Amendment to Grant Agreement Charlottesville Supplemental Rental Assistance Program (CSRAP)**

This amendment to grant agreement provides the terms and conditions upon which the City of Charlottesville ("City") will provide funding to the Charlottesville Redevelopment and Housing Authority ("CRHA") for the purpose of administering the "Charlottesville Supplemental Rental Assistance Program" ("CSRAP"). The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. Approval of the program to support CRHA's administration of the CSRAP was provided by City Council on October 16, 2017.

Section 1. Time for Performance: July 1, 2024, through June 30, 2025.

Section 2. City Funding Amount: \$900,000 (FY24/25)

Section 3. Conditions of City Funding:

### **I. PURPOSE OF THE PROGRAM**

- A. The City has authorized the transfer of carry forward program funding, if any, and FY24/25 funding, to the Charlottesville Redevelopment and Housing Authority (CRHA) for use within the Fiscal Year ending June 30, 2022, upon the following conditions: (i) the funding shall be used exclusively by CRHA to provide rental assistance subsidies to individuals who are part of Extremely Low-Income to Low-Income Households, defined as those households earning less than 60% of Area Median Income (Area Median Income) as determined by the US Department of Housing and Urban Development (HUD) annually within the City of Charlottesville, including, but not limited to, those who are homeless, elderly and/or disabled individuals, or those enrolled in a self-sufficiency program; and (ii) the administration of this funding by CRHA shall be in accordance with the terms of this document.
- B. The City is authorized by Va. Code §36-7 to provide money to a housing authority, to enable or assist the authority to carry out its purposes.

### **II. FUNDING**

The CSRAP shall be funded through the City's Capital Improvement Program fund.

### **III. ADMINISTRATION**

The CSRAP represents a partnership between the City of Charlottesville and CRHA. The City and CRHA recognize that program funding is required to cover the administrative burden associated with the program.



**City of Charlottesville –  
Supplemental Rental Assistance Program (CSRAP)**

CRHA agrees to administer the CSRAP in a manner similar to the federal Housing Choice Voucher Program (HCVP) rules and regulations, as amended, and the City of Charlottesville's Housing Policy 1, as amended (attached hereto as Appendix A). Exceptions to the administration of the program will be permitted to allow:

- (i) for single-room housing that might not otherwise meet HUD rules and regulations, in limited circumstances.
- (ii) for rent rates up to 125% of the federally designated HUD fair market rents for units in the City of Charlottesville; and up to 110% of the federally-designated HUD fair market rents for units located in Albemarle County.

For purposes of administration of the CSRAP, the term "household" shall mean and include any one (1) or more individual(s) who comprise a single housekeeping unit.

#### **IV. ADMISSIONS/PREFERENCES AND THE WAITING LIST**

- C. Eligible Households shall be selected and admitted from the CRHA's existing HCVP waiting list in accordance with the HCVP rules and regulations established by the CRHA for selection and admission for tenant-based housing assistance through the CSRAP unless specified otherwise in this agreement. Only Households with incomes less than 60% AMI shall be issued CSRAP rental assistance subsidies. A Household can apply to participate in the CSRAP Program if an individual(s) within the Household lives or works within the City of Charlottesville at the time of the application; however, CSRAP rental assistance shall be issued only to subsidize rental payments owed by a Household for rental of a dwelling unit located within the City of Charlottesville, except as per the provision in Section V.B.iii.
- D. The CHRA shall issue the CSRAP rental assistance according to the following priorities:
  - (i) A minimum of fifteen (15) CSRAP rental assistance subsidies will be issued to Households who are homeless.
  - (ii) A maximum of forty (40) CSRAP rental assistance subsidies will be issued to Households enrolled in a local self-sufficiency program.
  - (iii) The remainder of the CSRAP-funded rental assistance subsidies (i.e., those not issued in accordance with Sections N.B(i) or N.B(ii), above) shall be issued to HCVP eligible households if the individual(s) within those Households live or work in the City of Charlottesville, and if the Household(s) is or are on the CRHA's HCVP waiting list at the time of the issuance of a CSRAP voucher, or if the Household(s) is or are on the CRHA's CSRAP waiting list at the time of the issuance of a CSRAP voucher.

**City of Charlottesville –  
Supplemental Rental Assistance Program (CSRAP)**

- (iv) In the administration and issuance of CSRAP-funded rental assistance subsidies described in Section IV.B(iii) above, CRHA will ensure that vouchers will be issued to households with incomes less than 60% AMI.
- E. Households on the CRHA's HCVP waiting list who accept CSRAP voucher(s) shall remain on the HCVP waiting list and shall retain their ranking on that list. If an individual or household on the HCVP waiting list is selected by CRHA for the HCVP program, CRHA shall offer that Household the opportunity to replace any CSRAP subsidy being received with an HCVP.

**V. TENANT-BASED HOUSING ASSISTANCE**

- A. CSRAP rental assistance subsidies shall be administered as tenant-based housing assistance in a manner similar to CRHA's HCVP rules and regulations.
- B. Notwithstanding any CRHA HCVP rule or regulation to the contrary, (see Section V.A, above), the following rules apply specifically to the CSRAP:
  - (i) Rental assistance subsidies shall not be eligible for portability as such term is defined and utilized in 24 C.F.R. §§ 982.351 and 982.353, as amended.
  - (ii) Households receiving a CSRAP voucher shall have 60 days to locate, and lease, a rental housing unit within the City of Charlottesville.
  - (iii) Should a Household be unable to locate a rental unit that it can afford (based on the 30% required contribution referenced in subparagraph (iv), following below) within the City of Charlottesville within the initial 60-day CSRAP voucher term, the CRHA may grant one 120-day extension, during which time the recipient household may continue to search for rental housing in the City of Charlottesville or within Albemarle County.
  - (iv) Households receiving a CSRAP voucher shall be required to contribute 30% of the monthly gross income of that Household toward rent each month. The Household's required rent contribution shall be determined at the time the Household is accepted into the CSRAP, and thereafter shall not be increased more than once every 24 months; regardless of whether or not the rent contribution is increased during any 24-month period, CRHA shall continue to verify and keep records as to the Household income, report income to the City, and comply with the requirements within this Grant Agreement.
  - (v) CSRAP rental assistance shall be provided monthly. The monthly housing assistance payment shall be equal to the applicable HCVP payment standard for bedroom size for the Charlottesville area, as established annually by the Virginia Housing and Development Authority, minus the tenant's portion of the rent.

**City of Charlottesville –  
Supplemental Rental Assistance Program (CSRAP)**

- (vi) The CRHA shall reexamine the income and family composition of each Household receiving CSRAP rental assistance, at least once every 24 months. Any Household that experiences a decrease in income may request a reexamination and adjustment of the requirement for 30% monthly income participation (see subparagraph (iv), above) at any time.

## **VI. CONTINUING ELIGIBILITY FOR CSRAP FUNDING**

- A. Subject to the availability of CSRAP funds and the terms of this Grant Agreement, CSRAP rental assistance may be issued to a Household so long as the Household is in compliance with the CSRAP Program Rules.
- B. CSRAP-assisted Households shall be entitled to Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs as defined by 24 CFR §982.54(d) (12) and (13) as amended, as administered by the CRHA.

## **VII. PROGRAM FUNDING**

- A. The City's Office of Community Solutions has verified that funding in the amount of \$900,000 is available and has been appropriated by the City Council to support the CSRAP. CSRAP will continue so long as funds from the initial funding allocation of \$900,000 plus carry forward program funds, if any, for support of the CSRAP remain unencumbered or additional funding has been appropriated by City Council in amounts sufficient to support the continuation of the CSRAP in subsequent fiscal year(s).
- B. Each year, in accordance with a schedule established by the City's Budget Director, CRHA shall prepare and submit to the City an estimate of the amount of money needed during the ensuing fiscal year for the CSRAP, based on the Households then participating in the CSRAP at that time, and based on CRHA's estimate of any rent increases for those participating Households, and (at CRHA's option) CRHA's estimates of the cost of any desired expansion of the CSRAP to additional participants during the ensuing fiscal year.

CRHA will be afforded at least 30 days within which to prepare and submit such annual funding estimates. This CSRAP Agreement may be renewed for succeeding fiscal years by written agreement of the parties, subject to the availability and appropriation of public funds.

- C. The City shall retain the existing program funding reserve of \$292,500 as a program reserve fund to ensure funding is available to cover any increases in rental assistance payments due to decreases in participant household income or increases in rent. All unused reserve funds shall be carried over into the next year's program funding total.
- D. When the unencumbered funding balance within the Initial Operational Allocation reaches an amount equal to approximately one month of maximum program rental expenses (or not to exceed \$80,000),

**City of Charlottesville –  
Supplemental Rental Assistance Program (CSRAP)**

CRHA shall request and the City shall immediately disperse, from the funds appropriated to CSRAP in the City's Capital Improvement Program an additional amount equal to approximately three months of maximum rental expenses (or not to exceed \$240,000) to CRHA to provide ongoing support for the program. In so doing, at all times during the tenure of the CSRAP, CRHA will maintain an unencumbered program Operational Allocation balance of no less than \$80,000 and no more than \$240,000.

- E. CRHA may retain a portion of the program funding to be used for the administration of the program. Administrative costs shall be equal to 10% of the annual program funding allocated by the City, or direct costs of administering the program if those costs exceed 10%.

CRHA shall request and the City shall disperse an amount equal to one-fourth of administrative costs submitted with the rental expenses identified in paragraph (D) above, or on a quarterly basis. Administrative costs shall also be included in the quarterly report.

F. Initial Reporting Requirements:

- (i) Upon determining that a Household is eligible to participate in the CSRA Program, CRHA shall make available to the City's Office of Community Solutions, Housing Program Manager, and/or designee the following:
  - (a) A copy of the Household's rental assistance subsidy agreement, lease approval form, rent portions notice, rental unit information (including address and monthly rent), unit inspection report, and Household information (including income, size, composition), and
  - (b) A copy of an invoice or other statement of rent from the Household's landlord, identifying the monthly rental amount for that Household, at the time of initial lease-up.

G. Ongoing Reporting Requirements.

- (i) 30 days following the end of each calendar year quarter (specifically: on October 31, January 31, April 30, and July 31 of each calendar year), the CRHA will submit to the City of Charlottesville, an itemized Quarterly Report, listing each recipient Household participating in the CSRA Program as of the date of such Report, and specifying the amount of monthly rent required for each Household (both household rent portion and rental assistance amount) for the calendar year quarter next succeeding the date of the Quarterly Report. Each such Quarterly Report shall add up each of the amounts required for the CSRA Program for the upcoming quarter and shall give a total amount necessary to satisfy the Program commitments for that upcoming calendar year quarter.

**City of Charlottesville –  
Supplemental Rental Assistance Program (CSRAP)**

H. Each itemized Quarterly Report referenced in Paragraph (G)(i), above, shall be accompanied by the following information (in addition to the information required by paragraph (D), above) and this information shall be presented in an Excel Spreadsheet or other format mutually acceptable to both CRHA and the City's Office of Community Solutions, Housing Program Manager and/or designee. Each Quarterly Report shall provide program and household statistics, including but not necessarily limited to:

- Date voucher issued
  - Date voucher extended (if applicable)
  - Date unit leased
  - Name (head of household)
  - Unit Address
  - Total Monthly Rent
  - Amount of Monthly Rental Assistance Provided
  - Household Income
    - %AMI
  - Employment Status
  - Number of Wage Earners
  - Household Composition
    - Number of Adults
    - Number of Children
    - Number of Children Under 5 years
    - Number of Elderly (65 years+)
    - Number of Disabled
    - Race/Ethnicity
  - Refugee status (if applicable)
  - Compliance with admissions preference priorities as defined in Section IV.B.
  - Administrative costs
- (i) Following the Initial Operational Allocation, no funds will be released to CRHA, unless and until all required reporting pursuant to Section (E), Section (F), and Section (G) have been properly completed and submitted to the Office of Community Solutions, Housing Program Manager and/or designee.
- (ii) The Office of Community Solutions shall have 14 days from the date of report submittal to review and certify to CRHA that the reports provided meet the CSRAP reporting standards defined in Section (E), Section (F), & Section (G) above. After 14 days following report submittal (unless otherwise notified), CRHA and the Office of Community Solutions will consider all reports submitted to be complete, proper, and certified.
- (iii) All reports shall be submitted to the City of Charlottesville's Director of the Office of Community Solutions.

**City of Charlottesville –  
Supplemental Rental Assistance Program (CSRAP)**

**CITY OF CHARLOTTESVILLE:**

\_\_\_\_\_  
City Manager (Printed)

\_\_\_\_\_  
City Manager (Signature)

Date: \_\_\_\_\_

**ACCEPTED/ AGREED BY RECIPIENT:**

\_\_\_\_\_  
Recipient Representative (Printed)

\_\_\_\_\_  
Recipient Representative (Signed)

Date: \_\_\_\_\_

**LEGAL REVIEW AND CONFORMANCE:**

\_\_\_\_\_  
City Attorney's Office (Printed)

\_\_\_\_\_  
City Attorney's Office (Signature)

Date: \_\_\_\_\_

**FINANCE REVIEW**

\_\_\_\_\_  
Dept. of Finance (Printed)

\_\_\_\_\_  
Dept. of Finance (Signature)

Date: \_\_\_\_\_

## **GRANT AGREEMENT**

### **Charlottesville Supplemental Rental Assistance Program (CSRAP)**

This grant agreement provides the terms and conditions upon which the City of Charlottesville ("City") will provide funding to the Charlottesville Redevelopment and Housing Authority ("CRHA") for the purpose of administering the "Charlottesville Supplemental Rental Assistance Program" ("CSRAP"). The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. In order to facilitate expedient housing of those in need and to insure that funding resources are provided directly to housing clients, CRHA has proposed to administer the CSRAP at no cost to the City or the CSRAP. Therefore, the City and CRHA recognize that it is critical that the administrative burden associated with the program be kept to an absolute minimum. Funding approval in the amount of \$900,000 to support CRHA's administration of the CSRAP was provided by City Council on October 16, 2017.

**Section 1.** Time for Performance: February 1, 2018 through June 30, 2019.

**Section 2.** City Funding Amount: \$900,000

**Section 3.** Conditions of City Funding:

#### **I. PURPOSE OF THE PROGRAM**

- A. The City of Charlottesville has authorized the transfer of up to \$900,000.00 from Charlottesville Affordable Housing Fund (CAHF) to the Charlottesville Redevelopment and Housing Authority (CRHA) for use within the Fiscal Year ending June 30, 2018, upon the following conditions: (i) the funding shall be used exclusively by CRHA to provide rental assistance subsidies to individuals who are part of Extremely Low-Income to Low-Income Households, defined as those households earning less than 60% of Area Median Income (Area Median Income) as determined by the US Department of Housing and Urban Development annually within the City of Charlottesville, including, but not limited to, those who are homeless, elderly and/or disabled individuals, or those enrolled in a self-sufficiency program; and (ii) the administration of this funding by CRHA shall be in accordance with the terms of this document.
- B. The City is authorized by Va. Code §36-7 to provide money to a housing authority, to enable or assist the authority to carry out its purposes.

#### **II. PROGRAM FUNDING**

The CSRAP shall be funded through the Charlottesville Affordable Housing Fund (CAHF).

### **III. ADMINISTRATION**

The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. In order to facilitate expedient housing of those in need and to insure that funding resources are provided directly to housing clients, CRHA has proposed to administer the CSRAP at no cost to the City or the CSRAP. Therefore, the City and CRHA recognize that it is critical that the administrative burden associated with the program be kept to an absolute minimum. CRHA agrees to administer the CSRAP in a manner similar to the federal Housing Choice Voucher Program (HCVP) rules and regulations, as amended, and the City of Charlottesville's Housing Policy I, as amended (attached hereto as Appendix A).

For purposes of administration of the CSRAP, the term "household" shall mean and include any one (1) or more individual(s) who comprise a single housekeeping unit.

### **IV. ADMISSIONS/PREFERENCES AND THE WAITING LIST**

- A. Eligible Households shall be selected and admitted from the CRHA's existing HCVP waiting list in accordance with the HCVP rules and regulations established by the CRHA for selection and admission for tenant-based housing assistance through the CSRAP unless specified otherwise in this agreement. Only Households with incomes less than 60% AMI shall be issued CSRAP rental assistance subsidies. A Household can apply to participate in the CSRAP Program if individual(s) within the Household live or work within the City of Charlottesville at the time of the application; however, CSRAP rental assistance shall be issued only to subsidize rental payments owed by a Household for rental of a dwelling unit located within the City of Charlottesville, except as per the provision in Section V.B.iii.
- B. The CHRA shall issue the CSRAP rental assistance according to the following priorities:
  - (i) Ten (10) CSRAP rental assistance subsidies will be issued to Households who are homeless. (These recipients may or may not be enrolled in the CRHA HCV waiting list.)
  - (ii) Twenty (20) CSRAP rental assistance subsidies will be issued to Households enrolled in a local self-sufficiency program. (These recipients may or may not be enrolled in the CRHA HCV waiting list.)
  - (iii) The remainder of the CSRAP funded rental assistance subsidies (i.e., those not issued in accordance with Sections IV.B(i) or IV.B(ii), above) shall be issued to HCVP eligible households, if the individual(s) within those Households live or work in the City of Charlottesville, and if the



Household(s) is or are on the CRHA's HCVP waiting list at the time of the issuance of a CSRAP voucher.

- (iv) In the administration and issuance of CSRAP funded rental assistance subsidies described in Section IV.B(iii) above, CRHA will endeavor to achieve the following income tier objectives: Fifty percent (50%) of all CSRAP rental assistance subsidies shall be issued to Extremely Low-Income Households, defined as households with incomes less than 30% AMI; 25% of CSRAP rental assistance subsidies shall be issued to Households with incomes between 30% and 50% of AMI; with the remaining 25% of CSRAP rental assistance subsidies reserved for Households with incomes between 50% and 60% of AMI.
- C. Households on the CRHA's HCVP waiting list who accept CSRAP voucher(s) shall remain on the HCVP waiting list, and shall retain their ranking on that list. If an individual or household on the HCVP waiting list is selected by CRHA for the HCVP program, CRHA shall offer that Household the opportunity to replace any CSRAP subsidy being received with an HCV.

## **V. TENANT-BASED HOUSING ASSISTANCE**

- A. CSRAP rental assistance subsidies shall be administered as tenant-based housing assistance in a manner similar to CRHA's HCVP rules and regulations.
- B. Notwithstanding any CRHA HCVP rule or regulation to the contrary, (see Section V.A, above), the following rules apply specifically to the CSRAP:
- (i) Rental assistance subsidies shall not be eligible for portability as such term is defined and utilized in 24 C.F.R. §§ 982.351 and 982.353, as amended.
  - (ii) Households receiving a CSRAP voucher shall have 90 days to locate, and lease, a rental housing unit within the City of Charlottesville.
  - (iii) Should a Household be unable to locate a rental unit that it can afford (based on the 30% required contribution referenced in subparagraph (iv), following below) within the City of Charlottesville within the initial 90-day CSRAP voucher term, the CRHA may grant one 90-day extension, or may allow recipient household to search for rental housing within Albemarle County.
  - (iv) Households receiving a CSRAP voucher shall be required to contribute 30% of the monthly gross income of that Household toward rent each month. The Household's required rent contribution shall be determined at the time the Household is accepted into the CSRAP, and thereafter shall not be increased more than once every 24 months; regardless of whether or not the rent contribution is increased during any 24 month period.

CRHA shall continue to verify and keep records as to the Household income, report income to the City, and comply with the requirements within this Grant Agreement.

- (v) CSRAP rental assistance shall be provided monthly. The monthly housing assistance payment shall be equal to the applicable HCVP payment standard for bedroom size for the Charlottesville area, as established annually by the Virginia Housing and Development Authority, minus the tenant's portion of the rent.
- (vi) The CRHA shall reexamine the income and family composition of each Household receiving CSRAP rental assistance, at least once every 24 months. Any Household that experiences a decrease in income may request a reexamination and adjustment of the requirement for 30% monthly income participation (see subparagraph (iv), above) at any time.

## **VI. CONTINUING ELIGIBILITY FOR CSRAP FUNDING**

- A. Subject to availability of CSRAP funds and the terms of this Grant Agreement, CSRAP rental assistance may be issued to a Household so long as the Household is in compliance with the CSRAP Program Rules.
- B. CSRAP-assisted Households shall be entitled to the Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs as defined by 24 CFR §982.54(d)(12) and (13) as amended, as administered by the CRHA.

## **VII. PROGRAM FUNDING**

- A. The City's Housing Program Coordinator has verified that funding in the amount of \$900,000 is available and has been appropriated by City Council to the CAHF to support the CSRAP. CSRAP will continue so long as funds from the initial funding allocation of \$900,000 to CAHF for support of the CSRAP remain unencumbered or additional funding has been appropriated by City Council in amounts sufficient to support continuation of the CSRAP in subsequent fiscal year(s).
- B. Each year, in accordance with a schedule established by the City's Budget Director, CRHA shall prepare and submit to the City an estimate of the amount of money needed during the ensuing fiscal year for the CSRAP, based on the Households then participating in the CSRAP at that time, and based on CRHA's estimate of any rent increases for those participating Households, and (at CRHA's option) CRHA's estimates of the cost of any desired expansion of the CSRAP to additional participants during the ensuing fiscal year. CRHA will be afforded at least 30 days within which to prepare and submit such annual funding estimate.

**City of Charlottesville- Charlottesville Affordable Housing Fund (CAHF)  
Charlottesville Supplemental Rental Assistance Program- City Account P-0952**

- C. The City shall retain ten percent (10%) of each year's program funding allocation as a program reserve fund to ensure funding is available to cover any increases in rental assistance payments due to decreases in participant household incomes. The City shall also retain an additional twenty-five percent (25%) of remaining program funds as a rent reserve fund equal to four months housing assistance payments per household. All unused reserve funds shall be carried over in to the next year's program funding total.
- D. Upon execution of this agreement, CAHF funds in the amount of 25% of the total available program funds (the total program allocation minus the program reserve funds and the rent reserve funds), or \$150,000 will be disbursed to CHRA for implementation of the CSRAP ("Initial Operational Allocation"). When the unencumbered funding balance within the Initial Operational Allocation reaches ten percent (10%) of the Initial Operational Allocation funding (or \$15,000), CRHA shall request and the City shall immediately disperse an additional \$150,000 to CRHA to provide ongoing support for the program. In so doing, at all times during the term of the CSRAP, CRHA will maintain an unencumbered program Operational Allocation balance of no less than \$15,000 and no more than \$165,000.
- E. Initial Reporting Requirements:
  - (i) Upon determining that a Household is eligible to participate in the CSRA Program, CRHA shall transmit to the City's Housing Program Coordinator the following:
    - (a) A copy of the Household's rental assistance subsidy agreement, lease approval form, rent portions notice, rental unit information (including address and monthly rent), unit inspection report, and Household information (including income, size, composition), and
    - (b) a copy of an invoice or other statement of rent from the Household's landlord, identifying the monthly rental amount for that Household, at time of initial lease-up.
- (F) Ongoing Reporting Requirements.
  - (i) 30 days prior to the end of each calendar year quarter (specifically: on November 30, February 28, May 31, and August 31 each calendar year), the CRHA will submit to the City of Charlottesville, an itemized Quarterly Report, listing each recipient Household participating in the CSRA Program as of the date of such Report, and specifying the amount of monthly rent required for each Household (both household rent portion and rental assistance


amount) for the calendar year quarter next succeeding the date of the Quarterly Report. Each such Quarterly Report shall add up each of the amounts required for the CSRA Program for the upcoming quarter, and shall give a total amount necessary to satisfy the Program commitments for that upcoming calendar year quarter.

- (G) Each itemized Quarterly Report referenced in Paragraph (F)(i), above, shall be accompanied by the following information (in addition to the information required by paragraph (D), above) and this information shall be presented in an Excel Spreadsheet or other format mutually acceptable to both CRHA and the City's Housing Program Coordinator. Each Quarterly Report shall providing program and household statistics, including but not necessarily limited to:
- Date voucher issued
  - Date voucher extended (if applicable)
  - Date unit leased
  - Name (head of household)
  - Unit Address
  - Total Monthly Rent
  - Amount of Monthly Rental Assistance Provided
  - Household Income
    - %AMI
  - Employment Status
  - Number of Wage Earners
  - Household Composition
    - Number of Adults
    - Number of Children
    - Number of Children Under 5-years
    - Number of Elderly (65 years+)
    - Number of Disabled
    - Race/Ethnicity
- (i) Following the Initial Operational Allocation, no funds will be released to CRHA, unless and until all required reporting pursuant to Section (E), Section (F) and Section (G) have been properly completed and submitted to the Housing Coordinator.
- (ii) The Housing Coordinator shall have 14 days from the date of report submittal to review and certify to CRHA that the reports provided meet the CSRAP reporting standards defined in Section (E), Section (F), & Section (G) above. After 14 days following report submittal (unless otherwise notified), CRHA and the Housing Coordinator will consider all reports submitted to be complete, proper and certified.

City of Charlottesville- Charlottesville Affordable Housing Fund (CAHF)  
Charlottesville Supplemental Rental Assistance Program- City Account P-0952

- (iii) All reports shall be submitted to the City of Charlottesville's Housing Program Coordinator.


OFFERED BY: City of Charlottesville

By: 


Date: 1-23-2018

**Christopher V. Cullinan**  
Director of Finance

FUNDS ARE AVAILABLE

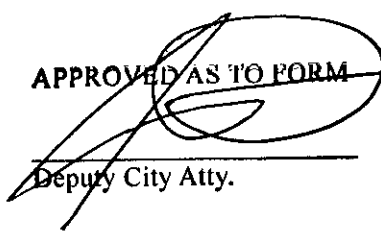
BY   
Director of Finance/Designee  
1/18/18

ACCEPTED BY: Charlottesville Redevelopment and Housing Authority

By: 

Date: 12 - January - 2018

**APPROVED AS TO FORM**

  
Deputy City Atty.

**APPENDIX A**

**City of Charlottesville  
Housing Policy 1**

**City of Charlottesville**  
**Objectives for Use of Charlottesville Affordable Housing Fund (CAHF)**  
**and Criteria/Priorities for Award of Funds**  
**Housing Policy 1 - as recommended by HAC on 9/17/14**  
**ADOPTED BY CITY COUNCIL ON OCTOBER 20, 2014**

**General Information**

There are three housing policies that comprise the recommendations of the Housing Advisory Committee (HAC). Policy 1, written to address appropriate usage of the Charlottesville Affordable Housing Fund (CAHF), was originally adopted by City Council on November 3, 2008, with a focus on the following topics: 1) funding categories, 2) target populations, 3) criteria for review of applications, and 4) affordability definition. The revised policy, as contained herein, has refined the text to include: 1) general information; 2) consideration of other City efforts; 3) definitions of all pertinent terms, 4) guidelines for use of CAHF; 5) accountability and tracking; and 6) how to apply for CAHF and potential use of funds.

Policy 2 involves "Incentives the City can provide to Encourage Development with Affordable Housing Units" and Policy 3 covers "Criteria for Awarding Multi-Family Incentive Funds/Strategic Investment Funds Revolving Loan Fund. Both policies were adopted at the same time as Policy 1, but neither is included herein as these are separate documents.

More than five years have passed since the policy was first adopted and the national and local housing markets have undergone significant changes during this time. Accordingly, the HAC has identified an update of this housing policy as essential to ensuring that City housing policies are current and relevant to help inform CAHF funding decisions.

The City of Charlottesville currently utilizes the annual Capital Improvement Program (CIP) budget process to fund its affordable housing efforts through the CAHF. This process is initiated on an annual basis through the submittal of a request from the City's Housing Development Specialist (Neighborhood Development Services) to the Budget Office. The amount of the annual request is based on the funding recommendations contained in Table 8 of the report entitled "City of Charlottesville 2025 Goals for Affordable Housing" (2025 Housing Goal - as adopted on February 1, 2010).

In addition to CIP funds, the City also has an Affordable Dwelling Unit ordinance (codified at City Code §34-12) that provides for payments in lieu of providing actual affordable units when rezoning or special use permits of a specified level of density are required. While the City would prefer that developers provide actual units either on or off site, the State enabling legislation for this ordinance is written such that it is unlikely that units will be built, because the CAHF contribution level is generally less expensive and does not require a 30 year compliance period after funds are provided.

Lastly, the final source of CAHF funds is voluntary contributions made through proffers. As the frequency and amounts are highly unpredictable, there is no way to quantify the impact of proffered contributions; however, this is also a source of funds for the CAHF.

This policy is applicable to all funds appropriated into the CAHF, regardless of their source (unless otherwise specified herein or by directive from City Council).

**Consideration of Other City Efforts**

**City Council Vision for Housing:** Quality Housing Opportunities for All - Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit oriented housing at employment and cultural centers. We have revitalized

public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.

**Comprehensive Plan:** The current City of Charlottesville Comprehensive Plan (as adopted on August 13, 2013) provides the legal basis for all land use and policy decisions related to housing in the City. The goals and objectives included in the Comprehensive Plan must therefore be taken into consideration with any and all CAHF decisions, realizing that each project will differ and that competing values will have to be analyzed on a case by case basis.

**2025 Housing Goal Report:** According to the subject report, the City has adopted the following as its goal for supported affordable housing in the City:

***"Increase the ratio of supported affordable units to 15% of total housing units by 2025."***

The 2025 report states that CAHF dollars should be leveraged to the maximum extent feasible. Table 8 of the 2025 Housing Goal (which establishes yearly funding levels necessary to reach the 2025 goal) is based on the assumption that the City will contribute 8.4% of the funds needed to preserve or create supported affordable housing, while the remaining 91.6% will be provided by other sources.

#### **Definitions<sup>1</sup>**

**Affordable and/or Affordable Housing<sup>2</sup>:** Housing for occupant(s) at or below 80% of **Area Median Income** who are paying no more than 30 percent of income for Gross Housing Costs, including utilities.<sup>3</sup> Income calculations should be based on 24 CFR Part 5, unless otherwise required by another funder.

**Applicant:** An organization seeking financial assistance from the Charlottesville Affordable Housing Fund.

**Area Median Income (AMI):** Median family income limits as adjusted by the U.S. Department of Housing and Urban Development (HUD) annually by family size.

**Asset-Based Community Development:** A methodology that seeks to identify and use the strengths within communities as a means for sustainable development (i.e., development that meets the needs of the present without compromising the ability of future generations to meet their own needs).

**Beneficiary:** Persons, households or families who benefit from funding received by a **Recipient**.

**Comparable Substitution:** Housing unit committed as a **Supported Affordable Unit** in lieu of another **Supported Affordable Unit** lost due to any event resulting in a loss of **Supported Affordable Unit** status.

**Gross Housing Costs:** For renters, the sum of contract rent and utility costs. For homeowners, the sum of mortgage, utilities, home insurance (including flood if required), private mortgage insurance, property taxes, and home owner association dues.

**Levels of Affordability:** Tiers of Affordable Housing defined in terms of **AMI**. Families earning: between 120 and 80 percent AMI are considered "moderate-income"; between 80 and 50 percent AMI, "low-income"; between 50 and 30 percent AMI, "very low-income" and below 30 percent AMI, "extremely low-income."

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<sup>1</sup> Words and terms included within the definitions section are capitalized throughout this document for ease of reference. Within the definitions section, defined words/terms are also bolded.

<sup>2</sup> The City of Charlottesville has a variety of programs (other than CAHF) that support affordable and Supported Affordable Unit efforts; however, affordable and/or Supported Affordable Unit are defined specifically within each program based on the target Level of Affordability.

<sup>3</sup> In the case of rental units and compliance with Code of VA 58.1-3295, properties financed with 26 USC §42, 26 USC §142(d) 24 CFR §983, 24 CFR §236, 24 CFR §241(t), 24 CFR §221(d)(3) or any successors thereof meet the local definition of affordable rental as noted herein.



**People-Based Financial Supports:** Funds provided to **Recipients** for use by income qualified beneficiaries that allow them to secure a Supported Affordable Unit (e.g., Housing Choice Vouchers or down payment/mortgage assistance).

**Project-Based Financial Supports:** Funds provided to **Recipients** that produce or rehabilitate a **Supported Affordable Unit** at a specific location to achieve **Levels of Affordability** (e.g., Low Income Housing Tax Credit projects, Project Based Vouchers and land trusts).

**Project-Based Legal Supports:** Legal controls that limit the income of **Beneficiaries**, the amount of rent charged, or resale price of a home (e.g., deed restrictions, regulatory compliance/affordability period, liens, or other).

**Recipient:** An organization receiving financial assistance from the Charlottesville Affordable Housing Fund.<sup>4</sup>

**Residency:** Having a physical presence in the City of Charlottesville, with the intent to remain in the City either temporarily or permanently. Qualification is not based on a length of stay or time requirement.<sup>5</sup>

**Special Needs Population:** Person(s) with a physical or mental impairment that substantially limits one or more major life activities, to include elderly, abused/battered spouses and/or children, children aging out of foster care, homeless persons, and chronic homeless persons.

**Supported Affordable Unit (SAU):** Housing unit that achieves one or more **Levels of Affordability** using various sources of public funding and mechanisms including, but not limited to: HUD, VHDA, the City of Charlottesville, Housing Choice Vouchers (Section 8), and/or deed restrictions. **SAUs** can be rental properties or owner-occupied dwellings. **Levels of Affordability** can be achieved through multiple mechanisms, such as **People-Based Financial Supports**, **Project-Based Financial Supports** and **Project-Based Legal Supports**, which can be combined.

### Guidelines for Use of CAHF

The City's intent for CAHF funding is to: (1) create incentives and opportunities to provide new Supported Affordable Units<sup>6</sup> that would not otherwise exist and (2) to preserve existing Affordable Housing and to help maintain affordable units at a risk of being lost without the provision of such funds. To this end, the City realizes that flexibility is important. The following shall inform the use of limited funding, with respect to both preferences for awarding and general requirements for use of CAHF.

- Preference is for projects that either preserve or provide additional Supported Affordable Units toward the City's 2025 Housing Goal.
- Applicants must clearly achieve one or more goals/objectives of the current Comprehensive Plan (or future updated versions).
- Additional consideration will be given to projects that support the City Council Vision for Housing and achieve objectives/goals of the Strategic Action Team (SAT) Growing Opportunities Report, the Strategic Investment Area (SIA) Report, or various Small Area Plans /other reports as developed by or on behalf of the City of Charlottesville.
- To the maximum extent feasible, CAHF should be paired with other City programs to maximize financial viability of projects. Current programs include: reduced water/sewer connection fee; tax

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<sup>4</sup> A Recipient could be a direct Beneficiary in some cases if funding is provided directly. This will only be allowed when provided by the Code of Virginia and incorporated into the City of Charlottesville Code of Ordinances.

<sup>5</sup> Residency definition is based on program requirements for SNAP (i.e., Supplemental Nutritional Assistance Program, a.k.a. food stamps).

<sup>6</sup> New supported affordable refers to either physically new or newly supported affordable (existing) units.

exemptions for housing improvements; free paint program; special tax rate for certain energy efficient buildings; and Design for Life C'ville.

- Efficient use of resources must be considered relative to the amount of CAHF provided. Leverage as provided by the Applicant and CAHF cost per Supported Affordable Unit will be taken into consideration. Priority will be given to those programs / projects that leverage the most funds and require the least subsidy.
- Funding can be used for mixed income Project-Based Financial Supports and People-Based Financial Supports <sup>7</sup>; however, strong preference is for applications that benefit the lowest level of AMI, as defined herein to include extremely low income (30% AMI or less) and very low income (between 50 and 30 percent AMI), and low income (up to 60 percent AMI).
- In order to realize the City's vision of offering housing that is affordable and attainable for people of all income levels, preference is for approaches that address the Levels of Affordability that are in the shortest supply based on the demonstrated need. To the maximum extent feasible, the City should have housing stock sufficient to meet the needs of people across the income spectrum.
- Applicants are encouraged to provide opportunities for meaningful neighborhood participation and use Asset-Based Community Development strategies.
- Applicants must demonstrate their own financial viability as well as the financial feasibility of the project.
- Each project will be evaluated with respect to its readiness to proceed based on status of site control, zoning, financial commitments, construction drawings, and other commonly used indicators, with preference given to those projects most likely to commence in a timely manner or to those projects where CAHF funding will expedite the process.
- Funding requests will be evaluated with respect to the leverage the CAHF investment creates, and/or any proposed legal mechanisms requiring compliance and/or repayments that will be used to achieve continuing Levels of Affordability.
- Project-Based approaches will conform to the City policy for energy efficiency and incorporation of Universal Design features, as adopted on April 21, 2008 (updated on April 21, 2014).
- Funding can only be provided to non-profit organizations which have been designated as such by the U.S. Internal Revenue Service or to the Charlottesville Redevelopment and Housing Authority (CRHA). Only exceptions explicitly allowed by Code of Virginia and incorporated into the City of Charlottesville Code of Ordinances will be otherwise allowed.
- Recipients must be in compliance with all federal, state, and local laws/regulations.
- Beneficiaries of funds should primarily be City residents and/or be employed in the City.<sup>8</sup> Recipients will be required to track and report on previous Residency to ensure compliance.
- CAHF assistance must be used to support projects located within the City limits of Charlottesville, unless approved by City Council.

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<sup>7</sup> 100% AMI is defined as the current median family income for a family of four for the City of Charlottesville as adjusted by HUD. Percentage adjustments for family size are 70% for one person, 80% for two persons, 90% for three persons, 108% for five persons, 116% for six persons, 124% for seven person and 132% for eight persons. For each person in excess of eight, the four-person income limit should be multiplied by an additional eight percent (e.g., for 9 persons multiply by 140%). Income limits are rounded to the nearest \$50. This is consistent with the methodology used for calculation of HUD income limits.

<sup>8</sup> Exceptions to preferences are 1) the homeless, 2) persons who lived in the City during the previous 2 years, and 3) conflicting funding requirements that have no Residency preferences.

- Funding will be primarily reserved for access to or the creation, preservation, and development of Supported Affordable Units.
- Since market forces and demographics are subject to change, CAHF assistance may also be used on a limited basis to explore and encourage new models that are intended to enable affordable and/or Supported Affordable Units in the City.

### Accountability and Tracking

#### Assistance for Rental Housing and Housing Rehabilitation

The purpose of CAHF support for rental housing or housing rehabilitation is to increase the availability of Supported Affordable Unit rental options and also to allow qualified owners<sup>9</sup> to make essential repairs to maintain existing Affordable Housing and expand the City's base of Supported Affordable Units.

#### Accountability Measures

Project-Based: Projects should have a supported mechanism in place to ensure affordability. The affordability period will vary depending upon the amount of CAHF assistance provided and the type of project, as shown below.

TYPE OF PROJECT	CAHF ASSISTANCE <sup>10</sup>	AFFORDABILITY PERIOD*
Housing Rehabilitation	<\$5,000 (per unit)	1 year
	\$5,001 - \$10,000	3 years
	\$10,001 - \$15,000	5 years
	\$15,001 - \$25,000	10 years
	\$25,001 - \$40,000	15 years
	\$40,001 - \$55,000	20 years
	\$55,001 - \$70,000	25 years
	\$70,001 and over	30 years
Rental Housing*		
	New Construction of Rental Housing	20 years
	Rehabilitation / Refinancing of Rental Housing	15 years

\* Period of Affordability is further subject to Federal and/or other funding requirements. If the period required by other funding is shorter than required by CAHF or if foreclosure or other provisions exclude the use of an affordability period, then CAHF will subordinate accordingly. It will be the responsibility of the Recipient to request subordination. If the period is longer than required by CAHF, then the longer term will be used.

\*\*Rental Housing affordability periods are consistent with the HUD HOME program guidelines.

**Affordability Period:** The CAHF Recipient (or current owner should the property sell) of Project-Based Financial Supports for rental housing will be responsible for ensuring the affordability of assisted projects

<sup>9</sup> Qualified owners can refer to either an owner occupied unit where the household meets specified income limits or to owners of rental units where assistance is provided for the benefit of income qualified tenants.

<sup>10</sup> CAHF assistance amounts will be revisited to ensure reasonableness. Housing rehabilitation amounts will be reviewed and updated every 5 years. Changes shall be indexed to annual percentage changes in the Consumer Price Index for Housing in the South Urban Region as published by the Bureau of Labor Statistics, using the month/year of adoption of this policy as a start date. Rental Housing figures will be revised based on changes to the HOME regulations as promulgated by HUD.

during the required affordability period, as shown in the above table. The affordability period may be reduced by the City for a rental housing project that will significantly increase the number of Supported Affordable Units. In no event shall the affordability period be less than 10 years. Should affordability be lost during this period, the Recipient or current owner will be responsible for repayment of funds. . The amount of repayment will be reduced for each year of compliance. The annual reduction will be equal to the amount of assistance divided by the number of years in the affordability period (e.g., \$300,000/20 = \$15,000). For CAHF assistance of \$300,000 for a new construction of rental housing project that remains supported affordable for 10 years, the amount of repayment would be \$150,000. Alternatively, the Owner and/or Recipient may commit comparable other units to be SAUs for the remainder of the term (i.e., Comparable Substitution).

People-Based: The CAHF Recipient of People-Based Financial Supports shall only use funds for income qualified Beneficiaries, as determined and agreed to by the City .

#### **CAHF Tracking Measures<sup>11</sup>**

Project-Based: Within 30 days of receiving a certificate of occupancy for the project, the Recipient shall submit to the City an initial report which indicates the address of each Supported Affordable Unit within the project. On June 30 of every year thereafter during the applicable affordability period, the Recipient (or current owner should the property sell) will submit an annual report that indicates the address of all Supported Affordable Units, including those designated as a Comparable Substitution.

People-Based: The CAHF Recipient of People-Based Financial Supports for rentals shall report to the City on an annual basis the addresses of Supported Affordable Units occupied by Beneficiaries who received CAHF support (or support through recycling of CAHF funds).

#### **Assistance for Homeownership**

The purpose and intent of CAHF support for projects including supported affordable homeownership is to create opportunities to help bolster the inventory of Supported Affordable Units and/or help low-income residents earn equity.

In reviewing applications for CAHF funds to assist with homeownership, the City will consider, among other factors:

- Applicant's demonstrated history of providing Affordable Housing and/or Supported Affordable units
- Applicant's plan for continuing to provide additional Affordable Housing and Supported Affordable Units in the future
- Any mechanisms for maintaining affordability periods of the unit over time
- Any mechanisms for helping families earn savings through mortgage payments and appreciated value
- Any mechanisms for sharing appreciation upon resale with the non-profit agency
- Any mechanisms for sharing appreciation upon resale with the City
- Any mechanisms for recycling funds back into future Supported Affordable Units via reinvestment, return of funds to the CAHF or to another affordable housing fund (as agreed to by the City)
- Other creative mechanisms that help promote equity earning among low-income homeowners and/or leverage funding for future low-income housing opportunities

#### **Accountability Measures**

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<sup>11</sup> There is no specified reporting format; therefore, any report providing the requested information may be used as long as the Supported Affordable Units are identified by address.

Project-Based: Funds received by the Recipient upon the sale of a designated Supported Affordable Unit shall be used by the Recipient to create access to additional Supported Affordable Units according to the Recipient's Form 990 or shall be returned to the City as part of an appreciation-sharing agreement, unless otherwise authorized by the City. The Recipient shall notify the City following the sale of a designated Supported Affordable Unit and shall designate the fund into which the proceeds (or portion thereof) have been placed.

People-Based: Funds received by the Recipient upon the sale of a designated unit shall be used by the Recipient to create access to additional Supported Affordable Units according to the Recipient's Form 990 or shall be returned to the City as part of an appreciation-sharing agreement, unless otherwise authorized by the City. The Recipient shall notify the City following the sale of a designated unit and shall designate the fund into which the proceeds (or portion thereof) have been placed.

#### **CAHF Tracking Measures<sup>12</sup>**

Project-Based: Within 30 days of closing on a Supported Affordable Unit that received Project-Based Financial Supports from CAHF, the Recipient will identify the unit as a Supported Affordable Unit in a notification submitted to the City that contains the address of the designated unit. On June 30 of every year thereafter, the Recipient shall submit a report that indicates the addresses of all Supported Affordable Units, including those that have secured Supported Affordable Unit status from the fund designated by the Recipient to receive proceeds from the sale of another Supported Affordable Unit(s) within the project or that are subject to Project-Based Legal Supports.

People-Based: Within 30 days of closing on a Supported Affordable Unit where the Beneficiary received People-Based Financial Supports from CAHF, the Recipient will identify the unit as a Supported Affordable Unit in a notification submitted to the City that contains the address of the designated unit. On June 30 of every year thereafter, the Recipient will submit a report that indicates the addresses of all Supported Affordable Units, including newly designated units that have secured Supported Affordable Unit status from the fund designated by the Recipient to receive proceeds from the sale of another Supported Affordable Unit(s).

#### **How to Apply for CAHF & Potential Use of Funds<sup>13</sup>**

**Applications for CAHF will be accepted on a continual basis, with no set deadline. Applicants are strongly urged to communicate with City staff in advance to discuss their proposed project. If demand for funds exceeds available funds, then Applicants will be advised and preferences contained herein will help determine funding recommendations to City Council. The following is a list of potential uses for the CAHF; however, this list is not meant to be exclusive.**

- Redevelopment of CRHA Properties
- Rental Housing
- Homeownership
- Down Payment & Closing Cost Assistance or Foreclosure Assistance
- Homeowner and/or Rental Rehabilitation
- Loan Program and/or Revolving Loan Fund

<sup>12</sup> There is no specified reporting format; therefore, any report providing the requested information may be used as long as the Supported Affordable Units are identified by address.

<sup>13</sup> All potential uses of funds are subject to the Code of Virginia and the City of Charlottesville Code of Ordinances.

- Single Room Occupancy or Boarding House
- Energy Efficiency Upgrades
- Rental Subsidies
- Land Acquisition and Assembly in support of Supported Affordable Units and/or mixed income housing
- Land Development in support of Supported Affordable Units and/or mixed income housing
- Predevelopment Expenses when in support of a Supported Affordable Units project (e.g., feasibility analyses, market studies, A&E fees, environmental and/or geotechnical studies, relocation payments, appraisal costs, legal fees, permits, etc.)<sup>14</sup>
- Efforts involving the use of Low Income Housing Tax Credits, shared equity, community land trust and deed restrictions are encouraged to ensure long term affordability
- Initiatives that preserve and/or expand housing opportunities for the Special Needs Population.
- Preservation of existing Affordable Housing to provide Supported Affordable Units
- Other projects as allowable under Virginia Code.

#### Other Uses of CAHF Funds

- Funding exceptions are possible; however, use of funds for programmatic purposes should only be allowed when a determination has been made that 2025 housing goal progress is on track or ahead of schedule. Even in these instances, programmatic uses should be limited to one time expenses that are provided through ADU payments or proffers.
- Funding can be used for data collection to better understand housing issues/needs and to study Affordable Housing stock and Supported Affordable Unit issues as they relate to accomplishment of the 2025 housing goal. Funding should be limited to no more than 10% of the annual amount awarded to CAHF through the CIP process.
- Funding may also be used for administration purposes related to HAC meetings, educational purposes, public outreach, staff training, and other minor expenses related to furthering Supported Affordable Unit efforts. This amount should be limited to 1% of the annual amount appropriated to the CAHF.

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<sup>14</sup> A cost share of 50% will be required for predevelopment initiatives unless these are City directed/requested. Repayment of funds will not be required if a project is deemed infeasible as a result of predevelopment efforts; however, the Recipient will be required to share/disclose all findings with the City.

**EXHIBIT 1**  
**SECTION 3 POLICY**

**I. PURPOSE**

The purpose of Section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u (hereinafter Section 3), is to "ensure that employment and other economic opportunities generated by certain HUD financial funding shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed toward low and very low-income persons, particularly those who are recipients of government funding for housing, and to business concerns which provide economic opportunities to low- and very low-income persons."

Consistent with 24 CFR Part 135, as a recipient of HUD funding, the City of Charlottesville (hereafter "City") and the Charlottesville Redevelopment Housing Authority (hereafter "CRHA") require fulfillment of Section 3 requirements on all contracts that are covered by that assistance. The City and the CRHA work to ensure the provision of employment, training, contracting, and other economic opportunities to its low-income persons (as defined herein). In doing so, the City and the CRHA utilize Section 3 as a means of promoting stability and self-sufficiency to Section 3 Residents. Implementation procedures may be amended periodically by the City and the CRHA to ensure that the policy requirements are met and/or to enhance the efficiencies of compliance.

Because of the potential value to be realized through implementation of Section 3 efforts, the City Council of the City of Charlottesville has also directed that Section 3 be applied to proceeds from the Charlottesville Housing Fund.

**II. APPLICABILITY**

Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing including Public and Indian Housing and Community Development Programs shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

Section 3 requirements apply to projects and activities partially or wholly funded by: 1) development assistance provided pursuant to section 5 of the U.S. Housing Act of 1937, 2) operating assistance provided pursuant to section 9 of the 1937 Act, 3) modernization assistance provided pursuant to section 14 of the 1937 Act, 4) Community Development Block Grant (CDBG), 5) the HOME Investment Partnership (HOME), 6) Charlottesville Housing Fund (CHF).

The City's Section 3 requirements apply to all contractors and subcontractors performing work in connection with HUD funded projects for which the amount of total federal assistance exceeds \$200,000; and/or the amount of the contract or subcontract exceeds \$100,000.<sup>1</sup> The City's Section 3 requirements also apply to all recipients, sub recipients, contractors and subcontractors performing work in connection with CHF funded projects for which the amount of the contract or subcontract exceeds \$100,000.

The CRHA's Section 3 requirements apply to all contractors and subcontractors performing work in connection with projects and activities funded by public housing assistance covered by Section 3, regardless of the amount of the contract or subcontract.<sup>2</sup>

The City also desires that contracts, which are not covered by Section 3 requirements, benefit Section 3 businesses and low and very low income individuals. The City greatly encourages businesses to

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<sup>1</sup> 24 CFR 135.3

<sup>2</sup> 24 CFR 135.3(3)(i)

demonstrate compliance with the "greatest extent feasible" requirement as set forth at 24 CFR 135 to further Section 3 training, employment, contracting and other economic opportunities.

### **III. GOALS OF THE SECTION 3 REGULATIONS**

The City and the CRHA and their sub recipients, contractors and subcontractors will demonstrate compliance with Section 3 by providing opportunities to Section 3 residents and Section 3 business concerns for section 3 covered programs to the greatest extent feasible in three ways, listed in order of preference; however, it should be noted that if there is a triggering event, hiring and contracting compliance is mandatory.

#### **A. Hiring low- and very low-income workers**

On Section 3 covered projects, at least 30% of the aggregate number of full-time new hires by the City, the CRHA, and its recipients, sub recipients and contractors on covered projects must be Section 3 eligible participants, with a preference for residents at the development where the work is being performed or in the area where the work is being performed. It should be noted that if all qualifications are met and remain equal, Section 3 residents will be given priority for hiring.

#### **B. Awarding contracts to Section 3 business concerns**

Award at least 10% of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization or development of Public or Indian Housing, or for building trades work arising in connection with housing rehabilitation, housing construction, and other public construction to Section 3 business concerns. Award at least 3% of the total dollar amount of all other Section 3 covered contracts to Section 3 business concerns.

#### **C. Providing other economic opportunities**

If the two goals above cannot be met by the City, the CRHA, and its recipients, sub recipients, or its contractors, other training and employment opportunities can be provided to substitute for goals A and B. Firms may provide other economic opportunities and will be responsible for soliciting and contracting a qualified firm experienced in providing a Department of Labor Approved curriculum consistent with Section 3 requirements [135.11] in the area of resident training in the following areas:

- Employment Readiness and Professional Development
- Section 3 Small Business Concern Development Training
- Building Construction Trades Classroom Training
- Other direct skills trainings unrelated to public housing solicited commodities<sup>3</sup>

### **IV. CITY AND CRHA RESPONSIBILITIES**

The City and the CRHA, as the recipients of HUD funding, accept the responsibility of not only enforcing the Section 3 requirements, but also pro-actively facilitating compliance with Section 3. The City and the CRHA will fulfill this responsibility by following the procedures as outlined in the Section 3 Standard Operating Procedures. The City, through its decision to extend Section 3 to applicable CHF covered projects, also accepts the responsibility of pro-actively facilitating compliance to the greatest extent feasible, where applicable, with Section 3 on CHF covered projects. Through the City's decision to extend non-covered opportunities to Section 3 residents, the City's Department of Human Resources will be required to notify Section 3 staff of all City employment opportunities.

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<sup>3</sup> 24 CFR 135.11(d)



## **V. CONTRACTOR RESPONSIBILITIES**

All contractors who enter into a Section 3 covered contract with the City and/or the CRHA must agree to comply with HUD's regulations in 24 CFR Part 135. The Section 3 contract clause specifies the requirements for contractors hired for Section 3 covered projects. These requirements must be included in all such contracts. All covered contracts shall include in full the following clause (referred to as the Section 3 Clause<sup>4</sup>):

### **HUD Section 3 Clause**

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3 shall, to the greatest extent feasible, be directed to low and very low income persons, particularly persons who are recipients of HUD assistance for housing and business concerns that provide economic opportunities for low and very low income persons.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the regulations of 24 CFR Part 135.
- C. The contractor agrees to send to each labor organization representative, workers with which the contractor has a collective bargaining agreement, or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, the name and location of the person(s) taking applications for each of the positions, and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- E. The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- F. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future contracts.<sup>5</sup>

### **CHF Section 3 Clause**

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<sup>4</sup> 24 CFR 135.38

<sup>5</sup> 24 CFR 135.38; 24 CFR 135.76(g)

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All recipients, sub recipients, contractors and subcontractors who enter into a CHF covered contract with the City must agree to comply with the City's Section 3 Policy. The CHF Section 3 contract clause specifies the requirements for grantees and contractors hired for CHF covered projects. These requirements must be included in all such contracts. All CHF covered contracts shall include in full the following clause (as referenced from the Section 3 Clause<sup>6</sup>):

- A. The work to be performed under this contract has been selected to be subjected to the requirements of the City's Section 3 Policy. The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3 shall, to the greatest extent feasible, be directed to low and very low income persons, particularly persons who are recipients of HUD assistance for housing and business concerns that provide economic opportunities for low and very low income persons. The City of Charlottesville requires that all CHF covered contracts target training, employment and contracting opportunities to Section 3 businesses as well as low and very low income individuals in order to demonstrate compliance with the greatest extent feasible requirements set forth in the City's Section 3 Policy.
- B. The parties to this contract agree to comply with the City's Section 3 Policy. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the regulations of the City's Section 3 Policy.
- C. The contractor agrees to send to each labor organization representative, workers with which the contractor has a collective bargaining agreement, or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this CHF Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice should describe the Section 3 preference, set forth minimum number of job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, the name and location of the person(s) taking applications for each of the positions, and the anticipated date the work shall begin.
- D. The contractor agrees to include this CHF Section 3 clause in every subcontract subject to compliance with the City's Section 3 Policy, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this CHF Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in the City's Section 3 Policy. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the City's Section 3 Policy.
- E. Once a contractor has committed to comply with Section 3, the City will expect applicable HUD regulations found at 24 CFR Part 135 to be adhered to, just as if Federal funding had triggered the same.
- F. The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of the City's Section 3 Policy require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under the City's Section 3 Policy.

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<sup>6</sup> 24 CFR 135.38

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G. Noncompliance with the City's Section 3 Policy may result in sanctions, termination of this contract for default, and debarment or suspension from future contracts.<sup>7</sup>

Examples of activities to demonstrate compliance with these efforts include distributing or posting flyers advertising positions to be filled, posting opportunities in a timely manner on the City's and the CRHA's website (if applicable), contacting the City and the CRHA for a list of residents that may have expressed interest in Section 3 employment, notifying the City and the CRHA about open positions, holding job informational meeting for residents, etc. Contractors will be responsible for submitting regular payrolls and documenting compliance efforts. The contractor shall maintain on file all records related to employment and job training of low-income and very low-income residents or other such records, advertisements, legal notices, brochures, flyers, publications, Section 3 forms from subcontractors, etc. in connection with covered contracts. If there is a report that is needed as part of the submission the contractor agrees to provide it timely. The contractor shall, upon request, provide such records or copies of records to the City and/or the CRHA and will maintain this information on file in conformance with record retention requirements as specified within the contract with the City / CRHA.

**VI. PREFERENCES AND ELIGIBILITY**

*Note: All persons that are recipients of housing assistance by the government are Section 3 Residents and Public Housing Residents are top priority Section 3 Residents. The businesses owned by public housing residents are top priority business concerns. In Section 3 covered projects and/or contracts, when employment or contracting opportunities are offered as a result of Section 3 and all requirements are met and remain equal, public housing and/or Housing Choice Voucher residents/businesses within the City shall be provided preference over other Section 3 residents/business concerns and non-section 3 residents/business concerns. The City, the CRHA, recipients, sub-recipients, contractors and subcontractors are to apply the following preferences as described in Parts A through B.*

- A) Regarding the hiring of Section 3 residents, Preference shall be given to those residents who live at the project site where the Section 3 covered assistance is expended.

Tier I Section 3 Residents shall be as prescribed below:

- I. Persons assisted with housing by the federal government in the neighborhood within the target area where the project is located.
- II. Other persons who are residents of Charlottesville Redevelopment and Housing Authority properties and or recipients of Section 8 Vouchers issues by the City of Charlottesville.
- III. Other persons who are participants of HUD programs being carried out in the City of Charlottesville.

Tier II Section 3 Residents shall be as prescribed below:

- IV. Low and very low income persons (as defined herein) within the City of Charlottesville.
- V. Low and very low income persons within the Charlottesville metropolitan statistical area.

- B) Regarding the contracting opportunities for Section 3 business concerns, preference shall be given in the following order:

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<sup>7</sup> 24 CFR 135.38  
24 CFR 135.76

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- I. Section 3 business concerns owned at least 51 percent by any Section 3 residents of where the project is located and where the covered assistance is expended.
  - II. Section 3 business concerns that are owned at least 51 percent by Section 3 residents of the City.
  - III. Section 3 business concerns that provide economic opportunities for Section 3 residents in the service area or neighborhood in which the Section 3 covered project is located (at least 30 percent of full-time staff are Section 3 residents from the project site).
  - IV. Section 3 business concerns within the Metropolitan Statistical Area.
  - V. Other Section 3 business concerns.
- C) Regarding eligibility, a Section 3 resident seeking a preference must fulfill the requirements of the sought position and, if asked, must provide evidence of their Section 3 status. A Section 3 business concern seeking to qualify for a Section 3 contracting preference shall certify or submit evidence that the entity qualifies as a Section 3 business concern. The Section 3 business must also be qualified and be able to demonstrate its ability to complete the contract. The ability to perform successfully under the terms and conditions of the proposed contract is required of all contractors and subcontractors subject to federal procurement standards.<sup>8</sup>

**VII. OTHER ECONOMIC OPPORTUNITIES**

For all contracts where Section 3 requirements are applicable, other economic opportunities may only be used where a contractor or sub-recipient cannot comply with the hiring or subcontracting goals set forth in the Preference Tier structure in paragraph VI. Whenever the other economic opportunities are employed on Section 3 covered contracts (as defined herein), other economic opportunities must equal or exceed 3% of the total contract value including any change orders. Whenever the other economic opportunities are employed on contracts that are not covered by HUD assistance, then the value of other economic opportunities is to be determined between the City and the Contractor on a mutually agreed basis.

**VIII. COMPLAINTS AND COMPLIANCE**

Any Section 3 resident or business concern that feels that the Section 3 regulations were not complied with on Section 3 covered contracts are encouraged to first refer to the City or CRHA's complaint process. Section 3 residents or business concerns that feel that the Section 3 regulations were not complied with are also encouraged to contact the Section 3 Coordinator before filing a complaint directly to HUD. Any Section 3 resident or Section 3 Business (or authorized representative) may file a complaint directly to the Assistant Secretary for Fair Housing and Equal Opportunity at the following address (or as otherwise directed by HUD):

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<sup>8</sup> 24 CFR 85.36, 24 CFR 85.36b(8)

**City of Charlottesville- Charlottesville Affordable Housing Fund  
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**Assistant Secretary for Fair Housing and Equal Opportunity  
Department of Housing and Urban Development  
Philadelphia Regional Office of FHEO  
U.S. Department of Housing and Urban Development  
The Wanamaker Building  
100 Penn Square East, 12th Floor  
Philadelphia, Pennsylvania 19107-3380  
(215) 861-7646 or 1-888-799-2085 or TTY (215) 656-3450**

The complaint must be in writing and be received within 180 days from the date of the action upon which the complaint is based. It should include the complainant's name and address, the City or contractor's name and address, and a description of the acts in question. The complainant will receive a response from HUD within 10 days in which further investigation will be explained.

**IX. DEFINITIONS**

Please refer to the 24 CFR 135.5 for a full list of prevailing definitions found in the regulation.

The City of Charlottesville and the Charlottesville Redevelopment and Housing Authority incorporate into this policy the definitions contained in 135.5 of 24 CFR Part 135 and any changes or updates to these definitions as may from time to time be incorporated into 24 CFR Part 135.

The City of Charlottesville and the Charlottesville Redevelopment and Housing Authority make no representation concerning interpretation and meaning of Section 3 of the Housing Act of 1968, as amended, and of 24 CFR part 135 beyond this policy. It is recommended that interested parties refer directly to the law and regulations for a complete understanding of their meaning.

**CHARLOTTESVILLE HOUSING FUND (CHF) COVERED CONTRACT:** A contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of CHF covered funding or for work arising in connection with a CHF covered project. "CHF Contracts" do not include contracts for the purchase of supplies and materials except, whenever a contract for materials includes the installation of the materials.

**CHARLOTTESVILLE HOUSING FUND (CHF) COVERED PROJECT:** The construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with CHF funding.

**EMPLOYMENT OPPORTUNITIES GENERATED BY SECTION 3 COVERED ASSISTANCE:** All employment opportunities generated by the expenditure of Section 3 covered funding (i.e. operating funding, development funding, and modernization funding) and with respect to Section 3 covered housing and community development funding, all employment opportunities arising in connection with Section 3 covered projects, including management and administrative jobs (including architectural, engineering, or related professional services and jobs directly related to administrative support of these activities) connected with the Section 3 covered project.

**FULL-TIME EMPLOYEE:** A permanent worker who is employed on a year-round basis and who works a full workweek, generally 30 to 40 hours per week.

**LOW INCOME PERSON:** Families (including single persons) whose incomes do not exceed 80% of the median income for the project area.

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**NEW HIRES:** New position and or vacant position filled with full-time employees for permanent, temporary or seasonal employment opportunities for any specific City or CRHA related contract.

**ON THE JOB TRAINING (OJT):** Planned and organized training, conducted at the employer's worksite. The trainee uses the actual tools, equipment, documents or materials that employees will use when fully trained. OJT aims to broaden and develop the employee's knowledge, skills, and abilities that are unique to a job.

**RECIPIENT:** Any recipient which receives Section 3 covered funding, directly from HUD or from another recipient and includes, but is not limited to, any State, unit of local government, PHA, IHA, Indian Tribe, or other public body, public or private nonprofit organization, private agency or institution, mortgagor, developer, limited dividend sponsor, builder, property manager, community housing development organization, resident management corporation, resident council, or cooperative association. Recipient also includes any successor, assignee, or transferee of any such recipient, but does not include any ultimate beneficiary under the HUD program to which Section 3 applies and does not include Section 3 contractors.

**RESIDENT OWNED BUSINESS (ROB):** A ROB is a Business Concern owned or controlled by Public Housing Residents, or low income residents that are: (a) at least fifty-one (51%) percent owned and operated by one or more public housing residents; and (b) whose management and daily business operations are controlled by one or more such individuals. For purposes of Section 3 compliance, a ROB must also meet the definition of a Section 3 Business Concern as described below.

**SECTION 3:** Section 3 of the Housing and Urban Development Act of 1968, as amended (12U.S.C.1701u).

**SECTION 3 BUSINESS CONCERN:** As defined by HUD, a Section 3 Business Concern is one:

- A. That is fifty-one (51%) percent or more owned by Section 3 Residents; or
- B. Whose permanent, full-time employees includes persons, at least thirty percent (30%) of whom are current Section 3 Residents, or were Section 3 Residents within three (3) years of the date of first employment with the Business Concern if the contractor is working on a redeveloped or replacement asset; or
- C. That provides evidence of a commitment to subcontract a minimum of twenty-five percent (25%) of the total contract award amount (including any modifications) to a Section 3 Business Concern(s) as defined in A or B. Example: If the Contract amount is \$1,000,000, contractor must subcontract at least 25% or \$250,000 to a Section 3 Business Concern(s) as defined in A or B in this part.

**SECTION 3 CLAUSE:** The contract provisions and sanction set forth in 24 CFR 135.38

**CHF SECTION 3 CLAUSE:** The contract provisions set forth in the City's Section 3 Policy as it pertains to covered CHF funding.

**SECTION 3 COVERED ACTIVITY:** Any activity that is funded by Section 3 covered funding.

**SECTION 3 COVERED ASSISTANCE:** Section 3 applies to the following HUD assistance (Section 3 covered assistance):

**City of Charlottesville- Charlottesville Affordable Housing Fund  
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(1) Public and Indian housing assistance. Section 3 applies to training, employment, contracting and other economic opportunities arising from the expenditure of the following public and Indian housing assistance:

- (i) Development assistance provided pursuant to section 5 of the U.S. Housing Act of 1937 (1937 Act);
- (ii) Operating assistance provided pursuant to section 9 of the 1937 Act; and
- (iii) Modernization assistance provided pursuant to section 14 of the 1937 Act;

The requirements of part 135 apply to recipients of covered section 3 housing and community development assistance for which the amount of the assistance exceeds \$200,000; and these requirements apply to contractors and subcontractors performing work on projects funded by housing and community development assistance for which the recipient's award exceeds \$200,000, and the contract or subcontract exceeds \$100,000. If the recipient's award of assistance exceeds \$200,000, but the contracts and subcontracts do not exceed \$100,000, then only the recipient is subject to the Section 3 requirements. The recipient's responsibility includes awarding contracts, to the greatest extent feasible, to Section 3 business concerns.

**SECTION 3 COVERED CONTRACT:** A contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 covered funding or for work arising in connection with a Section 3 covered project. "Section 3 Covered Contracts" do not include contracts for the purchase of supplies and materials except, whenever a contract for materials includes the installation of the materials.

**SECTION 3 COVERED PROJECT:** The construction, reconstruction, conversion or rehabilitation of housing (including reduction and abatement of lead-based paint hazards), other public construction which includes buildings or improvements (regardless of ownership) assisted with housing or community development funding.

**SECTION 3 JOINT VENTURE:** An association of business concerns, one of which qualifies as a Section 3 Business Concern, formed by written joint venture agreement to engage in and carry out a specific business venture for which purpose the business concerns combine their efforts, resources, and skills for joint profit, but not necessarily on a continuing or permanent basis for conducting business generally, and for which the Section 3 Business Concern:

- Is responsible for a clearly defined portion of the work to be performed and holds management responsibilities in the joint venture; and
- Performs at least 25% of the work and is contractually entitled to compensation proportional to its work.

**VERY LOW INCOME PERSON:** Families (including single persons) whose incomes do not exceed 50% of the median family income for the project area.

Please refer to [www.huduser.org/portal/datasets/il.html](http://www.huduser.org/portal/datasets/il.html) for current, local Income Limit information.

- ❖ Select current year.
- ❖ Select "Access Individual Income Limit area"
- ❖ Select "click here for FY XXXX IL Documentation" (where XXXX is the current fiscal year)
- ❖ Select State & County

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**First Amended GRANT AGREEMENT  
Charlottesville Supplemental Rental Assistance Program  
(CSRAP)**

This grant agreement provides the terms and conditions upon which the City of Charlottesville ("City") will provide funding to the Charlottesville Redevelopment and Housing Authority ("CRHA") for the purpose of administering the "Charlottesville Supplemental Rental Assistance Program" ("CSRAP"). The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. In order to facilitate expedient housing of those in need and to insure that funding resources are provided directly to housing clients, CRHA has proposed to administer the CSRAP at no cost to the City or the CSRAP. Therefore, the City and CRHA recognize that it is critical that the administrative burden associated with the program be kept to an absolute minimum. Funding approval in the amount of \$900,000 to support CRHA's administration of the CSRAP was provided by City Council on October 16, 2017.

**Section 1.** Time for Performance: July 1, 2019 through June 30, 2020.

**Section 2.** City Funding Amount: \$945,000

**Section 3.** Conditions of City Funding:

**I. PURPOSE OF THE PROGRAM**

- A. The City of Charlottesville has authorized the transfer of up to \$945,000.00 plus carryforward program funding, if any, from Charlottesville Affordable Housing Fund (CAHF) to the Charlottesville Redevelopment and Housing Authority (CRHA) for use within the Fiscal Year ending June 30, 2020, upon the following conditions: (i) the funding shall be used exclusively by CRHA to provide rental assistance subsidies to individuals who are part of Extremely Low-Income to Low-Income Households, defined as those households earning less than 60% of Area Median Income (Area Median Income) as determined by the US Department of Housing and Urban Development annually within the City of Charlottesville, including, but not limited to, those who are homeless, elderly and/or disabled individuals, or those enrolled in a self-sufficiency program; and (ii) the administration of this funding by CRHA shall be in accordance with the terms of this document.
- B. The City is authorized by Va. Code §36-7 to provide money to a housing authority, to enable or assist the authority to carry out its purposes.

**II. FUNDING**

The CSRAP shall be funded through the Charlottesville Affordable Housing Fund (CAHF).

### **III. ADMINISTRATION**

The CSRAP represents a partnership between the City of Charlottesville and the Charlottesville Redevelopment and Housing Authority. In order to facilitate expedient housing of those in need and to insure that funding resources are provided directly to housing clients, CRHA has proposed to administer the CSRAP at no cost to the City or the CSRAP. Therefore, the City and CRHA recognize that it is critical that the administrative burden associated with the program be kept to an absolute minimum. CRHA agrees to administer the CSRAP in a manner similar to the federal Housing Choice Voucher Program (HCVP) rules and regulations, as amended, and the City of Charlottesville's Housing Policy 1, as amended (attached hereto as Appendix A). An exception to the administration of the program will be permitted to allow for single room housing that might not otherwise meet HUD rules and regulations, in limited circumstances.

For purposes of administration of the CSRAP, the term "household" shall mean and include any one (1) or more individual(s) who comprise a single housekeeping unit.

### **IV. ADMISSIONS/PREFERENCES AND THE WAITING LIST**

- A. Eligible Households shall be selected and admitted from the CRHA's existing HCVP waiting list in accordance with the HCVP rules and regulations established by the CRHA for selection and admission for tenant-based housing assistance through the CSRAP unless specified otherwise in this agreement. Only Households with incomes less than 60% AMI shall be issued CSRAP rental assistance subsidies. A Household can apply to participate in the CSRAP Program if individual(s) within the Household live or work within the City of Charlottesville at the time of the application; however, CSRAP rental assistance shall be issued only to subsidize rental payments owed by a Household for rental of a dwelling unit located within the City of Charlottesville, except as per the provision in Section V.B.iii.
- B. The CHRA shall issue the CSRAP rental assistance according to the following priorities:
  - (i) A minimum of fifteen (15) CSRAP rental assistance subsidies will be issued to Households who are homeless. (These recipients may or may not be enrolled in the CRHA HCV waiting list.)
  - (ii) A minimum of forty (40) CSRAP rental assistance subsidies will be issued to Households enrolled in a local self-sufficiency program. (These recipients may or may not be enrolled in the CRHA HCV waiting list.)
  - (iii) The remainder of the CSRAP funded rental assistance subsidies (i.e., those not issued in accordance with Sections IV.B(i) or IV.B(ii), above) shall be issued to HCVP eligible households, if the individual(s) within those Households live or work in the City of Charlottesville, and if the

Household(s) is or are on the CRHA's HCVP waiting list at the time of the issuance of a CSRAP voucher.

- (iv) In the administration and issuance of CSRAP funded rental assistance subsidies described in Section IV.B(iii) above, CRHA will insure that vouchers will be issued to households with incomes less than 60% AMI.
- C. Households on the CRHA's HCVP waiting list who accept CSRAP voucher(s) shall remain on the HCVP waiting list, and shall retain their ranking on that list. If an individual or household on the HCVP waiting list is selected by CRHA for the HCVP program, CRHA shall offer that Household the opportunity to replace any CSRAP subsidy being received with an HCV.

## **V. TENANT-BASED HOUSING ASSISTANCE**

- A. CSRAP rental assistance subsidies shall be administered as tenant-based housing assistance in a manner similar to CRHA's HCVP rules and regulations.
- B. Notwithstanding any CRHA HCVP rule or regulation to the contrary, (see Section V.A, above), the following rules apply specifically to the CSRAP:
  - (i) Rental assistance subsidies shall not be eligible for portability as such term is defined and utilized in 24 C.F.R. §§ 982.351 and 982.353, as amended.
  - (ii) Households receiving a CSRAP voucher shall have 60 days to locate, and lease, a rental housing unit within the City of Charlottesville.
  - (iii) Should a Household be unable to locate a rental unit that it can afford (based on the 30% required contribution referenced in subparagraph (iv), following below) within the City of Charlottesville within the initial 60-day CSRAP voucher term, the CRHA may grant one 120-day extension, during which time the recipient household may continue to search for rental housing in the City of Charlottesville or within Albemarle County.
  - (iv) Households receiving a CSRAP voucher shall be required to contribute 30% of the monthly gross income of that Household toward rent each month. The Household's required rent contribution shall be determined at the time the Household is accepted into the CSRAP, and thereafter shall not be increased more than once every 24 months; regardless of whether or not the rent contribution is increased during any 24 month period, CRHA shall continue to verify and keep records as to the Household income, report income to the City, and comply with the requirements within this Grant Agreement.
  - (v) CSRAP rental assistance shall be provided monthly. The monthly housing assistance payment shall be equal to the applicable HCVP payment standard for bedroom size for the Charlottesville area, as established annually by the

Virginia Housing and Development Authority, minus the tenant's portion of the rent.

- (vi) The CRHA shall reexamine the income and family composition of each Household receiving CSRAP rental assistance, at least once every twelve (12) months. Any Household that experiences a decrease in income may request a reexamination and adjustment of the requirement for 30% monthly income participation (see subparagraph (iv), above) at any time.

## **VI. CONTINUING ELIGIBILITY FOR CSRAP FUNDING**

- A. Subject to availability of CSRAP funds and the terms of this Grant Agreement, CSRAP rental assistance may be issued to a Household so long as the Household is in compliance with the CSRAP Program Rules.
- B. CSRAP-assisted Households shall be entitled to the Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs as defined by 24 CFR §982.54(d)(12) and (13) as amended, as administered by the CRHA.

## **VII. PROGRAM FUNDING**

- A. The City's Housing Program Coordinator has verified that funding in the amount of \$945,000 is available and has been appropriated by City Council to the CAHF to support the CSRAP. CSRAP will continue so long as funds from the initial funding allocation of \$945,000 plus carryforward program funding, if any, to CAHF for support of the CSRAP remain unencumbered or additional funding has been appropriated by City Council in amounts sufficient to support continuation of the CSRAP in subsequent fiscal year(s).
- B. Each year, in accordance with a schedule established by the City's Budget Director, CRHA shall prepare and submit to the City an estimate of the amount of money needed during the ensuing fiscal year for the CSRAP, based on the Households then participating in the CSRAP at that time, and based on CRHA's estimate of any rent increases for those participating Households, and (at CRHA's option) CRHA's estimates of the cost of any desired expansion of the CSRAP to additional participants during the ensuing fiscal year. CRHA will be afforded at least 30 days within which to prepare and submit such annual funding estimate. This CSRAP Agreement may be renewed for succeeding fiscal years by written agreement of the parties, subject to the availability and appropriation of public funds.
- C. The City shall retain the existing program funding reserve of \$292,500 as a program reserve fund to ensure funding is available to cover any increases in rental assistance payments due to decreases in participant household income or increases in rent. All unused reserve funds shall be carried over in to the next year's program funding total.

**City of Charlottesville- Charlottesville Affordable Housing Fund (CAHF)**  
**Charlottesville Supplemental Rental Assistance Program- City Account P-0952**

- D. When the unencumbered funding balance within the Initial Operational Allocation reaches an amount equal to approximately one month of maximum program rental expenses (or not to exceed \$80,000), CRHA shall request and the City shall immediately disperse an additional amount equal to approximately three months of maximum rental expenses (or not to exceed \$240,000) to CRHA to provide ongoing support for the program. In so doing, at all times during the term of the CSRAP, CRHA will maintain an unencumbered program Operational Allocation balance of no less than \$80,000 and no more than \$240,000.
- E. Initial Reporting Requirements:
- (i) Upon determining that a Household is eligible to participate in the CSRA Program, CRHA shall transmit to the City's Housing Program Coordinator the following:
    - (a) A copy of the Household's rental assistance subsidy agreement, lease approval form, rent portions notice, rental unit information (including address and monthly rent), unit inspection report, and Household information (including income, size, composition), and
    - (b) A copy of an invoice or other statement of rent from the Household's landlord, identifying the monthly rental amount for that Household, at time of initial lease-up.
- F. Ongoing Reporting Requirements.
- (i) 30 days following the end of each calendar year quarter (specifically: on October 31, January 31, April 30, and July 31 each calendar year), the CRHA will submit to the City of Charlottesville, an itemized Quarterly Report, listing each recipient Household participating in the CSRA Program as of the date of such Report, and specifying the amount of monthly rent required for each Household (both household rent portion and rental assistance amount) for the calendar year quarter next succeeding the date of the Quarterly Report. Each such Quarterly Report shall add up each of the amounts required for the CSRA Program for the upcoming quarter, and shall give a total amount necessary to satisfy the Program commitments for that upcoming calendar year quarter.
- G. Each itemized Quarterly Report referenced in Paragraph (F)(i), above, shall be accompanied by the following information (in addition to the information required by paragraph (D), above) and this information shall be presented in an Excel Spreadsheet or other format mutually acceptable to both CRHA and the City's Housing Program Coordinator. Each Quarterly Report shall provide program and household statistics, including but not necessarily limited to:

City of Charlottesville- Charlottesville Affordable Housing Fund (CAHF)  
Charlottesville Supplemental Rental Assistance Program- City Account P-0952

- Date voucher issued
  - Date voucher extended (if applicable)
  - Date unit leased
  - Name (head of household)
  - Unit Address – and to be clearly identified if City or County address
  - Total Monthly Rent
  - Amount of Monthly Rental Assistance Provided
  - Household Income
    - %AMI
  - Employment Status
  - Number of Wage Earners
  - Household Composition
    - Number of Adults
    - Number of Children
    - Number of Children Under 5-years
    - Number of Elderly (65 years+)
    - Number of Disabled
    - Race/Ethnicity
  - Compliance with admissions preference priorities as defined in Section IV.B.
- (i) Following the Initial Operational Allocation, no funds will be released to CRHA, unless and until all required reporting pursuant to Section (E), Section (F) and Section (G) have been properly completed and submitted to the Housing Coordinator.
- (ii) The Housing Coordinator shall have 14 days from the date of report submittal to review and certify to CRHA that the reports provided meet the CSRAP reporting standards defined in Section (E), Section (F), & Section (G) above. After 14 days following report submittal (unless otherwise notified), CRHA and the Housing Coordinator will consider all reports submitted to be complete, proper and certified.
- (iii) All reports shall be submitted to the City of Charlottesville's Housing Program Coordinator.

OFFERED BY:  
City of Charlottesville

By:   
Christopher V. Cullinan  
Director of Finance

Date: 6.20.2019

ACCEPTED BY:  
Charlottesville Redevelopment and  
Housing Authority

By: 

Date: 21-June-2019

FUNDS ARE AVAILABLE

BY:   
Director of Finance/Designee

Approved As To  
Form: 6/19/19  
L. Robertson  
Chief Dep City  
Attorney

**RESOLUTION TO APPROVE THE SEVENTH AMENDMENT TO GRANT  
AGREEMENT FOR THE CHARLOTTESVILLE SUPPLEMENTAL RENTAL  
ASSISTANCE PROGRAM, AND TO APPROPRIATE THE NOT-TO-EXCEED  
AMOUNT OF NINE-HUNDRED-THOUSAND DOLLARS (\$900,000.00) FROM THE  
FY2024-2025 BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2024**

**WHEREAS** on June 19, 2017, the City of Charlottesville approved the creation of the city-funded Charlottesville Supplemental Rental Assistance Program (“CSRAP”), and on April 9, 2024, the City Council approved an allocation of \$900,000 from the Capital Improvement Program funds to be used for the CSRAP program, which will be administered by CRHA; and

**WHEREAS** the terms and conditions under which the Charlottesville Redevelopment and Housing Authority (“CRHA”) will administer the CSRAP Program are set forth within a written grant agreement effective for the fiscal year beginning July 1, 2024, which has been reviewed by City Council this same date.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, **THAT:**

1. The CSRAP program shall be administered by CRHA in accordance with the terms and conditions set forth within the CSRAP grant agreement effective for the fiscal year beginning July 1, 2024, which is hereby approved by this City Council; and
2. The City Manager is authorized to execute the CSRAP grant agreement on behalf of the City of Charlottesville and the City Manager and City staff are authorized and directed to apply the funding allocated above to the CSRAP program in accordance with the terms set out within the CSRAP grant agreement.

Approved by Council  
September 16, 2024

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Kyna Thomas, CMC  
Clerk of Council

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Approval of Ordinance
Presenter:	Brian Haluska, Principal Planner
Staff Contacts:	Brian Haluska, Principal Planner
Title:	<b>Ordinance for Stonehenge Avenue Encroachment Agreement (2nd reading)</b>

**Background**

Stonehenge Park, LLC (the "Owner") is the owner of property identified as Tax Map 60 Parcel 120 (PIN 600120000) with an address of 0 Stonehenge Ave. Ext. and shown as Open Space E (the "Property"). The Owner is responsible for a retaining wall located in the City and constructed partially on the Property, partially on property identified as Tax Map 60 parcel 120.022 (PIN 600120022) with an address of 1302 Stonehenge Ave. Ext., and partially in the right-of-way of Stonehenge Ave. Ext. (the "Retaining Wall"). Prior to release of development bonds for the development known as Belmont Point, it was discovered that a portion of the Retaining Wall encroached into the public street right-of-way for Stonehenge Ave. Ext.

The Owner has requested City Council to approve this encroachment, to facilitate release of their development bonds and to cure any issues that might affect property owners within Belmont Point from using the Property as common space, or a subsequent purchaser's ability to obtain title insurance/clear title. Attached is a copy of the recent survey plat of the property showing the area of Stonehenge Ave. Ext. affected by the Retaining Wall's encroachment.

**Discussion**

Sections 15.2-2009 and 15.2-2011 of the Virginia Code permit the City Council to authorize encroachments upon public rights-of-way, subject to requirements of those statutory sections and such other terms and conditions as City Council may prescribe.

**Alignment with City Council's Vision and Strategic Plan**

Approval of the Retaining Wall encroachment is consistent with the Strategic Plan goal for Transportation.

**Community Engagement**

Not applicable

**Budgetary Impact**



There is no budgetary Impact for approval of this agreement

### **Recommendation**

Staff recommends approval of the Ordinance

### **Alternatives**

If Council decides not to approve the Ordinance, the Owner will be required to relocate the retaining wall outside of the public right-of-way. Currently, the roads in the affected development have not been formally accepted for maintenance by the City, and the time required to move the wall will increase the amount of time that the residents of the development will be living on an unaccepted, privately maintained road.

### **Attachments**

1. Draft Ordinance
2. Request
3. Plat

**ORDINANCE**  
**AUTHORIZING ENCROACHMENT OF A RETAINING WALL**  
**CONSTRUCTED PARTIALLY ON PROPERTY IDENTIFIED ON CITY TAX MAP 60 AS**  
**PARCEL 120 AND HAVING THE ADDRESS OF 0 STONEHENGE AVENUE EXT.**

**WHEREAS** Stonehenge Park, LLC, the owner of certain property with an address of 0 Stonehenge Avenue Ext., identified on City Tax Map 60 as Parcel 120 (City Real Estate Parcel Identification No. 600120000) (the “Property”), has requested City Council to authorize the encroachment of a retaining wall constructed on and adjacent to the Property into the public right-of-way of Stonehenge Avenue Ext. (the “Retaining Wall”); and

**WHEREAS** the City Engineer has reviewed a physical survey plat prepared by Roger W. Ray & Assoc., Inc. entitled “PLAT SHOWING RETAINING WALL AND MAINTENANCE AREA LOCATED WITHIN THE PUBLIC R/W OF STONEHENGE AVENUE EXTENDED, BELMONT POINT, CITY OF CHARLOTTESVILLE, VIRGINIA,” dated May 26, 2023 and revised July 1, 2024 (the “Plat”), which shows the encroachment of the Retaining Wall identified as “APPROXIMATE LOCATION OF RETAINING WALL (LINEWORK PROVIDED BY SHIMP ENGINEERING, P.C.)” (the “Encroachment”). Seeing no apparent detrimental effect of City Council agreeing to the Encroachment, the City Engineer has confirmed that he has no objection to the request; and

**WHEREAS** Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950), in effect as of the date this Ordinance is approved, permit the City Council to authorize encroachments upon public rights-of-way, subject to the requirement that the Property owner shall not be relieved of negligence on account of the Encroachment, and further subject to other terms and conditions as City Council may prescribe.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute a deed or other instrument, in a form approved by the City Attorney and suitable for recording among the land records of the City of Charlottesville, to authorize and license the Encroachment within the Stonehenge Avenue Extended right-of-way as shown on the Plat, subject to the provisions of Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950) in effect as of the date this Ordinance is approved.

**BE IT FURTHER ORDAINED** by the Council of the City of Charlottesville, Virginia, that a term and condition of such approval be that any maintenance on the Retaining Wall shall be conducted within the area on the Plat identified as “RETAINING WALL MAINTENANCE AREA.”

From: Justin Shimp <justin@shimp-engineering.com>

Subject: ROW Encroachment Agreement, Stonehenge Ave. Extended

Date: July 11, 2022 at 3:04:00 PM EDT

To: "Robertson, Lisa" <robertsonl@charlottesville.gov>

Cc: Michael Chandler <michael@shimp-engineering.com>

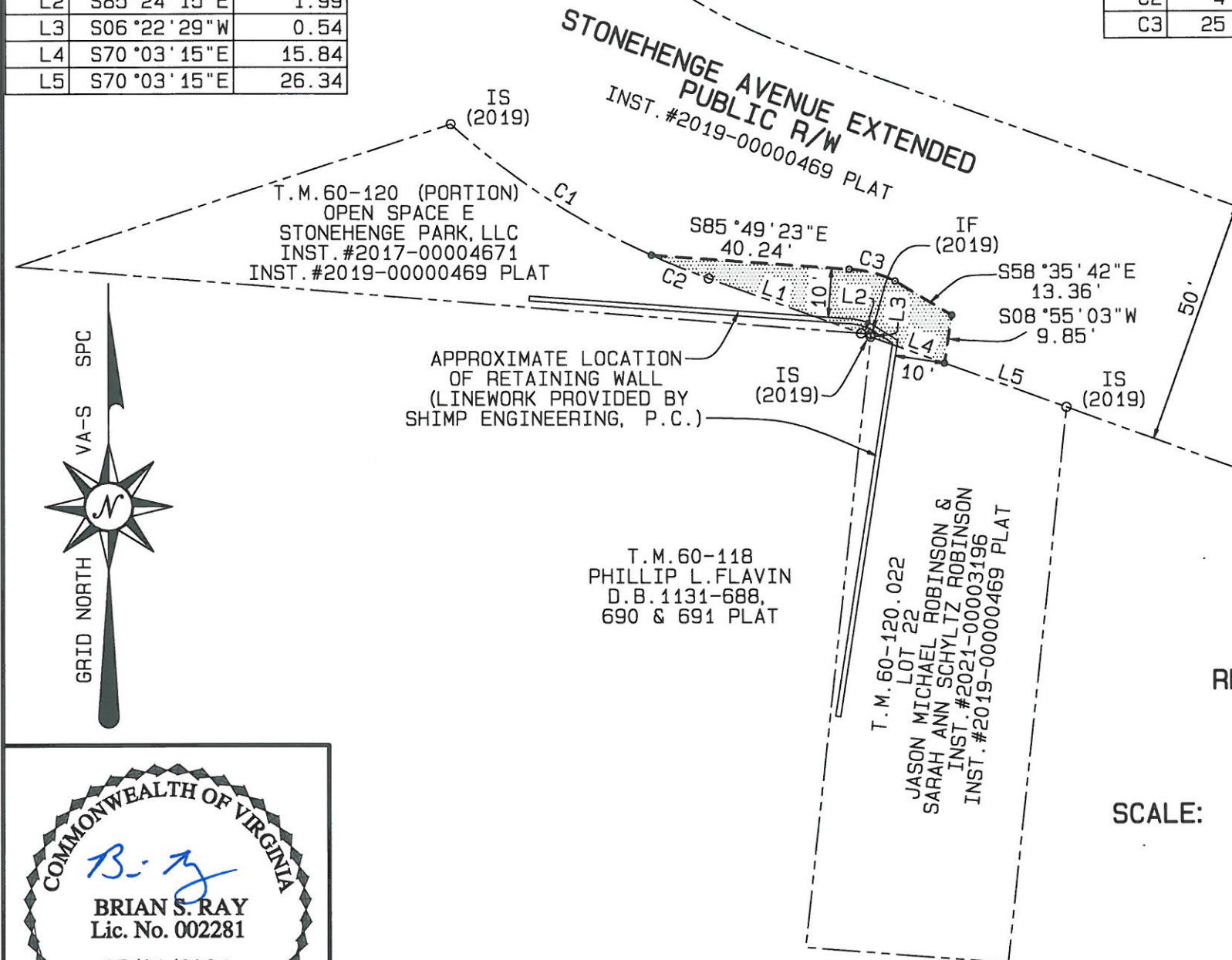
Hi Lisa,

Hope all is well, a quick request for you. On the Stonehenge Ave project the approved plans showed a retaining wall encroaching into city ROW. The plans were approved and the wall constructed but it has been pointed out by public utilities that an encroachment agreement is necessary for the wall. I assume that is a document that comes from your office with a plat prepared by us? Please let me know what we need to do. Thanks!

-Justin

LINE	BEARING	DISTANCE
L1	S70°03'16"E	32.86
L2	S85°24'15"E	1.99
L3	S06°22'29"W	0.54
L4	S70°03'15"E	15.84
L5	S70°03'15"E	26.34

LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	17°29'39"	160.00	48.85	24.62	48.66	S56°48'52"E
C2	4°29'34"	160.00	12.55	6.28	12.54	S67°48'28"E
C3	25°01'16"	22.20	9.69	4.93	9.62	S75°24'17"E



1. NO CURRENT FIELD WORK WAS PERFORMED IN PREPARATION OF THIS EASEMENT PLAT. ALL BOUNDARY DATA SHOWN HEREON WAS TAKEN FROM AND/OR CALCULATED BASED ON THE SUBDIVISION PLAT BY THIS FIRM RECORDED IN INST. #2019-00000469, AND WAS NOT RESURVEYED THIS DATE. (2019) DENOTES YEAR MONUMENTATION WAS PREVIOUSLY FOUND OR SET BY THIS FIRM.
2. NO TITLE REPORT FURNISHED. NO EXISTING EASEMENTS ARE SHOWN OR NOTED HEREON. THIS PROPERTY IS SUBJECT TO ANY CONDITIONS, UTILITIES, EASEMENTS AND/OR COVENANTS THAT MAY EXIST.

#### LEGEND:

-  RETAINING WALL  
MAINTENANCE AREA.
- IS IRON SET
- IF IRON FOUND

PLAT SHOWING  
RETAINING WALL AND MAINTENANCE AREA  
LOCATED WITHIN THE PUBLIC R/W OF  
STONEHENGE AVENUE EXTENDED  
BELMONT POINT  
CITY OF CHARLOTTESVILLE, VIRGINIA

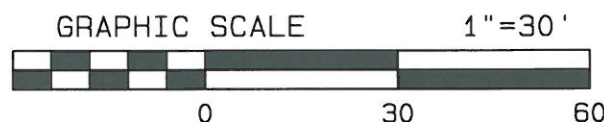
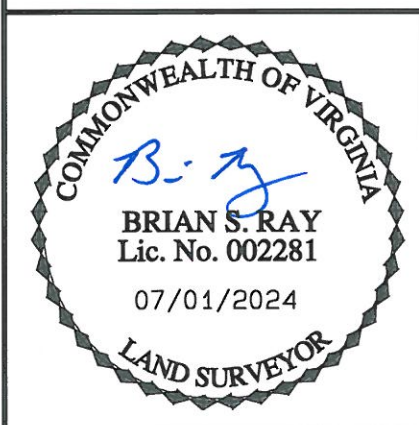
SCALE: 1" = 30'

DATE: MAY 26, 2023  
REVISED: JULY 1, 2024  
(TO ADDRESS CITY COMMENTS)

FOR:  
STONEHENGE PARK, LLC

ROGER W. RAY & ASSOC., INC.  
663 BERKMAR COURT  
CHARLOTTESVILLE, VIRGINIA 22901  
TELEPHONE: (434) 293-3195  
RAYSURVEYING.COM

10928R



GL

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Consideration of Ordinance to Amend City Code
Presenter:	Scott Carpenter, Deputy Chief of Operations
Staff Contacts:	Lisa Burch, Human Resources Benefits Coordinator, Retirement Michael Thomas, Fire Chief
Title:	<b>Ordinance amending the City Code to extend the Public Safety Supplement Retirement Benefit to EMS-only Employees Enrolled in the Defined Benefit plan (2nd reading)</b>

**Background**

Currently, members of the Charlottesville Fire Department (“CFD”) that are classified as firefighters/EMT’s and enrolled in the Defined Benefit (pension) plan receive a public safety supplement if they retire with at least twenty (20) years of service. The CFD intends to hire EMS-only employees and would like to extend the same public safety pension supplement under the same provisions.

**Discussion**

A number of localities across the Commonwealth have begun hiring “single-role” or “EMS-only” personnel to meet service and staffing demands. Fire and emergency services in Roanoke City, Augusta County, Fluvanna County, Greene County, Buckingham County, Nelson/Wintergreen, Madison, Newport News, and Norfolk all utilize varying levels of full-time and part-time EMS staff. Additionally, Albemarle County Fire and Rescue is reportedly considering hiring part-time EMS-only personnel to supplement its EMS delivery in the northern part of the county due to high service demand.

CFD made a presentation to the Retirement Commission on May 22, 2024. During that meeting, CFD determined that providing the public safety pension supplement to EMS-only employees is consistent with the intent of the retirement benefit and is necessary to maintain competitive recruitment and retention practices. The CFD has faced challenges with recruiting due to the nationwide shortage of firefighters and EMS providers. Current job qualifications require that all employees, at a minimum, be trained as both firefighters and EMTs. This dual requirement may deter potential applicants who are passionate about emergency medical services but have little interest in firefighting. By extending the ability for EMS-only employees to participate in the public safety pension, the department aims to open up recruiting to a broader pool of candidates who are focused solely on EMS roles, thereby allowing flexibility to address CFD’s staffing needs more effectively.

City Code Sec. 19-150 currently defines a “public safety employee” as a “police officer, firefighter,

sheriff, or deputy sheriff.” This definition would be updated to include “Emergency Medical Service (“EMS”) employee”. City Code Sec. 19-96 would be updated to include “EMS employee” in the class of workers who receive the public safety supplement. Every sentence that currently reads “police officer, firefighter, sheriff or deputy sheriff” would be updated to read “police officer, firefighter, EMS staff, sheriff or deputy sheriff.” The City Code would also be updated to define an “EMS employee” as “any employee whose primary function is to provide emergency medical services, including but not limited to: a medic; paramedic; or a basic, intermediate or advanced Emergency Medical Technician. This change is consistent with Federal policy, as the IRS defines a Public Safety Officer as an employee of a state, county, or city who is a law enforcement officer, firefighter, chaplain, or member of a rescue squad or ambulance crew. This language is consistent with federal legislation such as the Pension Protection Act of 2006 and the Public Safety Employees Act of 2016.

In the Commonwealth, the Virginia Retirement System (VRS), Hazardous Duty Supplement includes language speaking to enhanced hazardous duty benefit availability for ported service if the period of time ported to VRS represents service as a sworn law enforcement officer comparably hazardous to that of a state police officer, firefighter, emergency medical technician (EMT) or deputy sheriff.

### **Alignment with City Council's Vision and Strategic Plan**

The proposed amendments directly align with several aspects of City Council's vision and strategic plans:

- **Public Safety:** Hiring single-role EMS providers enhances Charlottesville's ability to deliver comprehensive, trusted public safety services. This move will improve the quality and reliability of emergency medical services provided to the community.
- **Organizational Excellence:** The City is dedicated to maintaining a well-trained and committed workforce. Extending access to the public safety retirement plan to EMS-only employees helps attract and retain highly skilled EMS professionals, thereby enhancing the overall excellence of the City's public safety services. This ensures that the community continues to receive top-tier emergency medical care from dedicated and experienced staff.
- **Commitment to Justice, Equity, Diversity, and Inclusion:** In addition, the amendment provides the department with greater flexibility in recruitment and hiring, opening opportunities to a more diverse applicant pool. By offering roles specifically for EMS-only positions, the department can attract candidates from varied backgrounds, enhancing access to employment and career advancement. This flexibility not only aligns with the City's goals of diversity, equity, and inclusion but also strengthens the overall effectiveness of our public safety services.

### **Community Engagement**

Department administration has engaged with stakeholders, including current employees, union representatives, to gather input on this proposed amendment. Feedback has been supportive, particularly among current staff who see this as a step toward progressing the department into the future.

### **Budgetary Impact**

The department plans to utilize current vacancies to fill these roles. The overall impact is uncertain due to ongoing negotiations with the union that are parallel to this process. However, since this is not

a request for new full-time employees, but rather allowing the department the flexibility to hire for both firefighter/EMT and EMS-only roles, we anticipate that the outcome of negotiations will result in a budget impact that is equal to or less than our current budget.

**Recommendation**

Approval of Ordinance, waiving second reading

**Alternatives**

Decline to approve the amendment.

**Attachments**

1. ORD - Amend Chapter 19 - EMS public safety benefit - 8.21.24 (2)

**AN ORDINANCE TO AMEND CITY CODE  
CHAPTER 19, PERSONNEL  
SECTIONS 19-96 and 19-150**

**WHEREAS**, current members of the Charlottesville Fire Department (“CFD”) classified as firefighters/emergency medical services (EMS) providers and enrolled in the Defined Benefit (pension) plan receive a public safety supplement if they retire with at least twenty (20) years of service; and

**WHEREAS** the CFD intends to hire EMS-only employees and would like to extend the same public safety pension supplement under the same provisions to those employees; and

**WHEREAS**, several localities across the Commonwealth have begun hiring “single-role” or “EMS-only” personnel to meet service and staffing demands; and

**WHEREAS**, the CFD made a presentation to the Retirement Commission on May 22, 2024, and the Commission determined that providing the public safety pension supplement to EMS-only employees is consistent with the intent of the retirement benefit and necessary to maintain competitive recruitment and retention practices; and

**WHEREAS**, the CFD has faced challenges with recruiting due to a shortage of firefighters and EMS providers, and current standards that require all CFD employees to be trained as firefighters and EMS providers may deter potential applicants, and providing an EMS-only position may attract a broader pool of candidates focused on EMS roles;

**THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that Chapter 19 Personnel, Sections 19-96 and 19-150 of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

**Sec. 19-96. - Same—Allowance.**

(a) Upon service retirement on or after July 1, 2000, a member with creditable service which commenced prior to July 1, 2000, shall receive an annual retirement allowance payable monthly to them for life commencing on the first day of the month coinciding with or next following their date of retirement, in an amount computed as the larger of (1) and (2) following:

(1) The excess, if any, of two (2) percent of such member's average final compensation multiplied by the number of years of their creditable service, over two and one-half (2.5) percent of such member's annual primary social security benefit, multiplied by the number of years of their creditable service up to a maximum of twenty (20) years.

(2) One and six-tenths (1.60) percent of such member's average final compensation multiplied by the total number of years of their creditable service.



(b) Upon service retirement after July 1, 2000, a member whose employment commenced after June 30, 2000, shall receive an annual retirement allowance payable monthly to them for life commencing on the first day of the month coinciding with or next following their date of retirement, in an amount computed as follows:

(1) One and six-tenths (1.60) percent of such member's average final compensation multiplied by the total number of years of their creditable service.

(c) In addition to the retirement allowance to which a member is entitled under the provisions of subsections (a) and (b) of this section, a retired member who at the date of their retirement was in service as a police officer, firefighter, EMS employee sheriff or sheriff's deputy and who has completed twenty (20) years or more of creditable service shall receive an additional annual allowance, payable monthly, during the period after the member's date of retirement and until their attainment of full retirement age, as in effect on July 1, 2005, for purposes of qualifying for unreduced social security benefits, equal to one (1) percent of average final compensation multiplied by the number of years of their creditable service. In no event shall a police officer, firefighter, EMS employee, sheriff or sheriff's deputy receive both the supplement under this section and social security benefits. Effective for service retirements after June 30, 2017, the additional annual allowance shall be limited to a period of time that does not exceed seventeen (17) years prior to social security eligibility and effective for service retirements after June 30, 2020, this additional annual allowance shall be limited to the estimated unreduced primary social security benefit determined under [section 19-97](#).

Notwithstanding the foregoing, a person who becomes a member after June 30, 2012, shall be entitled to this additional, supplemental annual allowance only if such person has completed at least twenty (20) years of creditable service in a position of a police officer, firefighter, EMS employee, sheriff or sheriff's deputy and such person shall not be entitled to a supplement for a period of time that exceeds seventeen (17) years prior to social security eligibility. This additional annual allowance shall be limited in the case of a person who becomes a member after June 30, 2012, to their estimated unreduced primary social security benefit determined under [section 19-97](#).

(d) The provisions of subsections (a) and (b) of this section to the contrary notwithstanding, if the retirement date of a member with less than thirty (30) years of creditable service precedes their normal retirement date, the retirement allowance amount as computed in accordance with subsections (a) and (b) of this section, as appropriate, shall be reduced by one-half (0.5) percent for each complete month in the period between the member's retirement date and the earlier of their normal retirement date or the date on which the member would have completed thirty (30) years of creditable service had they remained an employee continuously until such date.

(e) The provisions of subsections (a) and (b) of this section to the contrary notwithstanding, if the retirement date of a member who is a police officer, firefighter, EMS employee, or sheriff's deputy with less than twenty-five (25) years of creditable service precedes their normal retirement date, the retirement allowance amount as computed in accordance with subsections (a) and (b) of this section, as appropriate, shall be reduced by one-half (0.5) percent for each complete month in the period between the member's retirement date and the earlier of their normal retirement date or

the date on which the member would have completed twenty-five (25) years of creditable service had they remained an employee continuously until such date.

#### **Sec. 19-150. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Disability* means a physical or mental illness or injury that incapacitates an employee from performing one (1) or more of the usual and customary duties of the employee's own job on a full-time basis, where such incapacity is likely to be permanent.

*EMS employee* means any employee whose primary function is to provide emergency medical services, including but not limited to: a medic; paramedic; or a basic, intermediate or advanced Emergency Medical Technician.

*Primary Social Security benefit* means the primary insurance amount to which the employee is entitled, for age or disability, pursuant to the provisions of the federal Social Security Act as in effect at the employee's date of retirement.

*Public safety employee* means any police officer, firefighter, EMS employee, sheriff, or deputy sheriff.

*Salary* means an employee's approved base pay at the time the employee becomes disabled, without career development pay, overtime compensation, or any other additional amount above the amount of base pay.

*Work related disability* means any disability, as defined herein, incurred by a public safety employee for which benefits are payable under the Virginia Workers' Compensation Act, where the City is the employer.

Suggested Motion: I move that Chapter 19 Personnel, Sections 19-96 and 19-150, of the Code of the City of Charlottesville be amended and reenacted.

Legend: ~~Deleted language~~  
New language

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Michael Goddard, Facilities Development Manager
Staff Contacts:	Michael Goddard, Facilities Development Manager Chris Cullinan, Director of Finance
Title:	<b>Resolution to appropriate insurance claim reimbursement for The Avon Fuel Station Replacement Project - \$65,000 (1 of 2 readings)</b>

**Background**

On 7/7/2022, an accident took place at the City school bus parking lot located at 1505 Avon Street, Ext. The accident involved a runaway school bus that rolled and struck the fuel island and gas pumps located next to the parking lot, causing significant damage. The fuel station was deemed inoperable and taken out of service.

As per the Virginia Administrative Code, Chapter 590, Petroleum Underground Storage Tank (UST) Financial Responsibility Requirements Regulation, Chapter, annual insurance coverage was required and maintained. The City filed for an insurance claim and has received a total of \$105,000 in reimbursements. There are (2) separate payments; one in the amount of \$40,000 and the other for \$65,000. The first payment has already been received and appropriated. This resolution to appropriate is for the remaining \$65,000.

The insurance reimbursements are being used to supplement reconstruction of the fuel station. Please note that the fuel station located at the Avon lot had already been slated for scheduled replacement with above ground storage tanks (AST) and was in the process of being bid out to general contractors by the Public Works department when this accident took place.

**Discussion**

Appropriation of the \$65,000 insurance reimbursement are needed to replenish a portion of the Facilities Capital Projects Lump Sum Account due to the increased costs for project related expenses. The scope of work for the entire project includes:

- Phase 1 - Demo the existing canopy structure, removal of the underground storage tanks, and a portable generator connection;
- Phase 2 - Construct a new fuel station with above ground tanks; and
- Phase 3 - Install (2) new sliding security gates with access control.

The following is a breakdown of Capital Projects Lump Sum Account (P-00980):

- |                                     |  |
|-------------------------------------|--|
| • Original Project Budget:          | \$1,493,996.95                                     |
| • Insurance reimbursement # 1       | \$ 40,000.00 (was appropriated June 2023)          |
| • <b>Insurance reimbursement #2</b> | <b><u>\$ 65,000.00</u> (current appropriation)</b> |

\$ 1,598,996.95

### **Alignment with City Council's Vision and Strategic Plan**

This request supports the City Council's "Green City" vision. It contributes to Goal 3 and 5 of the Strategic Plan, a beautiful and sustainable natural and built environment and a well-managed and responsive organization, and objectives 3.2 provide reliable and high-quality infrastructure, 3.4 be responsible stewards of natural resources, 5.1 integrate effective business practices and strong fiscal policies.

### **Community Engagement**

N/A

### **Budgetary Impact**

Funds have been expensed from the Facilities Capital Projects Lump Sum Account (P-00980) and the reimbursement is intended to replenish the project budget for a portion of those expenses.

### **Recommendation**

Staff recommends approval and appropriation of the reimbursement funds.

### **Alternatives**

If reimbursement funds are not appropriated, the Facilities Capital Projects Lump Sum Account (P-00980) will reflect a deficient balance.

### **Attachments**

1. Appropriation-Avon Fuel Station Replacement

## **RESOLUTION**

### **Albemarle County Reimbursement for the Avon Fuel Station Replacement Project.**

**WHEREAS**, the City of Charlottesville designed and bid a project to improve the Avon Fuel Station, and;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

**Transfer From**

\$65,000      Fund: 426      WBS: P-00980      G/L Account: 451110

**Transfer To**

\$65,000      Fund: 426      WBS: P-00980      G/L Account: 599999

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Approval of Appropriation
Presenter:	Pat O'Donnell, Director Victim and Witness Assistance Program
Staff Contacts:	Pat O'Donnell Director Victim and Witness Assistance Program Taylor Harvey-Ryan, Grants Program Manager
Title:	<b>Resolution to appropriate Victim Witness Assistance Program Grant funds - \$257,024 (1 of 2 readings)</b>

**Background**

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$137,185 in Federal Funds and \$86,839 in State General Funds, and \$33,000 supplement from the Commonwealth Attorney's operating budget for a total award of \$257,024.

**Discussion**

The victim's rights movement began in the 1970s as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims who were traumatized but knew that to proceed with their case, many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984 and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims. The Charlottesville Victim/Witness Assistance Program was established in 1989 and has been meeting the needs of Charlottesville crime victims ever since. The Program is one of more than 100 such programs in the state that provides crisis intervention and advocacy, information, and support during and after criminal justice proceedings, access to compensation and restitution, referrals to local community agencies and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The Program also provides training on victim issues to law enforcement and allied agencies. It regularly serves more than 1,000 victims and witnesses each year.

**Alignment with City Council's Vision and Strategic Plan**

Approval of this item aligns with Council's Public Safety Strategic Outcome Area. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on the number of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health,

and relationships. The Charlottesville Victim Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental health providers through the Criminal Injury Compensation Fund. The Program helps create a **Community of Mutual Respect** by responding to the needs of crime victims and helps by ensuring their rights are recognized throughout the local criminal justice system, including Police, Prosecution, Judges, and Probation.

### **Community Engagement**

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services, and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. For FY24 Program staff provided services to more than 1,000 individuals. Staff members serve on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team, the Charlottesville/Albemarle Human Trafficking Task Force, and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the form of training and speaking engagements at UVA, PVCC, and other allied agencies as requested.

### **Budgetary Impact**

There is no impact to the General Fund. The City's contribution of \$33,000 was previously appropriated as part of the Commonwealth's Attorney's Office FY2025 Adopted Budget. The Victim Witness Assistance Program Grant is renewed annually, and the funds will be received and expensed in the grants fund.

### **Recommendation**

Staff recommend approval and appropriation of grant funds.

### **Alternatives**

If grant funds are not appropriated, Charlottesville crime victims will have no access to compensation, advocacy or services afforded to them under Virginia's Crime Victim and Witness Rights Act.

### **Attachments**

1. FY2025 Victim Witness Appropriation

**APPROPRIATION**  
**Charlottesville Victim Witness Assistance Program Grant**  
**\$257,024**

**WHEREAS**, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$224,024; and

**WHEREAS** the City is providing a supplement in the amount of \$33,000, the source of which is the Commonwealth's Attorney's operating budget.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$224,024 is hereby appropriated in the following manner:

**Revenues**

\$ 86,839	Fund: 209	Cost Center: 1414001000	G/L Account: 430110
\$137,185	Fund: 209	Cost Center: 1414001000	G/L Account: 430120
\$ 33,000	Fund: 209	Cost Center: 1414001000	G/L Account: 498010

**Expenditures**

\$270,636	Fund: 209	Cost Center: 1414001000	G/L Account: 519999
\$ 15,827	Fund: 209	Cost Center: 1414001000	G/L Account: 599999

**Transfer**

\$ 33,000	Fund: 105	Cost Center: 1401001000	G/L Account: 561209
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**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$224,024 from the Virginia Department of Criminal Justice Services.



**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Appropriate the funds for the Jefferson School African American Heritage Center
Presenter:	Krisy Hammill, Director of Budget, Dr. Andrea Douglas
Staff Contacts:	Krisy Hammill, Director of Budget Taylor Harvey-Ryan, Grants Program Manager
Title:	<b>Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$500,000 (1 of 2 readings)</b>

**Background**

The Department of Historic Resources (DHR) is the State Historic Preservation Office of the Commonwealth. DHR fosters, encourages, and supports the stewardship and use of Virginia's significant architectural, archaeological, and historic resources as valuable assets for the economic, educational, social, and cultural benefit of citizens and communities. A significant responsibility is the administration and review of state and federal historic preservation grant programs for financial and programmatic compliance. DHR is authorized to administer state grants to non-state agencies under the Code of Virginia.

Located in the Jefferson School City Center, The Jefferson School African American Heritage Center's mission is to honor and preserve the rich heritage and legacy of the African-American community of Charlottesville-Albemarle, Virginia and to promote a greater appreciation for, and understanding of, the contributions of African Americans and peoples of the Diaspora locally, nationally and globally. The Center features a permanent historical exhibit, a rotating contemporary art gallery, and a robust calendar of events, all of which combine to highlight Charlottesville's African American history and culture of the African diaspora.

The Commonwealth of Virginia through the Department of Historic Resources will provide \$500,000 to the Jefferson School African American Heritage Center for the exclusive support of the Jefferson School African American Heritage Center Operations and Center for Local Knowledge project.

**Discussion**

Funds will be used to support operating cost and for staffing for the Center for Local Knowledge. The JSAAHC's programs acknowledge the reciprocal relationship that give rise to local public history while emphasizing the reality that our research into our community narrative must have an impact on social change. A core purpose of the Center for Local Knowledge is to give voice to local authority by uplifting and amplifying local custodians of the history, memory and lived experiences. We

understand that our past informs our present and our future. Thus, JSAAHC endeavors to make our research accessible and useful to improving the lives of local residents while enriching the sense of place in the region and our nation.

#### **Alignment with City Council's Vision and Strategic Plan**

This resolution aligns with the strategic outcome of Partnerships and helps to enhance the City's commitment to justice, equity, diversity and inclusion.

#### **Community Engagement**

These funds will be used to promote educational programming for the community.

#### **Budgetary Impact**

There is no budget impact to the City as these funds will be provided by the State as pass-thru funds to be distributed to JSAAHC.

#### **Recommendation**

Staff recommends approval of this resolution.

#### **Alternatives**

N/A

#### **Attachments**

1. DHR Grant for JSAAHC\_FY25

**RESOLUTION**  
**Appropriating funds from the Virginia Department of Historic Resources**  
**(DHR) for the Jefferson School African American Heritage Center**  
**\$500,000**

**WHEREAS**, the City of Charlottesville through the Department of Historic Resources has received a grant award of \$200,000 to be given to the Jefferson School African American Heritage Center (JSAAHC) to be used to support operating cost and for staffing for the Center for Local Knowledge.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$500,000 received from the Virginia Department of Historic Resources is hereby appropriated in the following manner:

**Revenues - \$500,000**

\$500,000      Fund: 209                      Internal Order: 1900568              G/L Code: 430080

**Expenditures - \$500,000**

\$500,000      Fund: 209                      Internal Order: 1900568              G/L Code: 540100

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of \$500,000 from the Virginia Department of Historic Resources.

Approved by Council

Kyna Thomas, CMC  
Clerk of Council



# **City Manager's Report**

## *City Departments*

9-16-2024

### **City Manager – Sam Sanders (he/him)**

- City Council and the Board of Supervisors will meet jointly on September 17th from 6-8pm in BoS Chambers at the County Office Building.
- Congratulations to Wes Bellamy and his team for another successful year of the Tonsler League - per the 2024 Post Report, there were 14 men's teams in the tournament, four Junior Tonsler League teams, and three variations of the Lady Tonsler games; plans for the 2025 season are already underway.
- Agreement Renewals:
  - Safe Routes to Schools
    - Signed a new Project Administration Agreement with VDOT to continue support of the Safe Routes to Schools Program; funds project years 2024-25 and 2025-26; in addition to project funds, this grant matches local dollars to ensure a full-time SRTS Coordinator to facilitate integrated citywide planning.
  - HOME Consortium
    - Affirmed the city's continued participation in the Charlottesville HOME Consortium, which was initially established in 1993 to receive and distribute HOME funds for affordable housing development activities that none of the individual members would qualify for independently; the city joins five other municipalities (Albemarle, Fluvanna, Greene, Louisa, and Nelson counties, and the towns of Louisa, Mineral, Scottsville, and Stanardsville) this collaborative group is managed by TJPDC per a Cooperation Agreement.
- Met with the Collaborative Reform Initiative Assessment Team on 9/4 to support Chief Kochis in his decision to voluntarily submit the Charlottesville Police Department to an organizational assessment within a program of the DOJ's Office of Community Oriented Policing Services; in my meeting with the Assessment Team, we discussed the following:
  - The planned scope of the organizational assessment and timeline.
  - My perspective on policing priorities including for Charlottesville.
  - My interests in any findings and how we will approach consideration of any.
  - Local social context for the review team and offered referrals for engagement.

### **Deputy City Manager for Social Equity – Ashley Marshall (she/her)**

- **Congratulations** are to be sent to Department of Human Services team members Roxanne Jones, Reginald Allen, and Latara Ragland – along with Office of Economic Development team member Matt Johnson on their acceptance into this years Chamber Leaders Lab class!
- **Fall Recreation:** Just a reminder for the community that registration is open for Fall programs. Members of our community can register online at: <https://web1.myvscloud.com/charlottesville.html> or reach out to staff at our recreation centers for assistance.
- **Ten-Tenth Anniversary Celebration:** The Honorable Claude V. Worrell, II, Judge, Charlottesville Circuit Court, and The Honorable Llezelle Austin Dugger, Clerk, Charlottesville Circuit Court, invite the public to commemorate and celebrate the first legal same-sex marriage licenses issues and weddings officiated in Charlottesville at the Charlottesville Circuit Court (315 East High Street) on Sunday, October 6, 2024 from 3-4 pm. For more information, please reach out to Clerk Dugger.

### **Deputy City Manager for Operations – James Freas (he/him)**

- Excited to share that DPW has completed installation of new name plaques on the Drewry Brown Bridge recognizing “Drewary Brown and 36 other people of the greater Charlottesville community who learned to cross bridges of race, economic status, and other differences to work together for a better community.” (more info here <https://cvillebridgebuilders.org/>). Two new signs identifying the memorial will also be installed soon. DPW and NDS collaborated on this project, working with representatives of the Bridgebuilders group. The DPW Facilities Development team in particular did an excellent job developing a set of solutions that overall improves this important City memorial.

### **Neighborhood Development Services – Director James Freas (he/him)**

- Kellie Brown started her role as Director of NDS on Monday, 9/9. Kellie comes to the City from Arlington County, VA where she most recently served as Section Supervisor in the Comprehensive Planning Group in Arlington County’s Planning Division. She has over 15 years of experience as a community planner in both the public and private sectors. Welcome, Kellie!

### **Parks & Recreation – Director Riaan Anthony (he/him)**

- Events:
  - Downtown Safe Halloween- Join us at the Ting Pavilion on October 19th from 2 PM to 4 PM for a fun and safe Halloween celebration! This event is free and open to the public.
  - Masquerade Ball-Dress to impress and enjoy an evening of music and dancing at the Carver Recreation Center on October 26th from 5 PM to 8 PM. Tickets are \$10 per person for both residents and non-residents.
  - The Key Recreation Center will be closed for gym floor repairs from November 12th to November 17th. We will reopen on Monday, November 18<sup>th</sup>.
- Meadowcreek Golf Course:

- September 18 is the 50th Anniversary for Meadowcreek Golf Course. It officially opened on September 18, 1974, with just 9 holes. Commemorative merchandise is available for purchase at the golf shop.
- The City Amateur Four Ball Championship will be held on October 5 & 6 and registration is open for anyone who wishes to compete. Charlottesville Amateur Four Ball Championship (constantcontactpages.com).
- Master Plan:
  - Parks & Recreation hosted three (3) public meetings in which PROS Consulting presented the key findings from community engagement for the Master Plan.
  - PROS Consulting concluded their community engagement with stakeholders, focus groups and the public for the site-specific framework plans. Those parks are Benjamin Tonsler Park, Booker T. Washington Park, Court Square Park, and Market Street Park.
  - Staff is finalizing the next set of public meetings and engagement sessions for the Fall and Winter when the framework plans are released as well as the draft plan.
  - More information regarding the Master Plan can be found online at: Charlottesville Parks and Recreation Master Plan | EngagePros (mysocialpinpoint.com)
- Marketing
  - Registration is open for Fall programs and community members can register online at: <https://web1.myvscloud.com/charlottesville.html>
  - The Department initiated a “Leave No Trace” campaign which reminds and encourages to clean up after their pets in the Parks and Open Spaces. All residents with dog licenses received a post card and yard signs will be displayed in the Park System.

#### **Utilities – Director Lauren Hildebrand (she/her)**

- The Department of Utilities invites the community to celebrate and see the newly restored Schenks Branch Tributary Stream! Join us on September 24th from 10:30AM to 12PM at the Botanical Garden of the Piedmont (BGP) located at 950 Melbourne Road for snacks, tours, and information on this significant project. The City and the environmental engineering firm Hazen and Sawyer worked closely with the BGP to restore 820 linear feet of the Schenks Branch Tributary Stream, transforming a highly deteriorated landscape back to a healthy and thriving state. Come see the incredible results and learn first-hand about the innovative techniques used to restore the area, reduce pollution, increase ecological function, and provide the community with better access to green infrastructure. For more information on the celebration event, please visit [www.charlottesville.gov/utilities](http://www.charlottesville.gov/utilities) or call Utilities Outreach at 434-970-3686.

**Public Works – Director Steven Hicks (he/him)**

- Public Works crews are on schedule to complete ADA and crosswalk work at the intersection of 10th St NE and Little High St. by 9/13/2024
- A reminder for City residents that Public Works has partnered with Recycle Coach to provide a free mobile and web app to help make recycling and solid waste information more accessible to residents. Information pertaining to collection schedules, acceptable material guidelines, and educational resources are all readily available. Learn more by visiting the City's Waste Management page online.
- Plaques have been installed on the Drewary Brown Bridge on 9/10/2024. 2 signs will be installed by November.



**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Approval of the proposed CDBG-funded Parks & Rec activity and the appropriation of associated funds to facilitate much-needed accessibility-related enhancements to a pedestrian trail along the Moore's Creek trail within Jordan Park, a major amendment to the CDBG PY24 Action Plan, in the amount of \$25,000
Presenter:	Anthony Warn, Grants Analyst, Alexander Ikefuna, Director, Office of Community Solutions , Chris Gensic, Park and Trail Planner
Staff Contacts:	Anthony Warn, Grants Analyst
Title:	<b>Public Hearing and Resolution to approve the <i>2024 Parks &amp; Recreation Accessibility Enhancements Project at Jordan Park</i> and to reprogram associated Community Development Block Grant funds, a major amendment, \$25,000 (1 of 2 readings)</b>

**Background**

The City of Charlottesville is an Entitlement Community in the Community Development Block Grants (CDBG) program offered by the U.S. Department of Housing & Urban Development (HUD) and, as such, is the recipient federal funds to support the city's ongoing community development and affordable housing activities.

**Discussion**

In July of 2024, the Department of Parks & Recreation completed construction of the city's newest addition to the Moores Creek trail network in the form of an ADA-compliant trail bridge that spans the Pollocks Branch of the Jordan Creek waterway. This new bridge provides new access for residents of the nearby Ridge Street and Belmont neighborhoods and visitors to the playground and other amenities offered by Jordan Park. Notably, it replaces a series of stones that had been placed in the creek over the years which, presumably, had been used by some to cross the creek to get to Jordan Park. The new bridge also builds a new connection between these greenspaces and the residents of current and planned affordable publicly supported housing to be constructed nearby. An additional benefit of the new trail bridge will be to connect local residents and visitors to Jordan Park to an expanding series of trails along the Rivanna River that will extend, at scale, from Jordan Park to Fifth Street Station.

**Proposal**

With the CDBG funds proposed here for reprogramming, the Department of Parks & Recreation will be able to remove a significant barrier to accessing park amenities. Specifically, Parks & Recreation proposes to replace an existing, narrow pathway within Jordan Park with a new, much longer and

wider paved pathway that will significantly enhance access to park amenities, the new bridge and trail network. Notably, there is an existing ADA-compliant curb ramp located at the Sixth Street entrance to Jordan Park, but this curb ramp does not connect to a wheelchair accessible pathway within the park itself. This proposal will solve this problem.

Additionally, there is not currently a paved, ADA-compliant pathway connecting the park to the trail network. Instead, there is a narrow pathway of cracked asphalt that runs approximately 128 feet from the Sixth Street Park entrance to a basketball court. Notably, this current path does not connect to either of the park's two existing playgrounds. With this new proposed funding, Parks & Recreation will remove this narrow path and replace it with a new, accessible paved pathway that spans approximately 425 feet and that will provide an uninterrupted connection from the accessible curb ramp at the park's Sixth Street entrance to the new trail bridge with new paved connections to the basketball court and both playgrounds.

While the new bridge already promises a great benefit to the community, the next steps for the expansion of the Moores Creek trail network involve the construction of a series of connected ADA-compliant pathways linking the various area amenities. This proposal would constitute a significant contribution to these efforts and bring additional and immediate benefits to this area.

### **Alignment with City Council's Vision and Strategic Plan**

This proposed accessibility-focused project is closely aligned to City Council's vision of the City of Charlottesville as a community where everyone thrives. This project aligns with the City of Charlottesville Strategic Plan Framework Outcome Areas of Partnerships and Recreation, Arts, Culture:

- Partnerships: This proposal strengthens the ongoing partnership between the City's Office of Community Solutions (OCS) and the Department of Parks and Recreation to remove barriers to accessing the city's public amenities, including its public parks.
- Recreation, Arts, Culture: This proposal strengthens the city's commitment to enhancing access to recreation and greenspaces for residents and visitors.

This proposal also complies with the Comprehensive Plan and 2023-2027 Consolidated Housing and Community Development Plan.

### **Community Engagement**

This proposal benefits from a high degree of community engagement. This proposal, for example, grows out of work begun as part of the HUD-approved 1-Year Annual Action Plan for program year 2022-2023, which underwent a detailed process of public review, public comment and at least four public hearings. This process of public engagement continued through the development of the city's HUD-approved 2023-2027 5-Year Consolidated Plan. Additionally, this proposal will be advertised in local newspapers, made available online at [charlottesville.gov](http://charlottesville.gov), and presented for public review and comment at scheduled public hearings before the Charlottesville City Council.

### **Budgetary Impact**

As the funds proposed here are federal funds allocated to the City by HUD to support community-benefit activities, and, as such, do not draw from the city's General Fund, no adverse impacts to the City's budget are anticipated. Rather, use of these funds to support this project will instead serve to

reduce barriers of access to public amenities, thereby addressing an important and pressing community need.

### **Recommendation**

Based on the anticipated benefits of the current proposal to the Charlottesville community, specifically the removal of an existing barrier to access within Jordan Park, staff recommends that Council approve the proposed project.

Staff further recommends that Council authorize the reprogramming of existing CDBG funds in the amount of \$25,000 available within the CDBG Fund so as to fully implement the proposed program and related enhancements.

### **Suggested motion:**

- **I move that Council approve the RESOLUTION now before us to approve the 2024 Parks & Recreation Accessibility Enhancements Project at Jordan Park and to reprogram \$25,000 in Community Development Block Grant funds as needed to implement the proposal presented here before us today.**

### **Alternatives**

Given that significant public benefits anticipated from this project and that the proposed funds to be used are provided by the U.S. Department of Housing & Urban Development to the City of Charlottesville for the execution of meaningful community-benefit programs and, as such, are not drawn from the city's accounts, no alternative courses of action are considered.

### **Attachments**

1. CDBG PY24+ Parks & Rec Accessibility @ Jordan Park \$25,000 Resolution
2. Parks & Rec ADA at Jordan Park 2024 Paved Trail Diagram
3. CDBG PY24+ Parks & Rec Accessibility at Jordan Park \$25,000 Scope of Work

## RESOLUTION TO APPROPRIATE FUNDS

### **Resolution to Approve the 2024 Parks & Recreation Accessibility Enhancements Project at Jordan Park and to Reprogram Associated Community Development Block Grant Funds, a Major Amendment, in the Amount of \$25,000**

**WHEREAS** the City of Charlottesville has been recognized as an entitlement community by the U.S. Department of Housing and Urban Development (HUD) and as such Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) Fund; and

**WHEREAS** it is the goal of the City of Charlottesville to remove barriers to access in the city's parks and green spaces, and

**WHEREAS** the city's Office of Community Solutions is partnering with the city's Department of Parks & Recreation to remove a significant barrier to access within a public park through the removal of an inadequate pathway and the creation of a new and accessible paved pathway within Jordan Park that will connect the existing accessible curb ramp at the park's Sixth Street entrance with several amenities within the park, including a basketball court, playgrounds and a new trail bridge; and

**WHEREAS** this project will support Council's Strategic Plan Framework vision of enhancing *Partnerships* and supporting access to *Recreation, Arts, Culture*;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the proposed project as presented here today before Council is approved and that the Office of Community Solutions is hereby authorized to begin work to implement said program.

**BE IT FURTHER RESOLVED** that, in support of this program, appropriations made to the following expenditure account(s) in the CDBG Fund be amended by the respective amounts shown below and that the balance accumulated in the Fund as a result of these adjustments be hereby appropriated to the receiving account(s) indicated below, as follows:

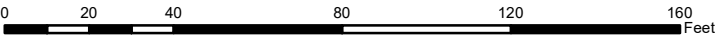
SAP Expenditure Account(s)	Proposed Reduction(s)
1900361	\$2,964.41
3914001000 (NONE)	\$22,035.59
Subtotal Reductions =	\$25,00.00

SAP Revenue Account	SAP Account Code	Proposed Addition(s)
CDBG PY24+ Parks & Rec ADA at Jordan Park	1900567	\$25,000.00
Subtotal Additions =		\$25,000.00

To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and provide for guidance and assistance in the execution of the funded program.



# JORDAN PARK PAVED TRAIL TO NEW POLLOCKS BRIDGE







# City of Charlottesville

*To be a place where everyone thrives*

## Scope of Work Community Development Block Grants Program Year 2024-25

### I. Activity Overview

Funded Program:	2024 ADA Enhancements at Jordan Park
Subrecipient:	Charlottesville Department of Parks & Recreation
Funding Award:	\$25,000.00
Funding Source:	CDBG
Point of Contact:	Chris Gensic, Trails Planner

### II. Scope of Work

Accomplishments Type:	11 - Public Facilities
Accomplishments Detail:	ADA/Removal of Barriers to Access
Estimated Outcomes:	1
Project Description:	Parks & Rec proposes to remove an old, narrow existing pathway within Jordan Park and to replace it with a new, ADA-compliant pathway that will connect the park's Sixth Street entrance with several public amenities, including a newly constructed trail bridge along the city's Moores Creek trail network.
Project Goals:	<ol style="list-style-type: none"><li>1. Removal of existing narrow pathway &amp; debris</li><li>2. Construction of a new 9-foot-wide level pathway, 6" of 21-A base stone, and pave walk approx. 3,409 sq ft, with 3.5-4" of SM-9.5A asphalt (3" after rolled)</li><li>3. Removal of construction debris, restorative landscaping &amp; related enhancements</li></ol>

### III. Proposed Budget

Item(s)	Est. Cost
Site Prep & Removal of Existing Pathway	\$1,000.00
New construction	\$19,987.00
Restorative Landscaping & Related Enhancements	\$1,513.00
Construction Contingency (10%)	\$2,500.00

## VI. Additional Information (Optional)

This new paved pathway will create an important first link between the existing amenities of Jordan Park and the Belmont and Ridge Street neighborhoods to the developing Jordan Trail along the tributaries of the Rivanna River, a trail network that is currently unpaved and that will at scale extend as far as Fifth Street Station, an important commercial center.

### Submitted by:

Name:

Ch. Cu

Date:

Sept 4, 2024



**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Adoption of ordinance
Presenter:	Joe Phillips, Fire Marshal
Staff Contacts:	Joe Phillips, Fire Marshal
Title:	<b>Ordinance to adopt Fire Safety Code Fee Schedule (1 of 2 readings)</b>

**Background**

In 2019, City Council granted the Charlottesville Fire Department's (CFD's) Office of the Fire Marshal the authority to implement a permit and inspection fee program in accordance with the Virginia Statewide Fire Prevention Code (SFPC). Currently, the City Fire Marshal is authorized by Council to enforce and collect fees for the following permits: Dry Cleaning Plants, Explosives, Fireworks and Pyrotechnics, Hazardous Materials, Hot Work Operations, Open Flames and Candles, Temporary Membrane Structures and Tents, Social Services License Inspection, Re-inspection Fee, Plans Review, Mobile Food Vendors, and Fire Code Variance/Modifications. Due to the pandemic's impact on local businesses, implementation of the program was postponed.

The City Fire Marshal and key City staff members have collaborated to revise the ordinance and fee schedule and are currently working to develop a comprehensive billing solution for implementing the permit and inspection program.

**Discussion**

To reduce the risk to life and property, hazardous materials, flammable and combustible liquids, compressed gases, and similar materials must be stored and handled in strict accordance with the safety standards codified in the SFPC. These nationally recognized safety standards apply to any business that uses, stores, or manufactures hazardous materials or hazardous processes. Compliance with these standards ensures the safety of employees, business owners, and the public, and the proposed permit and inspection fees support the fire department's ability to provide these services.

The proposed fee schedule ("CFD FM Fee Schedule 01.01.25") is adapted from SFPC Table 107.2, which details a complete list of permits the City could enforce through the Fire Marshal's Office. The fee schedule aligns with permit fees being charged by other area fire departments, including those in Albemarle County, Richmond, Staunton, Waynesboro, Harrisonburg, and Rockingham County. The Fire Marshal recommends that City Council consider adopting an ordinance granting the Fire Marshal the authority to enforce and collect fees for all permits listed in the SFPC fee schedule. Adopting the entire permit list will allow CFD to be flexible and adapt as new businesses come to Charlottesville.

The collected inspection and permitting fees will help defray the costs of providing these services and support fire prevention education, marketing, messaging, and equipment costs. These fees will also allow CFD to continue offering free smoke alarms, stove-top fire stops, and carbon monoxide detectors to the public.

### **Alignment with City Council's Vision and Strategic Plan**

This proposed ordinance directly aligns with several aspects of City Council's vision and strategic plans.

#### **Public Safety:**

A permitting program ensures that fire code safety standards are upheld, reducing the risk of fire hazards, and promoting a safer environment for residents and visitors. The permitting process allows CFD to inspect and ensure proper use of harmful products or dangerous activities, taking a proactive approach to prevent emergencies and accidents. Therefore, the requirement of permits by the Office of the Fire Marshal plays a crucial role in promoting and maintaining public safety, instilling a sense of security in the community.

#### **Education:**

By enforcing permit requirements, CFD can generate funding that can be allocated explicitly toward crucial fire prevention education initiatives, including programs to educate the public about fire safety, training sessions, and community outreach efforts. This program aligns with City Council's vision and goals for education, as it facilitates the dissemination of important fire prevention information to residents and businesses in Charlottesville.

#### **Economic Prosperity:**

Ensuring that commercial buildings and businesses comply with fire safety regulations through the permit requirements, CFD plays a crucial role in maintaining a safe environment for these establishments to operate. This, in turn, supports economic prosperity by safeguarding businesses from potential fire hazards, ensuring their continuity of operation, and contributing to the overall stability and growth of the local economy.

#### **Organizational Excellence:**

The diligent and committed staff of CFD consistently deliver exceptional services to the community. By utilizing the funding generated from the permit process, CFD staff can further enhance their fire prevention and career development training. This aligns with City Council's vision for organizational excellence by ensuring that the fire department personnel are well equipped with the necessary skills and knowledge to deliver exemplary services and uphold the highest standards of operational excellence.

#### **Climate Action:**

Enforcing safety standards contributes to environmental preservation and sustainability efforts, aligning with City Council's climate action goals. The permit process allows for the inspection and regulation of activities to ensure they adhere to environmental guidelines, such as restrictions on hazardous materials, flammable and combustible liquids, and other materials that pose environmental risks. This proactive approach supports the city's broader ecological protection objectives and is vital in mitigating potential hazards that could adversely affect the climate. Therefore, the permitting program directly contributes to City Council's vision and goals for climate action by promoting environmental responsibility and sustainable practices in Charlottesville.

**Housing:**

Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through the implementation of the Affordable Housing Plan. The Fire Department's program of free fire safety products to all residents of Charlottesville is essential in creating a safe living environment, particularly in affordable housing units. The funding generated from the permit program will continue to provide a vital funding stream for these fire safety products. CFD can supply much-needed fire prevention equipment, contributing to the overall safety and well-being of residents in Charlottesville and thereby supporting the City Council's vision and goals for housing.

**Community Engagement**

The permit process encourages collaboration between the Fire Department and residents, businesses, and event organizers, fostering a shared responsibility for public safety. Furthermore, the department engages with the community by providing guidance on fire safety measures and regulations, raising awareness about potential hazards, and promoting a culture of safety and preparedness. This concerted effort to involve and educate the community directly contributes to City Council's vision for robust community engagement. It empowers residents to actively participate in creating a safer environment for all. Therefore, the proposed permit system plays a critical role in promoting community involvement.

**Budgetary Impact**

The fees for any of the newly authorized permits will be waived for the remainder of this fiscal year, which ends on June 30, 2024. This will provide staff with the necessary time to notify the public and to establish the administrative reporting and tracking process for the new permits. The fees will be revisited as part of the FY 2026 budget process. If the decision is made to charge the fees in the future, funds collected through the fire permit program could be used to provide a sustainable funding stream to cover the costs of inspecting facilities and other fire prevention efforts. By enforcing the fire code safety standards, specific initiatives such as the free smoke alarm program can be supported. Educational programs to raise public awareness about fire safety, training sessions, and community outreach efforts could be sustained and expanded. Thus, the fire permit program contributes to public safety and ensures the availability of resources to support crucial fire prevention initiatives.

**Recommendation**

Staff recommends adoption of the ordinance.

**Alternatives**

Council could choose not to adopt the ordinance, and the City would not be able to recoup the costs of enforcing the SFPC.

**Attachments**

1. Adoption of Fire Marshal Fee Schedule - ORDINANCE
2. CFD FM Fee Schedule-Exhibit A

**AN ORDINANCE  
ADOPTING THE CHARLOTTESVILLE FIRE DEPARTMENT  
OFFICE OF THE FIRE MARSHAL FEE SCHEDULE**

**WHEREAS**, the City of Charlottesville adopted the Virginia Statewide Fire Prevention Code (“SFPC”) by enacting Charlottesville City Code § 12-31;

**WHEREAS**, the purpose of the SFPC and the City of Charlottesville’s local fire prevention regulations is the protection of life and property from the hazards of fire or explosion;

**WHEREAS**, the fire department of the City of Charlottesville, as the local enforcing agency of the SFPC and local fire prevention regulations, and the fire marshal, as the City of Charlottesville’s fire official, conduct inspections and issue permits for regulated facilities and activities;

**WHEREAS**, Code of Virginia § 27-98 and Charlottesville City Code § 12-31 authorize the levying of fees by the local governing body to defray the cost of administering and enforcing the SFPC;

**WHEREAS**, the collection of fees for the inspection and permitting of various facilities and activities is necessary to defray the cost of providing such services to the public;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE**, that the Charlottesville City Council adopts the Charlottesville Fire Department Office of the Fire Marshal Fee Schedule, attached to this Ordinance as Exhibit A.



## Charlottesville Fire Department Office of the Fire Marshal

### FEE SCHEDULE (Effective on January 1, 2025)

#### (Virginia Statewide Fire Prevention Code Table 107.2)



DESCRIPTION**	PERMIT REQUIRED (Yes or No)	PERMIT FEE *																
<b>Aerosol products.</b> An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	Yes (annual/per location)	\$200*																
<b>Amusement buildings.</b> An operational permit is required to operate a special amusement building.	Yes (fixed–annual/location or mobile–30 days/location)	\$200*																
<b>Aviation facilities.</b> An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	Yes (annual/per location)	\$200*																
<b>Carnivals and fairs.</b> An operational permit is required to conduct a carnival or fair.	Yes (30 days/location)	\$200*																
<b>Cellulose nitrate film.</b> An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	Yes (annual/per location)	\$200*																
<b>Combustible dust-producing operations.</b> An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	Yes (annual/per location)	\$200*																
<b>Combustible fibers.</b> An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m³). <b>Exception:</b> An operational permit is not required for agricultural storage.	Yes (annual/per location)	\$200*																
<b>Compressed gas.</b> An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. <b>Exception:</b> Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle. <b>PERMIT AMOUNTS FOR COMPRESSED GASES</b> <table><tr><th>TYPE OF GAS</th><th>AMOUNT (cubic feet at NTP)</th></tr><tr><td>Corrosive</td><td>200</td></tr><tr><td>Flammable (except cryogenic fluids and liquefied petroleum gases)</td><td>200</td></tr><tr><td>Highly toxic</td><td>Any amount</td></tr><tr><td>Inert and simple asphyxiant</td><td>6,000</td></tr><tr><td>Oxidizing (including oxygen)</td><td>504</td></tr><tr><td>Pyrophoric</td><td>Any amount</td></tr><tr><td>Toxic</td><td>Any amount</td></tr></table> For SI: 1Cubic foot = 0.02832 m³.	TYPE OF GAS	AMOUNT (cubic feet at NTP)	Corrosive	200	Flammable (except cryogenic fluids and liquefied petroleum gases)	200	Highly toxic	Any amount	Inert and simple asphyxiant	6,000	Oxidizing (including oxygen)	504	Pyrophoric	Any amount	Toxic	Any amount	Yes (annual/per location)	\$200*
TYPE OF GAS	AMOUNT (cubic feet at NTP)																	
Corrosive	200																	
Flammable (except cryogenic fluids and liquefied petroleum gases)	200																	
Highly toxic	Any amount																	
Inert and simple asphyxiant	6,000																	
Oxidizing (including oxygen)	504																	
Pyrophoric	Any amount																	
Toxic	Any amount																	
<b>Covered and open mall buildings.</b> An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	Yes (annual/per location)	\$200*																
<b>Cryogenic fluids.</b> An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below. <b>Exception:</b> Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading. <b>PERMIT AMOUNTS FOR CRYOGENIC FLUIDS</b> <table><tr><th>TYPE OF CRYOGENIC FLUID</th><th>INSIDE BUILDING (gallons)</th><th>OUTSIDE BUILDING (gallons)</th></tr><tr><td>Flammable</td><td>More than 1</td><td>60</td></tr><tr><td>Inert</td><td>60</td><td>500</td></tr><tr><td>Oxidizing (includes oxygen)</td><td>10</td><td>50</td></tr><tr><td>Physical or health hazard</td><td>Any amount</td><td>Any amount not indicated above</td></tr></table> For SI: 1 gallon = 3.785 L.	TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)	Flammable	More than 1	60	Inert	60	500	Oxidizing (includes oxygen)	10	50	Physical or health hazard	Any amount	Any amount not indicated above	Yes (annual/per location)	\$200*	
TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)																
Flammable	More than 1	60																
Inert	60	500																
Oxidizing (includes oxygen)	10	50																
Physical or health hazard	Any amount	Any amount not indicated above																
<b>Cutting and welding.</b> An operational permit is required to conduct cutting or welding operations within the jurisdiction.	Yes (per event/location)	\$100*																
<b>Dry cleaning plants.</b> An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry-cleaning equipment.	Yes (annual/per location)	\$200*																
<b>Exhibits and trade shows.</b> An operational permit is required to operate exhibits and trade shows.	Yes (per event/location)	\$200*																

EXHIBIT A

<p><b>Explosives, fireworks, and pyrotechnics.</b> An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive materials, fireworks, pyrotechnic special effects, or pyrotechnic special effects material within the scope of Chapter 56. <b>Exception:</b> Storage in Group R-3 or R-5 occupancies of smokeless propel lant, black powder and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, exception numbers four and twelve.</p> <p><b>Use of explosives/blasting requires a use permit every 30 days with associated fees.</b></p> <p>City Code does not allow the sale or storage of fireworks or pyrotechnics in the City Limits.</p> <p>Fireworks. No person shall have, keep, store, use, discharge, manufacture, sell, handle or transport any fireworks in the city, except as provided within this section. Nothing in this section shall apply to:</p> <ol style="list-style-type: none"> <li>Any materials or equipment that is used or to be used by any person for signaling or other emergency use in the operation of any railroad train or other vehicle for the transportation of persons or property.</li> <li>Any officer or member of the armed forces, while acting within the scope of their authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces.</li> </ol> <p>The fire chief may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display of fireworks in the public parks or other open places. Such permits shall impose such restrictions as, in the opinion of the fire chief, may be necessary to properly safeguard life and property in each case. The term "fireworks," as used in this section, shall mean and refer to any firecracker, sparkler, roman candle, fire balloon, signal light, squib, rocket, railroad track or other torpedo, skyrocket, flashlight composition, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and which explodes, rises into the air, travels laterally, or fires projectiles into the air to obtain visible or audible pyrotechnic effects.</p> <p>High explosives. No person shall sell within the city any dynamite, blasting powder or other high explosive except upon a written permit from the chief of police, which permit shall be issued upon application by the purchaser showing that such explosives are to be used for legitimate purposes within a reasonable time after their purchase and the provisions of the fire prevention code with respect to the keeping of all such explosives shall in all respects apply to such purchaser. This section shall not be construed to apply to the purchase of shotgun, rifle or pistol ammunition at retail.</p>	Fixed Facility: Yes:(annual/location) Site Storage: in addition to use (30 days)	\$200
	Use/ Blasting: Yes (per event) (30 days maximum/location)	\$200
	Wholesale (fireworks) **Not ALLOWED by City Code	N/A
	Retail (fireworks) **Not ALLOWED by City Code	N/A
	Display/Use (fireworks): Yes (per event 1 day/location)	\$600
	Expedited display/use (fireworks), less than 10 days: Yes	+\$300
<p><b>Fire hydrants and valves.</b> An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.</p> <p><b>Exception:</b> An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p>	No – City Utilities handles	N/A
<p><b>Flammable and combustible liquids.</b> An operational permit is required:</p> <ol style="list-style-type: none"> <li>To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.</li> <li>To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <ol style="list-style-type: none"> <li>The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.</li> <li>The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</li> </ol> </li> <li>To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</li> <li>To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.</li> <li>To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel- dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</li> <li>To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.</li> <li>To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.</li> <li>To manufacture, process, blend or refine flammable or combustible liquids</li> </ol>	Yes (annual/per location)	\$200*
<p><b>Floor finishing.</b> An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m ) using Class I or Class II liquids.</p>	Yes (30 days/location) Exempt if under a building permit	\$75*
<p><b>Fruit and crop ripening.</b> An operational permit is required to operate a fruit-ripening or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.</p>	Yes (annual/per location)	\$200*
<p><b>Fumigation, thermal and insecticidal fogging.</b> An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.</p>	Yes (annual for facility/location) (per event/location)	\$200 (annual)* \$75 (event)*

## EXHIBIT A

<b>Hazardous materials.</b> An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below. <b>PERMIT AMOUNTS FOR HAZARDOUS MATERIALS</b>			
TYPE OF MATERIAL	AMOUNT	Yes (annual/per location)	\$ 200*
Combustible liquids	See flammable and combustible liquids		
Corrosive materials			
Gases	See compressed gases		
Liquids	55 gallons		
Solids	1000 pounds		
Explosive materials	See explosives Flammable Materials.		
Gases	See Compressed Gases		
Liquids	See flammable and Combustible Liquids		
Solids	100 pounds		
Highly toxic materials			
Gases	See compressed gases		
Liquids	Any amount		
Solids	Any amount		
Oxidizing materials			
Gases	See compressed gases		
Liquids			
Class 4	Any amount		
Class 3	1 gallon		
Class 2	10 gallons		
Class 1	55 gallons		
Solids			
Class 4	Any amount		
Class 3	10 pounds <sup>b</sup>		
Class 2	100 pounds		
Class 1	500 pounds		
Organic peroxides			
Liquids			
Class I	Any amount		
Class II	Any amount		
Class III	1 gallon		
Class IV	2 gallons		
Class V	No permit required		
Solids			
Class I	Any amount		
Class II	Any amount		
Class III	10 pounds		
Class IV	20 pounds		
Class V	No permit required		
Pyrophoric materials			
Gases	See compressed gases		
Liquids	Any amount		
Solids	Any amount		
Toxic materials			
Gases	See compressed gases		
Liquids	10 gallons		
Solids	100 pounds		
Unstable (reactive) materials			
Liquids			
Class 4	Any amount		
Class 3	Any amount		
Class 2	5 gallons		
Class 1	10 gallons		
Solids			
Class 4	Any amount		
Class 3	Any amount		
Class 2	50 pounds		
Class 1	100 pounds		
Water reactive materials			
Liquids			
Class 3	Any amount		
Class 2	5 gallons		
Class 1	55 gallons		
Solids			
Class 3	Any amount		
Class 2	50 pounds		
Class 1	500 pounds		
For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg. b. Twenty gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less. c. Twenty pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.			

# EXHIBIT A

<b>HPM facilities.</b> An operational permit is required to store, handle or use hazardous production materials.	Yes (annual/per location)	\$200*
<b>High piled storage.</b> An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m²).	Yes (annual/per location)	\$200*
<b>Hot work operations.</b> An operational permit is required for hot work including, but not limited to: Public exhibitions and demonstrations where hot work is conducted. 1. Use of portable hot work equipment inside a structure. <b>Exception:</b> Work that is conducted under a construction permit. 2. Fixed-site hot work equipment such as welding booths. 3. Hot work conducted within a hazardous fire area. 4. Application of roof coverings with the use of an open-flame device. 5. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.	Facility: Yes (annual/location)	\$200*
	Fixed Site: Yes (annual/location)	\$200*
	Other: Yes (per event/location) (30 days/location)	\$100*
<b>Industrial ovens.</b> An operational permit is required for operation of industrial ovens regulated by Chapter 30.	Yes (annual/per location)	\$200*
<b>Lumber yards and woodworking plants.</b> An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).	Yes (annual/per location)	\$200*
<b>Liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.</b> An operational permit is required to display, operate or demonstrate liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.	Yes (per event) (30 days/location)	\$200*
<b>LP-gas.</b> An operational permit is required for: 1. Storage and use of LP-gas. <b>Exception:</b> An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3. 2. Operation of cargo tankers that transport LP-gas.	Yes (annual/per location)	\$200*
<b>Magnesium.</b> An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	Yes (annual/per location)	\$200*
<b>Miscellaneous combustible storage.</b> An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.	Yes (annual/per location)	\$200*
<b>Open burning.</b> An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. See City Code § 12.32(8). <b>Exception:</b> Cooking Fires	Yes (Land Clearing Operations Only – 10 days/location)	\$500
<b>Open flames and candles.</b> An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. <b>Exception:</b> Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7. (308.1.7 Religious ceremonies. - Where, in the opinion of the fire code official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one person to another while lighted.)	Yes (annual/per location)	\$200* (annual if sole permit)  \$100* (if ancillary to another permit)
<b>Open flames and torches.</b> An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.	Yes (per event-30 days/location)	\$100*
<b>Organic coatings.</b> An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	Yes (annual/per location)	\$200*
<b>Places of assembly.</b> An operational permit is required to operate a place of assembly (greater than 50 persons)	Yes (annual/per location)	\$200*
<b>Private fire hydrants.</b> An operational permit is required for the removal from service, use or operation of private fire hydrants. <b>Exception:</b> An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.	Yes (annual/per location)	\$200*
<b>Pyrotechnic special effects material.</b> An operational permit is required for use and handling of pyrotechnic special effects material.	Yes (per event-1 day/location)	\$200
<b>Pyroxylin plastics.</b> An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.	Yes (annual/per location)	\$200*
<b>Refrigeration equipment.</b> An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	Yes (annual/per location)	\$200*
<b>Repair garages and service stations.</b> An operational permit is required for operation of repair garages and automotive, marine and fleet service stations. <b>Note: (If in conjunction with Flammable/Combustible Liquid permit then no fee for this permit)</b>	Yes (annual/per location)	\$200*



# EXHIBIT A

<b>Rooftop heliports.</b> An operational permit is required for the operation of a rooftop heliport.	Yes (annual/per location)	\$200*
<b>Spraying or dipping.</b> An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24.	Yes – Fixed Facility (annual/location)	\$200*
	Yes (per event) (30 days /location)	\$100*
<b>Storage of scrap tires and tire byproducts.</b> An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m <sup>3</sup> ) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	Yes (annual/per location)	\$200*
<b>Temporary membrane structures and tents.</b> An operational permit is required to operate an air-supported temporary membrane structure or a tent. <b>Exceptions:</b> <ol style="list-style-type: none"> <li>1. Tents used exclusively for recreational camping purposes.</li> <li>2. Tents and air-supported structures that cover an area of 900 square feet (84 m<sup>2</sup>) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons.</li> </ol>	Permits are through NDS	NA
<b>Tire-rebuilding plants.</b> An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	Yes (annual/per location)	\$200*
<b>Waste handling.</b> An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	Yes (annual/per location)	\$200*
<b>Wood products.</b> An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m <sup>3</sup> ).	Yes (annual/per location)	\$200*

\* The City of Charlottesville will waive the permit charges as part of our commitment to protecting life and property. This initiative aims to support businesses and property owners in ensuring compliance with safety regulations and promoting a secure environment for our community.

\*\* Unless otherwise indicated, all references to chapters, sections, groups, or tables are in accordance with the Virginia Fire Prevention Code.



## Charlottesville Fire Department Office of the Fire Marshal

### ADDITIONAL FEE SCHEDULE



PURPOSE	DESCRIPTION	FEE
<b>Facility Inspection Fees</b> (for any fixed facility requiring a permit per Table 107.2 of the Fire Prevention Code)	Inspection Fee included with Fire Permit	For the first two hours, there is no charge. \$100/hour after 2 <sup>nd</sup> hour.
<b>Required Fire Inspection for Facilities Licensed by the Department of Social Services</b> Examples: Day Care, Adult Care, Group Home, Nursing Home	1 – 8 persons 9 – 20 persons 21 – 50 persons 51 – 100 persons 101 – 150 persons 151 – 200 persons 201 or more persons	\$50* \$75* \$100* \$200* \$300* \$400* \$500 plus \$50 for every 100 persons over 201*
<b>Re-inspection Fee</b>	There is no charge if all violations are corrected after the initial inspection. If not, each re-inspection incurs a fee until a remediation agreement is reached or all violations are corrected.	\$0 (violations corrected) \$100 (per inspection)
<b>Request for Fire Code Variance/Modification</b> Charlottesville Fire Marshal	Increased temporary occupancy load	\$100 Per event or request Modification for 7 to 30 days
<b>Mobile Food Vendor (Food Truck or Trailer)</b>	New Hood System or New Food Vendor Yearly Food Vendor Permit	\$100 Yearly Permit & Inspection*

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	September 16, 2024
Action Required:	Approve Ordinance on first reading with 4/5 vote.
Presenter:	James Freas, Deputy City Manager, Brenda Kelley, Redevelopment Manager
Staff Contacts:	James Freas, Deputy City Manager Krisy Hammill, Director of Budget Alexander Ikefuna, Director, Office of Community Solutions Brenda Kelley, Redevelopment Manager Robinson Hubbard, Deputy City Attorney
Title:	<b>Ordinance to approve a Funding Agreement for Carlton Mobile Home Park (1 reading with 4/5 vote)</b>

**Background**

In August 2024, the City Council approved an Ordinance approving financial assistance to support residential rental housing at Carlton Mobile Home Park for persons of low and moderate income and authorizing the City Manager to execute and deliver a Support Agreement in connection with the same, following a request from Piedmont Housing Alliance (PHA) and Greater Charlottesville Habitat for Humanity (GCHH) to the City to provide annual support over the next five years for a total amount not to exceed \$8.7M, in the event that they effectively purchase the property and become bona fide owners of the Park.

Since the last City Council meeting PHA/GCHH presented an offer to the Owner, who accepted their offer to purchase the property. PHA/GCHH are now diligently pursuing financing approval in order to close on the purchase of the property.

The Ordinance and Support Agreement, previously approved, contained language that stated that in return for such financial support and as required by Section 15.2-958 of the Virginia Code, the parties intend to enter into a separate funding agreement, which is to be approved by subsequent action of Council, to address (a) the requirements of Virginia Code § 15.2-958, with respect to the minimum number of rental units in the Park (including after any redevelopment) that will be reserved for persons of low and moderate income and for what period of time, and (b) such other requirements that the City may desire to impose in connection with providing such financial assistance.

PHA has requested this funding agreement approval prior to the financing closing scheduled for September 17<sup>th</sup>. It is intended that PHA/GCHH will create a special purpose entity for this project as Habitat Carlton Alliance, LLC (HCA). PHA will remain the fiduciary agent for the alliance with all funding going to PHA.

## **Discussion**

Approval of this Ordinance will spell out the preliminary minimum conditions expected by the City, pursuant to Virginia Code § 15.2-958, primarily with respect to the redevelopment of the property and the ultimate development of affordable housing.

In connection with the Ordinance, the City Manager will be authorized to execute additional documents in order to effectuate this transaction. These may include, but not limited to, Declarations of Affordable Housing Covenants – one for rental units and one for the homeownership units – which will be required to be recorded prior to the issuance of a building permit. These documents further provide protections and guarantees in place to insure that the affordable units are built in accordance to the agreed upon performance requirements. The City Manager and City Attorney will be required to approve these covenant(s) prior to recordation.

Here are some other key elements:

- A minimum of 180 dwelling units shall be provided, as follows:
  1. a minimum of 5 For-Rent dwelling units will be provided for rental to households have incomes from zero to 30% AMI
  2. a minimum of 5 For-Rent dwelling units will be provided for rental to households having incomes at or below 50% AMI
- 70% of the units constructed within the Project will be provided for rental or ownership by low and moderate income persons. All Affordable Rental Units will be and remain affordable for a period of 99 years.
- The disbursement of City funds shall constitute loan proceeds. The term of the Loan is forty (40) years, commencing on the date of the final disbursement of Loan proceeds by the City. As security for the Loan, the City will be granted as assignment of its subordinate interest in the Project. Interest shall accrue on outstanding amounts of the Loan at the annual rate of 3%. If the Project is completed and operated continuously in accordance with all terms, then the Loan and the accrued interest shall be forgiven.
- Beginning with the first occupancy of any Affordable Unit, PHA/GCHH/HCA will be required to provide an annual report, which shall include at a minimum: (a) the number of affordable units that are occupied; (b) the number of affordable units that are vacant; (c) for each unit that is vacant, the manner in which the unit became vacant and the progress in re-leasing the unit; (d) for each occupied unit, current household information; (e) a sworn statement that occupants of the affordable units meeting the eligibility criteria; (f) a copy of each new or revised Certification of Income; (g) a copy of each new or revised Certification of Residency; (h) a copy of each inspection report and Certification of Inspection for each unit; and (i) a copy of all forms, policies, procedures, and other documents reasonably requested related to the affordable rental units.
- Once the Declaration of Affordable Housing Covenants are recorded, then the Affordability Requirements become binding not only on the current landowner(s), but also upon any third parties to whom the Project may be sold in the future. (In other words: the Affordability Requirements will run with the Land).
- Upon possible foreclosure, bankruptcy, etc. that the City has first right of refusal to acquire units to maintain their affordability. However, if the City were to take advantage of this opportunity, there will be a cost to the City associated with this.

### **Alignment with City Council's Vision and Strategic Plan**

This item aligns with the Affordable Housing Strategic Outcome Area and the Affordable Housing Plan.

### **Community Engagement**

Representatives of Legal Aid Justice Center, Greater Charlottesville Habitat for Humanity, Inc., and Piedmont Housing Alliance have met with residents of the Park and have received support from at least 25% of the existing tenants with a valid lease in the Park to make an independent offer to purchase the Park.

### **Budgetary Impact**

No additional funding is required at this time. The previous approval(s) from August were a non-binding obligation to budget and appropriate funds annually to PHA/GCHH/HCA to support the purchase and redevelopment of the property. This current action is to spell out the expected terms and conditions on the redevelopment of the property. Any agreements between the City and PHA/GCHH/HCA, will only be formalized upon PHA/GCHH/HCA taking ownership of the property.

The remaining funding beyond FY25 to support the acquisition and redevelopment of this property will be presented to this and future Councils for consideration annually as part of the regular budget process. The obligations of the City as to any funding beyond the end of FY25 are expressly made subject to the availability of and appropriation by the City Council of sufficient public funds to support continued performance of this agreement by the City in succeeding fiscal years.

### **Recommendation**

Staff recommends approval of the attached Ordinance to support the acquisition of the property and put the City's terms and conditions in place. Due to the timing of the closing on the property, staff recommends that the requirement for a second reading of this Ordinance be waived pursuant to a four-fifths vote.

### **Alternatives**

Do not approve the Ordinance which may significantly negatively impact PHA's financing closing and acquisition of the property by PHA/GCHH/HCA.

### **Attachments**

1. Ordinance Carlton Mobile Home Park final 9.13.24
2. CMHP Loan Agreement with Ex B 9.13.24
3. Exhibit A: Property Legal Description

**ORDINANCE AUTHORIZING A FORGIVABLE LOAN TO PIEDMONT HOUSING ALLIANCE AND GREATER CHARLOTTESVILLE HABITAT FOR HUMANITY, INC. AND HABITAT CARLTON ALLIANCE, LLC, TO SUPPORT REDEVELOPMENT OF CARLTON MOBILE HOME PARK FOR THE PURPOSE OF PRODUCING NEW HOUSING FOR LOW AND MODERATE INCOME PERSONS**

WHEREAS, the preservation of existing housing in safe and sanitary condition and the production of new housing for persons of low and moderate income are public purposes and uses for which public money may be spent, and that such preservation and production are governmental functions of concern to the Commonwealth of Virginia (the “Commonwealth”) and the City of Charlottesville (the “City”);

WHEREAS, pursuant to Virginia Code §15.2-958 the City may, by ordinance, make grants or loans to the owners of residential rental property occupied, or to be occupied, following rehabilitation or after construction, by persons of low or moderate income, for the purpose of rehabilitating or producing such property;

WHEREAS, an owner assisted in this manner must provide a minimum of 20 percent of the units for low and moderate income persons as defined by the City for a minimum of 10 years and participation by an owner is voluntary;

WHEREAS, Piedmont Housing Alliance (“PHA”) is a private, nonprofit 501(c)(3) organization organized and operating under the laws of the Commonwealth, having as its mission the creation of affordable housing opportunities by developing new housing and by preserving existing affordable housing;

WHEREAS, Greater Charlottesville Habitat for Humanity, Inc. (“GCHH”) is a private, nonprofit 501(c)(3) organization organized and operating under the laws of the Commonwealth, having as its mission the creation of affordable housing opportunities by developing new housing and by preserving existing affordable housing;

WHEREAS, Habitat Carlton Alliance, LLC (“HCA”) is a private corporation wholly owned by GCHH and PHA in a 50-50 joint venture structure organized and operating under the laws of the Commonwealth, having as its mission the acquisition, operation, and eventual redevelopment of the Carlton Mobile Home Park (the “Project”);

WHEREAS, PHA, GCHH and HCA are planning the redevelopment of the Project into a new development, funded by various methods;

WHEREAS, PHA and GCHH and HCA have requested the City to provide a loan for financing a portion of the costs of the Project, in an amount sufficient to subsidize the projected cost of acquisition of property for the Project;

WHEREAS, the City desires to loan up to \$8,700,000 at an interest rate of 3.00% per annum for a term of approximately 40 years (the “Loan”) to PHA pursuant to the terms and conditions of a loan agreement (the “Agreement”) and a Declaration of Affordable Housing Covenants, to be approved by the City;

WHEREAS, the Loan will be secured by a subordinate interest in the land for the Project granted by HCA to the City as further described in the Agreement; and

**NOW, THEREFORE, BE IT ORDAINED** by the Charlottesville City Council that local public funding is hereby approved for PHA to support the Project, by providing funding through the Loan in a principal amount of up to \$8,700,000 with an interest rate of 3.00% per annum for a term of approximately 40 years, all subject to the lien and security, and other terms and conditions of the Agreement in substantially the form presented to Council at this meeting.

**AND BE IT FURTHER ORDAINED BY THIS CITY COUNCIL THAT** the requirement for a second reading of this Ordinance is hereby waived pursuant to a four-fifths vote of the City Council in accordance with City Code 2-97, and the City Manager is hereby authorized to execute the Agreement containing the terms and conditions consistent with those set forth within this Ordinance, and other documents and instruments necessary to complete this Loan transaction, subject to approval by the City Attorney’s Office as to the form of all such documents and instruments.

## **LOAN AGREEMENT FOR CARLTON MOBILE HOME PARK PROJECT**

This Loan Agreement (this “Agreement”) is by and between Piedmont Housing Alliance (“PHA”) and the City of Charlottesville, Virginia (the “City”) dated as of this \_\_\_\_ day of September, 2024.

### **RECITALS**

WHEREAS, the preservation of existing housing in safe and sanitary condition and the production of new housing for persons of low and moderate income are public purposes and uses for which public money may be spent, and that such preservation and production are governmental functions of concern to the Commonwealth of Virginia (the “Commonwealth”) and the City;

WHEREAS, pursuant to Virginia Code §15.2-958 the City may, by ordinance, make grants or loans to the owners of residential rental property occupied, or to be occupied, following rehabilitation or after construction, by persons of low or moderate income, for the purpose of rehabilitating or producing such property;

WHEREAS, an owner assisted in this manner must provide a minimum of 20 percent of the units for low and moderate income persons as defined by the City for a minimum of 10 years and participation by an owner is voluntary;

WHEREAS, Piedmont Housing Alliance (“PHA”) is a private, nonprofit 501(c)(3) organization organized and operating under the laws of the Commonwealth, having as its mission the creation of affordable housing opportunities by developing new housing and by preserving existing affordable housing;

WHEREAS, Greater Charlottesville Habitat for Humanity, Inc. (“GCHH”) is a private, nonprofit 501(c)(3) organization organized and operating under the laws of the Commonwealth, having as its mission the creation of affordable housing opportunities by developing new housing and by preserving existing affordable housing;

WHEREAS, Habitat Carlton Alliance, LLC (“HCA”) is a private corporation wholly owned by GCHH and PHA in a 50-50 joint venture structure organized and operating under the laws of the Commonwealth, having as its mission the acquisition, operation, and eventual redevelopment of the Carlton Mobile Home Park (the “Project”);

WHEREAS, PHA, GCHH and HCA are planning the redevelopment of the Project into a new development, funded by various methods;



WHEREAS, PHA, GCHH and HCA have requested the City to provide a loan for financing a portion of the costs of the Project, in an amount sufficient to subsidize the projected cost of acquisition of property for the Project;

WHEREAS, the City desires to loan up to \$8,700,000 at an interest rate of 3.00% per annum for a term of approximately 40 years (the “Loan”) to PHA pursuant to the terms and conditions this agreement (the “Agreement”) and a Declaration of Affordable Housing Covenants, to be approved by the City;

WHEREAS, the Loan will be secured by a subordinate interest in the land for the Project granted by HCA to the City as further described in the Agreement; and

**NOW, THEREFORE, for good and valuable consideration, the receipt of which has been acknowledged by the parties, the following is agreed:**

**Section 1. Public purpose of the Loan**

This Loan is provided to Piedmont Housing Alliance, for the benefit of HCA (PHA and HCA referred to herein as “Recipient” or “Project Owner”) to be used for the public purposes of providing funding for property acquisition necessary for the Project, which will assist the construction of new for-rental and for-sale affordable housing units within the property known as Carlton Mobile Home Park.

**Section 2. Representations and Warranties by the Recipient**

To induce the City to make the Loan, Recipient makes the following as its representations and warranties to the City:

- (A) HCA is a limited liability corporation organized under the laws of the Commonwealth of Virginia, active and in good standing as of the date of its execution of this Agreement.
- (B) PHA is a nonprofit 501(c)(3) organization whose 501(c)(3) status remains in effect as of the date of its execution of this Agreement.
- (C) Recipient(s) will ensure the Loan funds will be used only for the public purposes referenced in Section 1. Recipient shall execute an assignment of lien and interests as further security for the Loan from the City to the Recipient, subject to certain requirements of lenders, including this Agreement and the Declaration of Affordable Housing Covenant(s) being subordinate and subject to the lien of all lenders to the Project.
- (D) Recipient shall in good faith take all measures necessary to meet the affordability goals set in 3(B).

- (E) The Declaration of Affordable Housing Covenant(s) shall be recorded in the land records of Charlottesville Circuit Court, prior to issuance of a building permit. The City Manager and City Attorney shall approve the Declaration of Affordable Housing Covenant(s) prior to recordation.
- (F) Recipient will ensure the development of the Project shall comply with all Federal, State and local laws and regulations and be consistent with the provisions of the Declaration of Affordable Housing Covenant(s) and the public purposes for which this Loan is offered pursuant to Virginia Code §15.2-958.
- (G) Recipient will execute any and all documents reasonably requested by the City to finalize the Loan authorized by this Ordinance, including, without limitation, any note, deed of trust, security agreement or guaranty.
- (H) Recipient acknowledges that the City is providing financial assistance towards the acquisition of the property for the Project in furtherance of the construction of new for-rental and for-sale affordable housing units. the Project's use as a mobile home park, will remain as such during the term of the Loan and will remain under ownership of HCA and in no way shall be considered an asset of the City. The City will not be responsible for any maintenance or repairs upon acquisition of the Project, or for any costs associated with the planning and development of the Project.
- (I) Recipient shall take all measures necessary to secure additional or other equity funding sources for the acquisition of the property. If additional acquisition equity funding is secured, the City's contribution will be reduced by the amount of the additional funding secured.
- (J) The recipient will include City representatives in the planning and design process. A to-be-formed redevelopment planning committee will include one City Councilor and one designee of the City Manager.
- (K) The representations set forth within paragraphs (A) through (J) preceding above are material provisions of this Agreement.

### **Section 3. Authorized Expenditures; Budget**

- (A) The Project is planned as a redevelopment of land currently identified by Tax Parcel Identification No. 560087100, currently assigned the street address of 1500 Carlton Avenue, Charlottesville, Virginia (the "Property") (see Exhibit A for legal description).

- (B) The Project shall include no fewer than one hundred eighty (180) for-rent or for-sale dwelling units. A minimum of 70% of these dwelling units must be affordable units provided for rental or homeownership, of which: (i) a minimum of five (5) For-Rent dwelling units will be provided for rental to households having incomes from zero to thirty percent (30%) AMI; and (ii) a minimum of five (5) For-Rent dwelling units will be provided for rental to households having incomes at or below fifty percent (50%) AMI. The City and Recipient both desire the development of a higher number of affordable units on the Property than the minimum percentage presented above. Recipient will make every effort to increase the percentage of affordable units as is feasible and to provide as many units as is feasible at the lower AMI levels.

However, the Recipient is just beginning the redevelopment planning for the Project and the intention of the planning process is to include resident guidance. The total unit count and percentage of affordable units for the Project is, therefore, subject to variability based on some factors outside the control of Recipient or achieving the best design and/or programmatic solutions. Therefore, the terms of 3(B) may be amended by mutual agreement of the parties.

- (C) Affordable rental units must be affordable for 99 years. Affordable ownership units must be affordable for 99 years or provide an alternative affordability timeframe with criteria and expectations that meet the affordability goals of the Comprehensive Plan and the Affordable Housing Plan, such as through reinvestment of resources in ongoing affordable housing efforts as per the zoning determination letter issued by the City on February 22, 2024 (attached as Exhibit B to this Agreement).
- (D) The City will provide up to \$8,700,000, or the total amount of the financing acquired by PHA for the acquisition of the Property, including debt service costs from such financing during the funding period of the City's loan, whichever is less, in Loan proceeds. Loan proceeds will be made payable to PHA, on behalf of the Recipient. This funding is intended to be an entire, all-inclusive City assistance for the acquisition and development of the Property. Also, no further funding is intended to support current operations and maintenance of the Property.
- (E) Loan proceeds are estimated to be expended as follows, or as may be modified pending the terms of the final loan financing for the acquisition of the Property:

Payment	Amount	FY Funding	City Payment Schedule
Closing	\$322,250	FY25	9/17/2024
Year 1 Interest Payment	\$384,000	FY25	10/15/2024
Year 1 Principal Payment	\$1,025,000	FY26	9/1/2025
Year 2 Interest Payment	\$307,200	FY26	10/15/2025
Year 2 Principal Payment	\$1,000,000	FY27	9/1/2026
Year 3 Interest Payment	\$230,400	FY27	10/15/2026
Year 3 Principal Payment	\$1,000,000	FY28	9/1/2027

Year 4 Interest Payment	\$153,600	FY28	10/15/2027
Year 4 Principal Payment	\$1,000,000	FY29	9/1/2028
Year 5 Interest Payment	\$76,800	FY29	10/14/2028
Year 5 Principal Payment	\$3,000,000	FY30	9/1/2029

- (F) Construction of the Project will commence by December 31, 2029, and be diligently prosecuted by Recipient to completion. An extension of this requirement is allowable by mutual agreement of the parties.
- (G) Construction of the Project will be completed on or before December 2033 to the extent feasible and reasonable. An extension of this requirement is allowable by mutual agreement of the parties.
- (H) All affordable dwelling units will be completed simultaneously with all stages of development to the extent feasible and reasonable. This requirement is amendable by mutual agreement of the parties.
- (I) All income levels of dwelling units shall be dispersed throughout the Project and not clustered in any one location to the extent feasible and reasonable. This requirement is amendable by mutual agreement of the parties.
- (J) Recipient shall establish, and will submit, the Budget to the City for approval, prior to issuance of a building permit. Once the Budget is approved by the City, all material changes to the Budget shall be subject to the prior written approval of the City.

#### **Section 4. Disbursement of Loan Proceeds**

##### **(A) Preconditions, General**

Prior to the first disbursement of any Loan proceeds pursuant to Section 3(D) and 3(E), the Recipient shall furnish all of the following documents to the City, in a form acceptable to the City, for the City's approval:

- (i) A copy of the final, executed Closing Documents; and
- (ii) A copy of the final, executed Loan Document(s)

##### **(B) Disbursement Requests**

Prior to disbursement of forthcoming Loan proceeds pursuant to Section 3(D) and 3(E), the Recipient shall furnish a Disbursement Request, in a form approved in advance by the City.

Following receipt of a complete Disbursement Request, the City shall issue payment of Loan proceeds to the Recipient for the amounts documented within the Disbursement Request as required pursuant to the financing terms for the acquisition of the Property. Payment shall be made within 30 days of the City's receipt of a complete Disbursement Request.

(C) Execution of Loan Instruments

This Loan is in the amount of the total disbursements made by the City to the Recipient, pursuant to Section 3(E). Disbursement shall be made up to the Loan maximum specified in Section 3(D), above. All disbursements shall be added to the principal of the Loan, and interest at the rate of this Loan shall accrue thereon from the date each disbursement is made. The City shall not disburse any loan proceeds to the Recipient unless and until the Recipient has executed and delivered to the City all documents or legal instruments deemed by the City to be necessary to effectuate the Loan and to secure the City's ability to enforce the requirements of this Agreement. The following terms and conditions are material to the City's agreement to enter into this Agreement and shall be requirements of this Agreement enforceable in accordance with this Agreement as well as through any documents or legal instruments that effect and secure the Loan of public funds to the Recipient:

- (i.) Deferred Payment Loan; Payment Date. This Loan shall be a deferred payment loan. The deferral period shall commence on the Commencement Date specified in subparagraph (ii), below, and shall expire at midnight on December 31 of the fortieth (40<sup>th</sup>) calendar year thereafter ("Deferral Period"). Interest shall accrue during the Deferral Period, in the amount specified in subparagraph (iii) following below.
- (ii.) Each Disbursement of funds made by the City to the Recipient shall constitute loan proceeds (individually and collectively, the "Loan") of the Loan that is the subject of this Agreement. The term of the Loan shall be forty (40) years, commencing on the date of the final disbursement of Loan proceeds by the City to the Recipient pursuant to this Agreement ("Commencement Date"). If the Project is completed and operated continuously in accordance with the requirements of this Agreement and the Declaration of Affordable Housing Covenant(s) throughout the entire Deferral Period (i.e., continuously from the Commencement Date through the expiration of the Deferral Period) then the Loan shall be forgiven. Recipient will grant to the City, as security for the Loan, an assignment of its subordinate interest in the Project.
- (iii.) Interest shall accrue on outstanding amounts of the Loan, at the annual rate of three percent (3%), beginning on the Commencement Date specified in (ii),

above. If the Project is completed and operated continuously in accordance with the requirements of this Agreement and the Declaration of Affordable Housing Covenant(s) throughout the entire Deferral Period referenced in paragraph (ii) preceding above (i.e., continuously from the Commencement Date through the expiration of the Deferral Period) then the accrued interest shall be forgiven.

(iv.) Payment. All Loan proceeds disbursed to the Recipient shall immediately become due and owing to the City in full, in each case following any applicable notice and cure period:

- a. on the date of any Uncured Event of Default on the Loan;
- b. upon the insolvency or dissolution of the Recipient;
- c. on the date of any foreclosure of the Project; or
- d. upon the sale or transfer of the property, or any portion(s) thereof, to any person other than a related entity, or other assignee, who has been approved by the City in advance. For purposes of this Agreement, the term “related entity” means any transferee that is controlled by the Recipient, the Landowner, or both.

(v.) Default. If any Event of Default shall occur pursuant to this Agreement and is not cured within sixty (60) days from the date that written notice of such Event of Default is given by the City to the Recipient or such longer period as was reasonably necessary for cure, provided the Recipient requested an extension prior the expiration of the 60-day cure period and the City approved the request in writing (“Uncured Event of Default”), the Loan shall immediately become due and payable in full to the City. Each of the following shall constitute an Event of Default:

- a. Use of Loan funds for any purpose(s) other than those articulated within Section 1 of this Agreement;
- b. Failure to comply with the terms and conditions of this Agreement;
- c. Failure to perform any of Recipient’s obligations under this Agreement with respect to construction of the units of housing;
- d. Failure to perform any of Recipient’s obligations under the Declaration of Affordable Housing Covenant;
- e. A successful legal challenge initiated by the PHA, GCHH, HCA, or any other Project owner, asserting that the Declaration of Affordable Housing Covenant(s), and any amendments thereto, is invalid or unenforceable, in whole or as applied to such person;
- f. Failure to perform as required by any document that secures this Loan;

- g. Failure of Recipient to give the City notice of any anticipated sale of all or any portion of the Project to any person that is not controlled by the Recipient, and who will use it for any purpose other than that specified within Section 1 of this Agreement;
- (vi.) Remedies for Default. If Recipient fails to pay the Loan or fails to cure any Event of Default prior to the end of the 30-day notice period, the City may invoke foreclosure of this Agreement or any other remedy allowed by the Agreement, any document related to this Loan, or by the laws of the Commonwealth. All of the City's rights and remedies are distinct and cumulative to any other rights and remedies under this Agreement, or otherwise at law, and may be exercised concurrently, independently, or successively.
- (vii.) No Waiver. No forbearance by the City in exercising any right or remedy hereunder, or otherwise afforded by Virginia law, shall constitute a waiver of, nor shall forbearance preclude the exercise of, any right or remedy.
- (viii.) Release. Notwithstanding the foregoing, the lien of the Loan and the Declaration of Affordable Housing Covenants will be released from portions of the Project as follows:
  - a. For a portion of the Project that is to be developed as an affordable rental project, the lien of the Loan will be released and the Declaration of Affordable Housing Covenants will be removed per this Ordinance and a new agreement specific to the affordable rental project will be drafted in alignment with the execution and recordation of an Extended Use Regulatory Agreement.
  - b. For a portion of the Project that is to be developed as homeownership by Habitat, the lien of the Loan and the Declaration of Affordable Housing Covenants will be released upon the recordation of a deed from GCHH to a GCHH partner family that contains GCHH's customary affordability restrictions.
  - c. All lots sold (for the purpose of Project cross-subsidization) to market rate developers will be released upon request by HCA to the City provided there remains sufficient lots to satisfy the minimum number of affordable units under Section 3.
  - d. The Loan will be satisfied and the Declaration of Affordable Housing Covenants release as to the entire Project upon the satisfaction of the affordability requirements of Section 3.

## **Section 5. Additional Terms and Conditions**

- (A) Recipient will negotiate with the City in good faith to make available to City, concrete/mobile home pads for the erection of temporary shelter/housing if deemed mutually beneficial and feasible. If City is to proceed, a separate agreement will be entered into, specific to this purpose.
- (B) Upon possible foreclosure, bankruptcy, etc. that the City has first right of refusal to acquire units to maintain their affordability.

## **Section 6. General Terms and Conditions**

- (A) Non-Appropriations Condition: The obligations of the City as to any funding beyond the end of Fiscal Year 2025 (June 30, 2025) are expressly made subject to the availability of and appropriation by the City Council of sufficient public funds to support continued performance of this agreement by the City in succeeding fiscal years. When public funds are not appropriated or are otherwise unavailable to support continuation of payment(s) by the City to Recipient in a subsequent fiscal year, the City's obligations hereunder shall automatically expire, without liability or penalty to the City. Within a reasonable time following City Council's adoption of a budget, the City shall provide the Recipient with written notice of any non-appropriation or unavailability of funds affecting this Loan agreement.

Should the City not appropriate the funds required to support the Loan as outlined in this Agreement in succeeding fiscal years, this Agreement will terminate and HCA will be entitled to operate, re-develop, re-finance, and/or sell the Property as it desires, free of the affordability requirements set forth in this Agreement. Upon such a sale or other Financing event due to the City not appropriating the funds required to support the Loan, any proceeds of the Loan that were in fact advanced by City, will be paid back to the City, to the extent there are excess proceeds after payment of amounts owed to all prior secured lenders. City acknowledges that there may not be any such excess proceeds. The lien of the City's Loan will be discharged after the first such sale or refinance, notwithstanding, that the Loan was not re-paid in full.

- (B) Assignments. The City reserves the right to approve in advance any assignment of this Agreement by the Recipient to any individual or entity, and the ownership and membership of any such entity must be disclosed to the City. Any change in the Recipient's organizational structure, and any change in the Recipient's status or Recipient's relationship to either the Landowner, or the Project Owner shall also be subject to approval by the Authority. Any such assignee shall be bound by all the terms and conditions of this Agreement.



- (C) Public Disclosure of Agreement Documents: The Recipient acknowledges and understands that this agreement, and all related public proceedings and records, shall be open to the inspection of any citizen or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act (Va. Code §2.2-3700 et seq.) and the Virginia Public Procurement Act (Va. Code §2.2-4300 et seq.) to the extent that either of those laws applies.
- (D) No Waiver of Rights: No failure on the part of the City to enforce any of the terms or conditions set forth in this Agreement shall be construed as or deemed to be a waiver of the right to enforce such terms or conditions. No waiver by the City of any default or failure to perform by the Recipient shall be construed as or deemed to be a waiver of any other and/or subsequent default or failure to perform. The acceptance of the performance of all or any part of this Agreement by the City, for or during any period(s) following a default or failure to perform by the Recipient, shall not be construed as or deemed to be a waiver by the City of any rights hereunder, including, without limitation, the City's right to terminate this Agreement.
- (E) Force Majeure. All dates in this Agreement shall be extended for a period of time equal to the period of any delay directly affecting such date which is caused by fire, earthquake or other acts of God, strike, lockout, acts of public enemy, riot, insurrection, pandemic, disease, work shortages, acts beyond the control of the parties, declared state of emergency or public emergency, government mandated quarantine or travel ban, government shutdown or governmental regulation. All federal extensions permitted due to any pandemic, declared state of emergency or public emergency, government mandated quarantine or travel ban, or any other similar event, shall also apply to the dates in this Agreement.
- (F) Severability: In the event that any term, provision, or condition of this Agreement, or the application thereof to any person or circumstance shall be held by a Court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement, and the application of any term, provision or condition contained herein to any person or circumstance other than those to which it has been held invalid or unenforceable, shall not be affected thereby.
- (G) Governing Law: This Agreement shall be governed by the laws of the Commonwealth of Virginia, and, in the event of litigation, jurisdiction and venue shall be in the Circuit Court of the City of Charlottesville, Virginia, and all legal actions involving this Agreement shall be brought only in such court. All parties hereto agree that in the event of any action brought to enforce the terms and provisions hereof, the prevailing party shall be entitled to reimbursement of reasonable attorney's fees and court costs. All

parties to this Agreement have standing to enforce any covenants, terms, provisions, and agreements set forth herein.

- (H) Entire Agreement: This Agreement is the entire agreement between the parties hereto, sets forth all of promises, agreements, conditions, and understandings between the parties respecting the subject matter hereof and supersedes all prior and contemporaneous negotiations, conversations, discussions, correspondence, memoranda, and agreements between the parties concerning such subject matter.
- (I) Authorized City Signature: The Charlottesville City Council has authorized the Charlottesville City Manager to execute this Agreement to effectuate the requirements herein on its behalf.
- (J) Amendments. Except as otherwise specified within Section 6(E) of this Agreement, the City Manager is hereby authorized to modify terms and conditions set forth within this Agreement, without Council review and approval, but only if such amendment(s) do **not** materially modify: (i) the number of affordable dwelling units to be provided by Recipient, or (ii) the length of the Affordability Period, or (iii) the affordability requirements of the affordable dwelling units, or (iv) the dollar amount(s) of the Loan, as set forth within Section 3(D) of this Agreement. Any amendments of the terms referenced in clauses (i) – (iv) preceding above within this paragraph must be approved by ordinance of City Council in the same manner as this Agreement.
- (K) Notices. All notices required under this Agreement shall be given in writing, and shall be deemed to be received five (5) business days after being mailed by first class mail, postage prepaid, return receipt requested, or one (1) business day after being placed for next day delivery with a nationally recognized overnight courier service, or upon receipt when delivered by hand, addressed as follows:

- a. if given to the City:  
City of Charlottesville  
Attn: City Manager  
605 East Main Street, Second Floor, City Hall  
P.O. Box 911  
Charlottesville, Virginia, 22902

- City of Charlottesville  
Attn: City Attorney  
605 East Main Street, Second Floor, City Hall  
P.O. Box 911

Charlottesville, Virginia, 22902

b. if given to the Recipient:

Piedmont Housing Alliance  
Attention: Executive Director  
682 Berkmar Circle  
Charlottesville, Virginia, 22901  
with a copy to:  
x

Greater Charlottesville Habitat for Humanity  
Attention: Executive Director  
967 2<sup>nd</sup> Street SE  
Charlottesville, Virginia 22902

Habitat Carlton Alliance, LLC  
Attention: Executive Director  
x  
Charlottesville, VA 22901

With a copy to the Project Lender at an address provided by the Recipient.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: \_\_\_\_\_  
|City Manager

PIEDMONT HOUSING ALLIANCE

By: \_\_\_\_\_  
Title: \_\_\_\_\_

## **EXHIBIT A**

### **Legal Description of Property**

**[ PHA / GCHH to provide ]**



## CITY OF CHARLOTTESVILLE

*"A Great Place to Live for All of Our Citizens"*

Department of Neighborhood Development Services

**Memorandum**

**To:** Daniel Rosensweig, Executive Director, Habitat for Humanity of Greater Charlottesville

**From:** James Freas, Director, Neighborhood Development Services & Zoning Administrator

**Date:** February 22, 2024

**Re:** Zoning Determination: Section 4.2.2 Affordable Dwelling Units

**CC:** Alex Ikefuna, Director, Office of Community Solutions  
Jay Stroman, City Attorney

Habitat for Humanity of Greater Charlottesville (Habitat) has requested a zoning determination that their program for the creation of affordable ownership units, with specific provisions that ensure that funds can be recaptured and reinvested into the creation of more affordable housing and otherwise detailed below, is consistent with the provisions of sec. 4.2.2.C.3.b. allowing the Administrator to accept modifications to the otherwise required provisions of sec. 4.2.2. Specifically, Habitat would like a modification of the requirement that bonus affordable units in the Residential districts must be income restricted for a minimum of 30 years found in sec. 4.2.2.C.3.a. and instead would like to use the requirements detailed below. For the reasons stated below, the Zoning Administrator finds the Habitat requested modifications consistent with sec. 4.2.2.C.3.b.

The following section of the Affordable Dwelling Unit (ADU) provisions of the Development Code gives the zoning administrator the ability to modify certain ADU requirements:

**Sec. 4.2.2.C.3.b.**

*When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, such as through reinvestment of resources in ongoing affordable housing, the Administrator may accept modifications to the requirements in Sec. 4.2.2.*

The intent section of the ADU provisions of the Development code is as follows:

**Sec. 4.2.2.A. Intent**

- 1. To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality in accordance with Va. Code §15.2-2304 and other relevant sections of the Virginia Code.*
- 2. To ensure that any project choosing to include 10 or more residential units will implement the*

*affordable housing goals of the adopted Comprehensive Plan, and Charlottesville Affordable Housing Plan.*

*3. To provide an incentive for the development of residential projects of any size that implement the affordable housing goals of the adopted Comprehensive Plan and Charlottesville Affordable Housing Plan.*

Broadly, housing production, particularly of affordable housing, is a central goal of the Comprehensive Plan. The following goals and strategies are directly applicable:

**Housing Chapter Goal 2. Diverse Housing Throughout the City**

*Support a wide range of rental and homeownership housing choices that are integrated and balanced across the city, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.*

**Strategy 2.1**

*Encourage mixed-use and mixed-income neighborhoods and housing developments throughout the city and support zoning changes to allow them by-right.*

**Sub-strategies:**

*Ensure that the forthcoming zoning rewrite supports a wide range of housing typologies, including both rental and homeownership opportunities at a variety of scales, including for families, aging in place, and multigenerational living.*

*Through Small Area Plans and zoning amendments, work with the community to determine appropriate levels of density/intensity in neighborhoods and nodes and along corridors identified on the Future Land Use Map.*

**Details of the Request**

Habitat is a significant producer of affordable housing in Charlottesville, with a particular focus and expertise in the production of affordable units for ownership. The organization's model is "people-first" meaning that it prioritizes affordable housing as a mechanism to lift-up a household, enabling their long-term financial stability and wealth-building that can break the cycle of poverty and bring a household out of low-income status. Towards this mission, Habitat has developed a program when selling a home to a qualified low-income household that achieves these objectives while also reserving certain interests to ensure these objectives are accomplished for the overall public benefit. This program has the following provisions incorporated into the deed of bargain and sale:

1. A provision granting Habitat a 30-year Right-of-First-Refusal to repurchase the property and share in appreciation realized upon transfer of the property as described below.

- a. This right shall run with the land, burden title to the property, and bind the grantees assessors and assigns for a period of time of 30 years from the date the deed is recorded in the clerk's office.
2. If the Right of First Refusal is not utilized, Habitat shares in the home value appreciation, defined as follows: For years 1-3, Habitat realizes 100% of the appreciation of value; for years 3-5, Habitat realizes 75% of the appreciation of value; and after 5 years there is a 50-50 split of the appreciation in value. The appreciation in value equals the delta between the initial home sale price, which is the fair market value as established by an appraisal at the time of the initial sale, and the amount of the offer.
3. In the event of a sale before 30 years, Habitat will either repurchase and sell to another qualifying household or reinvest their share of the home value appreciation back into the production of affordable housing in Charlottesville as demonstrated by the production of another affordable home within 5 years.
4. If another home is not built within 5 years, then Habitat will provide an in-lieu of payment equal to 50% of its share of the appreciation into the City's housing fund.
5. Nothing in the above shall preclude the ability of an owner to transfer the property to their linear descendants. In the case of such a transfer, no appreciation in value shall be due to Habitat.

### **Analysis**

The City of Charlottesville has a strong interest in the production of affordable housing and further, recognizes that a robust affordable housing strategy requires a wide range of approaches. Ownership affordable units are an important part of this mix and the Comprehensive Plan clearly calls for a diversity in these ownership options and that they meet multiple goals. Habitat's program offers an alternative to a regular unit that would otherwise be produced under the ADU provisions as while a regular unit would be long-term and affordable unit, it doesn't offer the same level of "people-first" benefits described above. Allowing this option supports the policy objective of diverse affordable housing options.

Further, allowing Habitat to employ their affordable ownership housing model in the City promotes and incentivizes the production of affordable housing in the City by a trusted and reliable affordable housing provider as called for the intent of the ADU section of the Development Code. The model described above serves to create affordable housing meeting the requirement of being available to a household meeting the 80% AMI standard of the code. Where, for whatever reason, the qualifying household decides to sell the home before the 30 year term, the model allows for the reasonable recapture of funds, which are then redirected back to the production of affordable housing.

### **Zoning Determination**



The zoning administrator hereby accepts the proposed modifications allowing that, rather than a 30-year affordability period during which any sale must be to a qualified low-income unit, the requirement to sell to a qualified low-income unit will only apply to the first sale. This modification would be applicable to Habitat projects involving bonus affordable units in the Residential Districts. The modification is contingent on the deed conditions listed above, evidence of which must be submitted with each project to the Office of Community Solutions.

Reviewed



Alexander Ikefuna

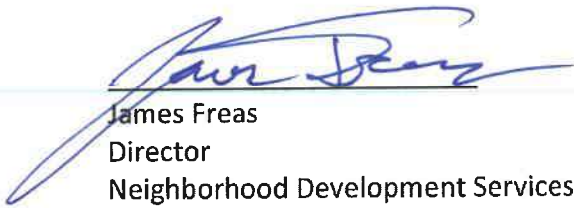
Director

Office of Community Solutions



Date

Approved



James Freas

Director

Neighborhood Development Services

Zoning Administrator



Date

**LEGAL DESCRIPTION – 00109-101112 & 00109-10112A**

ALL those two certain tracts of land, with improvements thereon and appurtenances thereto belonging, lying and being situate in the City of Charlottesville, Virginia, known as Sunrise Trailer Court, and more particularly described as Tract 2, containing 2.56 acres, more or less, and Tract 3, containing 3.9 acres, more or less, on a plat prepared by William S. Roudabush, Jr., C.L.S., dated October, 1965, and captioned, "Plat Showing Property of Sally E. Thomas Consisting of the Property Shown on a Plat in Co. D.B. 116, P. 431, and the Residue of Block 9, Carlton, Plat of Carlton Recorded D.B. 97, P. 352, CO, Charlottesville, VA," and recorded December 15, 1965, in the Clerk's Office, Circuit Court, City of Charlottesville, Virginia, in [Deed Book 272, Page 369](#), to which plat reference is hereby made for a more particular description of the real estate hereby conveyed.

LESS AND EXCEPT: That portion of the above-described property, described as a small triangular parcel of land at the corner of Tract 3, containing 659 square feet, more or less, conveyed to the City of Charlottesville, Virginia, by General Warranty Deed form Sallie E. Thomas, widow; Julius L. Lively, Jr.; and Joyce T. Lively, husband and wife, dated December 5, 1969, and recorded in the aforesaid Clerk's Office in [Deed Book 313, Page 557](#).

NOTE: This Less and Except Deed was described incorrectly on several recorded Deeds in the chains of title.

The Property is also SHOWN AND DESCRIBED on plat of survey prepared by Roudabush, Gale & Assoc., Inc., entitled, "Boundary Survey of Tax Map 56 Parcel 87.1, Carlton Mobile Home Park, City of Charlottesville, Virginia," dated September 12, 2024, and recorded \_\_\_\_\_, 2024, in the aforesaid Clerk's Office as Instrument No. \_\_\_\_\_; and is more particularly described by metes and bounds as follows:

TAX MAP PARCEL 56-87.1 CONSISTS OF TWO CERTAIN TRACTS OF LAND AS HEREIN DESCRIBED AS TRACT 2 AND TRACT 3 AS LABELED ON PLAT RECORDED IN DB:272 PG:368.

TRACT 2

COMMENCING AT THE POINT OF BEGINNING(POB), A PIPE FOUND IN THE NORTHERN RIGHT OF WAY OF MIDLAND STREET, CORNER TO TRACT 2 AND TRACT 3; THENCE FOLLOWING SAID RIGHT OF WAY, S 65°20'36" W FOR A DISTANCE OF 312.78' TO AN IRON SET; THENCE FOLLOWING A CURVE TO THE RIGHT WHICH HAS A CHORD BEARING OF S 79°02'58" W, CHORD DISTANCE OF 87.46', A RADIUS OF 184.64', AND AN ARC LENGTH OF 88.30' TO AN IRON FOUND CORNER TO TMP 56-87; THENCE LEAVING SAID RIGHT OF WAY, N 12°47'10" E FOR A DISTANCE OF 82.96' TO AN IRON FOUND; THENCE N 78°22'42" W FOR A DISTANCE OF 125.09' TO AN IRON FOUND IN THE EASTERN RIGHT OF WAY OF NASSAU STREET; THENCE FOLLOWING SAID RIGHT OF WAY, N 11°48'15" E FOR

A DISTANCE OF 191.94' TO A NAIL SET; THENCE FOLLOWING A CURVE TO THE RIGHT WHICH HAS A CHORD BEARING OF N 65°09'13" E, CHORD DISTANCE OF 31.71', A RADIUS OF 19.86', AND AN ARC LENGTH OF 36.72' TO A NAIL SET IN THE SOUTHERN RIGHT OF WAY OF CARLTON AVENUE; THENCE WITH THE SOUTHERN RIGHT OF WAY OF CARLTON AVENUE, FOLLOWING A CURVE TO THE LEFT WHICH HAS A CHORD BEARING OF S 87°44'54" E, CHORD DISTANCE OF 112.54', A RADIUS OF 125.13', AND AN ARC LENGTH OF 116.73' TO AN IRON FOUND; THENCE N 65°31'37" E FOR A DISTANCE OF 241.75' TO AN IRON SET BEING A CORNER OF TRACT 3; THENCE LEAVING CARLTON AVENUE S 08°12'59" E FOR A DISTANCE OF 169.48' TO A POINT UNDER A SHED; THENCE S 29°19'58" E FOR A DISTANCE OF 101.16' TO THE POINT OF BEGINNING(POB).

### TRACT 3

COMMENCING AT THE POINT OF BEGINNING(POB), A PIPE FOUND IN THE NORTHERN RIGHT OF WAY OF MIDLAND STREET, CORNER TO TRACT 2 AND TRACT 3; THENCE N 29°19'58" W FOR A DISTANCE OF 101.16' TO A POINT UNDER A SHED; THENCE N 08°12'59" W FOR A DISTANCE OF 169.48' TO AN IRON SET IN THE SOUTHERN RIGHT OF WAY OF CARLTON AVENUE; THENCE FOLLOWING SAID RIGHT OF WAY N 65°31'37" E FOR A DISTANCE OF 649.88' TO AN IRON FOUND; THENCE FOLLOWING A CURVE TO THE RIGHT WHICH HAS A CHORD BEARING OF S 43°03'27" E, CHORD DISTANCE OF 37.05', A RADIUS OF 19.60', AND AN ARC LENGTH OF 48.52' TO AN IRON FOUND IN THE WESTERN RIGHT OF WAY OF FRANKLIN STREET; THENCE FOLLOWING FRANKLIN STREET S 28°13'24" W FOR A DISTANCE OF 327.83' TO AN NAIL SET IN SIDEWALK; THENCE S 38°28'13" W FOR A DISTANCE OF 75.65' TO AN IRON SET; THENCE S 45°58'13" W FOR A DISTANCE OF 62.45' TO AN IRON SET; THENCE S 51°01'13" W FOR A DISTANCE OF 314.73' TO AN IRON FOUND CORNER TO TMP 56-106; THENCE LEAVING FRANKLIN STREET N 29°19'58" W FOR A DISTANCE OF 104.83' TO THE POINT OF BEGINNING(POB).

TRACT 2, CONTAINING 2.536 ACRES, MORE OR LESS. TRACT 3, CONTAINING 3.889 ACRES, MORE OR LESS.

BEING the same real estate, as to a one-fourth undivided interest, conveyed to ABB3 Holdings, LLC, a Maryland limited liability company, by Special Warranty Deed from Andrew B. Bolton, III, dated June 25, 2019, and recorded July 18, 2019, in the aforesaid Clerk's Office as [Instrument No. 2019-00002453](#); and by Deed of Correction, dated May 11, 2020, and recorded June 23, 2020, in the aforesaid Clerk's Office as [Instrument No. 2020-00002420](#).

BEING the same real estate, as to a one-fourth undivided interest, conveyed to Hogwaller Holdings LLC, a Virginia limited liability company, by Special Warranty Deed from William H. Bolton, dated June 25, 2019, and recorded July 18, 2019, in the aforesaid Clerk's Office as [Instrument No. 2019-00002454](#); and by Deed of Correction, dated May 11, 2020, and recorded June 23, 2020, in the aforesaid Clerk's Office as [Instrument No. 2020-00002421](#).

EXHIBIT A: PROPERTY LEGAL DESCRIPTION

BEING the same real estate, as to a one-half undivided interest, conveyed to Sunshine Court LLC, a Virginia limited liability company, by Special Warranty Deed from Susan B. Wimberly, dated May 11, 2020, and recorded June 23, 2020, in the aforesaid Clerk's Office as [Instrument No. 2020-00002423](#).

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date: September 16, 2024  
Action Required: Council vote  
Presenter: Samuel Sanders, Jr., City Manager  
Staff Contacts: Samuel Sanders, Jr., City Manager  
**Title: Confidential Settlement Agreement**

**Background**

**Discussion**

**Alignment with City Council's Vision and Strategic Plan**

**Community Engagement**

**Budgetary Impact**

**Recommendation**

**Alternatives**

**Attachments**

None