



CITY COUNCIL AGENDA April 18, 2022

J. Lloyd Snook, III, Mayor
Juandiego Wade, Vice Mayor
Sena Magill, Councilor
Michael K. Payne, Councilor
Brian R. Pinkston, Councilor
Kyna Thomas, Clerk

4:00 PM OPENING SESSION

Register at www.charlottesville.gov/zoom. This meeting is being held electronically in accordance with a local ordinance amended and re-enacted March 7, 2022, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. 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. 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. Presentation: UVA Law class presentation on tax relief (30 minutes)
2. Discussion: Climate Action discussion

5:30 PM CLOSED SESSION as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (TBD)

6:30 PM BUSINESS SESSION

This portion of the meeting will accommodate a limited number of in-person public participants in City Council Chamber at City Hall as we employ a hybrid approach to public meetings during the locally declared state of emergency. Registration is available for a lottery-based seating selection at www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting.

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Charlottesville Band 100th Anniversary
- Proclamation: Fair Housing Month

Consent Agenda*

3. Minutes: March 7 Council meeting, March 10 budget work session
4. Resolution: Appropriating funding received from the Virginia Department of Social Services for Driving and Transportation Assistance for Foster Care Youth - \$13,877 (2nd reading)
5. Resolution: Appropriating additional funding received from the Virginia Department of Social Services for the Promoting Safe and Stable Families Program - \$16,435 (2nd reading)
6. Resolution: Appropriating Virginia Tourism Corporation American Rescue Plan Act supplemental funds for the Charlottesville Albemarle Convention and Visitors Bureau - \$280,000 (2nd reading)
7. Resolution: Authorizing a refund of \$12,866.44 to a taxpaying entity or business, for business license taxes paid in error for 2020 (2nd reading)

8. Ordinance: Consideration of an amendment to City Code Section 30-283 to increase the local excise tax imposed upon the sale of meals from 6% to 6.5% (2nd reading)
9. Ordinance: Appropriating state funds for the State of Good Repair Program project account for Dairy Road Bridge Replacement - \$7,210,664.00 (2nd reading)
10. Resolution: Charlottesville Affordable Housing Fund (CAHF) Award Recommendations
 - a. Resolution: Allocating CAHF funds for Charlottesville Redevelopment and Housing Authority (CRHA) South First Phase Two - \$425,000 (2nd reading)
 - b. Resolution: Allocating CAHF funds for Habitat for Humanity of Greater Charlottesville Equity Homeownership Initiative 2022 Down Payment Assistance - \$75,000 (2nd reading)
 - c. Resolution: Allocating CAHF funds for Albemarle Housing Improvement Program (AHIP) Charlottesville Critical Repair Program - \$100,000 (2nd reading)
 - d. Resolution: Allocating funds from the Charlottesville Affordable Housing Fund for Local Energy Alliance Program (LEAP) Assisted Home Performance and Electrification Ready – Owner Occupied - \$50,000 (2nd reading)
 - e. Resolution: Allocating funds from the Charlottesville Affordable Housing Fund for Local Energy Alliance Program (LEAP) Assisted Home Performance and Electrification Ready – Renter Occupied - \$100,000 (2nd reading)
11. Ordinance: Amending, reenacting and reordaining Chapter 30 of the City Code, Section 30-283, to increase the meals tax (2nd reading)
12. Report: Calendar Year 2020 Annual Report for Human Rights Commission and Office of Human Rights
13. Report: Rivanna Authorities Quarterly Report

City Manager Report

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

Action Items

14. Public Hearing/Ord.: Community Development Block Grant (CDBG) and HOME Citizen Participation Plan Amendment
 - a. Ordinance*: Amending and reenacting Sections 2-417, 2-418 and 2-419 of the Code of the City of Charlottesville to establish a new CDBG and HOME Taskforce (1 reading)
 - b. By Motion: Approving the proposed amendments to the 2016 Citizen Participation Plan for the City's CDBG and HOME Investment Partnership Act programs
15. Resolution: Approving the issuance by the Charlottesville Redevelopment and Housing Authority of its up to \$23,000,000 multifamily revenue bonds for Standard Midway Manor Venture LP (1 reading)
16. Ordinance: Amending the Friendship Court (Phase 1) Loan Agreement (1st of 2 readings)

17. Ordinance*: 240 Stribling Avenue

- a. Ordinance*: Consideration of a voluntary Infrastructure Funding Agreement in the amount of \$2.9 Million with Belmont Station, LLC, for construction of sidewalk along Stribling Avenue (2nd reading)
- b. Ordinance*: Re-enacting the Zoning Map for the City of Charlottesville, Virginia, to reclassify certain property from R-1S and R-2 to Planned Unit Development ("240 Stribling PUD") and granting a critical slope waiver for the 240 Stribling PUD (2nd reading)

General Business

18. Discussion: Reviewing Draft Operating Procedures for the Police Civilian Oversight Board (Discussion Only; No Vote)

Other Business

Community Matters (2)

*Action Needed

MEMORANDUM

TO: Lisa Robertson, Charlottesville City Attorney
Lloyd Snook, Mayor of Charlottesville

FROM: Scott Chamberlain, UVA Law
Maggie Woodward, UVA Law

RE: Property Tax Exemption Expansion

DATE: April 12, 2022

I. INTRODUCTION

The City of Charlottesville is interested in providing targeted property tax relief to help those most impacted by tax hikes, particularly low- and moderate-income (LMI) individuals. This Memo begins with an overview of the legal authority that Charlottesville has, restrictions on its authority, its current property tax relief programs, and recommendations for expanding relief. We first discuss existing programs and statewide tax credits available to some home owners in order to survey all of Charlottesville's existing options before recommending alternatives.

II. LEGAL AUTHORITY AND RESTRICTIONS

The authority for taxation in Virginia stems from the state constitution. The Virginia Code further elaborates on the programs authorized and restricted by the constitution, and local charters have the ability to further restrict or enable the powers of a city within the constitutional bounds. It is important to keep in mind that Virginia is a Dillion rule state: localities may only exercise "1) powers expressly granted by the state, (2) powers necessarily and fairly implied from the grant of power, and (3) powers crucial to the existence of local government."¹ Therefore, the very limited exemptions allowed by the Virginia Constitution create a strong top-down control on the relief that localities may provide. This

¹ https://nebraskalegislature.gov/pdf/reports/research/snapshot_localgov_2020.pdf

section outlines the flow of authority for the taxation of property from the Virginia Constitution to Charlottesville, and includes a discussion of the limits established by the constitution, the provisions of the Virginia Code set further boundaries for localities, and Charlottesville’s special powers under its City charter.

A. VIRGINIA CONSTITUTIONAL LIMITS ON PROPERTY TAX EXEMPTIONS

Article X of the Virginia Constitution provides strong, top-down control on taxation in the Commonwealth. For local property taxes, all rates are required to be “uniform upon the same class of subjects,” meaning that property cannot be taxed at differential rates within a locality.² The Constitution permits the General Assembly is to pass laws allowing localities to tax the personal property of people who are disabled or elderly³ at different rates when they are deemed to bear an extraordinary tax burden, but that exception does not extend to property tax.⁴

Article X, § 6 of the Virginia Constitution outlines numerous specific property tax exemptions. Many of those exemptions are not at issue here, but they include property owned by the Commonwealth, property owned and used exclusively by religious bodies, and cemeteries.⁵ By the constitution’s own terms, any exemptions are to be strictly construed.⁶ Further, the General Assembly may restrict or condition, in whole or in part, but not extend” the Constitutional exemptions.⁷ Under Article 6, Section 6, the General Assembly can authorize localities to exempt property owned by elderly and disabled persons from taxation.⁸ However, the constitution does not specify any authority to exempt property from taxation based on the income or assets of the property owner.⁹

Additional property tax exemptions are laid out in Section 6-A and 6-B of Article X. These exemptions include property which is the primary residence of the surviving spouse of a member of the Armed Forces who was killed in action,¹⁰ real property, including the joint real property of husband and wife, of any veteran who has been rated by the U. S. Department of Veterans Affairs to have a 100 percent service connected, permanent, and total disability, and who occupies the real property as his principal place of residence, and property of a surviving spouse of an emergency services worker who was killed in the line of duty.¹¹ Though these exemptions do not relate to property tax relief for LMI households, they are helpful to keep in mind when surveying the practices of other localities.

² Va. Const. art X, § 1. There is an exception to this rule for land that has been added to the locality, though that is not at issue here.

³ Specifically, the constitution allows people sixty-five years of age or older to receive exemptions. Across localities, this group is commonly referred to as “elderly,” and so this memo will use that term throughout.

⁴ Va. Const. art X, § 1.

⁵ Va. Const. art X, § 6(a) (1)-(3).

⁶ Va. Const. art X, § 6 (f)

⁷ Va. Const. art X, § 6 (c)

⁸ Va. Const. art X, § 6 (b).

⁹ Id. Professor Dick Howard explained that when the constitution was written, the drafters retained language about tight General Assembly control over exemptions in order to prevent localities from undermining their budgets with a flood of exemptions.

¹⁰ Va. Const. art X, § 6-A(b)

¹¹ Va. Const. art X, § 6-B.

B. VIRGINIA CODE PROVISIONS RELATED TO PROPERTY TAX EXEMPTIONS

The Virginia Code provides further guidance to localities on the constitutionally permitted exemptions and also creates authority for property tax deferrals in certain circumstances.¹² The Code adds conditions to the exemptions available to elderly and handicapped people, including requiring the dwelling to be occupied as the sole residence of the qualifying taxpayer and allowing for localities to choose to provide partial exemptions.¹³ Prior to 2011, locality programs were subject to maximum income and net worth limitations set by the state.¹⁴ Those limitations were repealed in 2011; presently, localities have discretion to set net worth and income conditions on their exemption program by ordinance.¹⁵

Localities are also permitted to grant deferrals, though not exemptions, to groups beyond the elderly and handicapped.¹⁶ A deferral created under this provision gives property owners the option to defer “all or any portion of the real estate tax that exceeds 105 percent of the real estate tax on such property owned by the taxpayer in the previous tax year. Localities may choose to set a higher threshold, e.g. 110 percent.

C. PROPERTY TAXATION AUTHORITY IN THE CHARLOTTESVILLE CITY CHARTER

Charlottesville’s City Charter, which has been approved by the General Assembly, gives the City special powers related to housing and community development that can be used to offset the burdens of housing costs. Specifically, the Charter gives Charlottesville three powers: (1) the ability to award grants to LMI households to aid in purchasing land or a dwelling, (2) the ability to offer property tax deferrals to LMI households, and (3) the ability to award grants to LMI households to subsidize rental payments.¹⁷

The Charter limits Charlottesville’s discretion in establishing the thresholds for qualifying as a LMI household. Persons or families of low- or moderate-income are defined under the Virginia Housing Development Authority Act,¹⁸ and that definition is incorporated by reference into the City Charter. The

¹² An exemption is an amount deducted from the real estate tax owed in a given year and never required to be repaid. In contrast, a tax deferral is due (1) when the property is sold or (2) when the person qualifying for the deferral dies. Deferred amounts can accrue interest from the time the deferral starts until it is paid.

¹³ Va. Code § 58.1-3210.

¹⁴ Va. Code § 58.1-3211 (repealed 2011). The income cap was set to \$50,000 and the net worth cap was set to \$200,000 in most areas, though Charlottesville was given permission to raise their caps through ordinance to “the greater of \$67,000 or the income limits based upon family size for the respective metropolitan statistical area, annually published by the Department of Housing and Urban Development for qualifying for federal housing assistance.”

¹⁵ Va. Code § 58.1-3212.

¹⁶ Va. Code § 58.1-3291.

¹⁷ Charlottesville City Charter § 50.7. Note that grants to offset rent burdens are a separate issue from property tax relief. However, the powers are enumerated together and Charlottesville’s housing programs, discussed *infra*, make use of this power, so we note it here. In addition, these grants may help a renter remain in their home if their landlord raises rents in response to rising property tax rates and property assessments.

¹⁸ “Persons and families of low and moderate income” means persons and families, irrespective of race, creed, national origin, sex, sexual orientation, or gender identity, determined by the HDA to require such assistance as is made available by this chapter on account of insufficient personal or family income taking into consideration, without limitation, such factors as follows: (i) the amount of the total income of such persons and families available for housing needs, (ii) the size of the family, (iii) the cost and condition of housing facilities available, (iv) the ability of such persons and families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing sanitary, decent and safe housing, and (v) if appropriate, standards established for various federal programs determining eligibility based on income of such persons and families. Va. Code § 36-55.26.

Charter also requires Charlottesville to use the Virginia Housing Development Authority's (VHDA) single-family mortgage loan program guidelines to determine if a household qualifies as LMI for the programs enabled in the Charter. VHDA's loan program provides affordable mortgages for first-time homebuyers.¹⁹ Borrowers qualify for VHDA's program if their income and the value of their loan (or value of the home being purchased) fall below a certain threshold. Income and loan limits vary based on the number of people in the household (2 or fewer versus 3 or more) and the location of the home. For Charlottesville, the income limit for a 1-2 person household is \$90,000, and the limit for a household of 3 or more people is \$105,000.²⁰ These income guidelines are binding for the VHDA mortgage program, and the Charter states that the city "shall" apply these guidelines to determine which households qualify as LMI. Though the VHDA mortgage program also has limits on the size of the loan available to a borrower, only the income limitation is specified as a criteria in the Charlottesville City Charter.

D. OTHER SOURCES OF AUTHORITY THAT CHARLOTTESVILLE COULD USE FOR RELIEF

In addition to the City's powers to grant tax exemptions and deferrals, we explored two other domains of local authority that Charlottesville could draw upon to grant residents property tax relief: social services and housing and community development. This section summarizes our findings.

1. SOCIAL SERVICES

The role of local social services boards is geared toward providing assistance in the traditional domains of social services.²¹ However, Virginia Code § 63.2-314 allows a locality to make grants to its local board of social services, which in turn can make grants "for the purpose of aiding needy people" in the locality.²² The local board has discretion to set program participation requirements, and is not restricted by the criteria the state uses for its public assistance programs. Therefore, this provision gives Charlottesville broad latitude to establish grant programs that can aid residents who are having difficulty meeting their property tax burden, provided the programs are administered by the local board of social services.²³

¹⁹ Virginia Housing, Home Loan Options (booklet available through <https://www.virginiahousing.com/homebuyers/home-loans>)

²⁰ Virginia Housing, Income And Sales Price / Loan Limits, <https://www.virginiahousing.com/loanlimits>. The income limitations for VHDA mortgages are set by the agency's executive director, taking into account considerations specified in 13 VAC 10-40-100, with the goal of efficiently and effectively allocating VDHA's resources. Considerations include VDHA's anticipated resources, anticipated demand for mortgages, and prevailing mortgage terms available to potential applicants. The executive director is required to inform originating lenders of the income guidelines "from time to time," and has discretion to implement changes to the guidelines "on such date as he shall deem necessary or appropriate to best accomplish the purposes of the program."

²¹ Social services, in turn, are defined as: "foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also include [certain] adult services... and adult protective services." Va. Code § 63.2-100.

²² Va. Code § 63.2-314; *see also* 1973 Va. Atty. Gen. Op. 417.

²³ Charlottesville has designated the City's director of social services as the local board of social services, as permitted by Virginia Code § 63.2-304. Charlottesville City Code § 25-28. It is the local board (consisting of one person), and not the City's advisory board for social services, that has the authority to administer programs under § 63.2-304.

2. HOUSING AND COMMUNITY DEVELOPMENT

The Board of Housing and Community Development, a state policy board, promulgates regulations related to housing, community development, building safety, and fire prevention.²⁴ BHCD regulations are contained in Title 13, Agency 5 of the VA Administrative Code. Most of their regulations govern housing safety and building codes, but some relate to tax credits and affordability, outlined below.²⁵ None of the tax credits are applied directly to property taxes.

1. Virginia Housing Opportunity Credit: A tax credit for homeowners providing low-income housing. Your building must have been put into service in Virginia on or after January 1, 2021, and it must meet the definition of low-income housing provided in §42(c) of the Internal Revenue Code.²⁶ You get: A tax credit equal to the amount of the federal low-income housing tax credit Virginia Housing allows for the project. Virginia Housing can issue no more than \$15 million in Housing Opportunity Credits per year. You can use this credit against: Individual income tax, Fiduciary income tax, Corporation income tax, Bank franchise tax, Insurance premiums license tax.
2. Livable Home Tax Credit: A tax credit for Virginians who purchase or build a new accessible residence; or retrofit an existing residence with accessibility features. Amount: \$5,000 for the purchase of a new accessible residence; or 50% of the cost of retrofitting an existing residence, not to exceed \$5,000.²⁷
3. Communities of Opportunity Tax Credit: Landlords with units participating in the Housing Choice Voucher program are eligible for a tax credit. However, under state code, the housing must be in: the Richmond Metropolitan Statistical Area, (ii) the Washington-Arlington-Alexandria Metropolitan Statistical Area, or (iii) the Virginia Beach-Norfolk-Newport News Metropolitan Statistical Area.²⁸ Charlottesville could potentially access this credit if the GA altered the state code, which is expanded on in Section IV, Proposals for Action.
4. There are additional tax credit programs that would likely not be relevant to this project. The Enterprise Zone Act Credit applies to business grants signed before 2005. The Historic Rehabilitation credit covers a portion of rehabilitation costs if one is restoring a historic home. Lastly, the Neighborhood Assistance Credit applies to individuals who donate items, funds, or services to approved nonprofits.²⁹

²⁴ <https://www.virginia.gov/agencies/department-of-housing-and-community-development/#vagov-about>

²⁵ <https://law.lis.virginia.gov/admincode/title13/agency5/>

²⁶ <https://www.tax.virginia.gov/housing-and-community-development-tax-credits#virginia-housing-opportunity-credit>
²⁷ Id.

²⁸ Virginia Code 58.1-438

²⁹ <https://www.tax.virginia.gov/housing-and-community-development-tax-credits#virginia-housing-opportunity-credit>

III. CURRENT CHARLOTTESVILLE PROGRAMS

Pursuant to this authority, Charlottesville has created a number of tax relief and deferral programs for homeowners and renters in the city. The Commission of the Revenue administers these programs, which are summarized below.

- 1. Real Estate Tax Relief (RETR):** Real estate tax exemptions for elderly and disabled homeowners under authority derived from Va Code 58.1-3210 and established in Charlottesville City Code Article IV.³⁰ In order to qualify, (1) the head of household occupying the dwelling and owning title, must be sixty-five years or older or permanently disabled on December 31 of the year immediately preceding the taxable year.³¹ (2) Gross combined income (from all sources living in the dwelling) has a cap of \$50,000 (first \$7,500 of income for disabled resident is exempt, first \$8,500 from other non-spousal residents is exempt)³² [Note: the table of values goes to \$55k³³, but the code says \$50k].³⁴ (3) Inhabitants must have a net combined financial worth of \$125,000 (excluding dwelling). The resident receives the exemption when the City Treasurer deducts the amount of the exemption from the applicant's tax bill.³⁵ In 2021, the City spent \$582,153 on the program.³⁶
- 2. Charlottesville Housing Affordability Program (CHAP):** A program intended to provide assistance to homeowners who may not otherwise qualify for the City's elderly and disabled tax relief programs.³⁷ CHAP provides grants to low- and moderate-income households to "offset the financial hardships faced by many homeowners due to rising real estate assessments." Depending upon the participant's Federal Adjusted Gross Income, the grant may be \$500, \$750, \$1,000, or a full property tax abatement with an income cap of \$55,000 per household.
- 3. Rental Relief for the Elderly and Disabled:** Grants to low-and-moderate-income people who are elderly or disabled to subsidize rent payments, if the tenants are deemed to bear an extraordinary burden.³⁸ In order to qualify, a tenant's gross combined income (from all sources living in the dwelling) must be less than \$50,000 (first \$7,500 of income for disabled residents is exempt, first \$8,500 from other non-spousal residents is exempt) and net combined financial

³⁰ Charlottesville City Code, Article IV

³¹ Id.

³² Id

³³ Charlottesville City Code, Sec. 30-101

³⁴ Id. (The \$50,000 income cap in the code may be out of date, and we recommend updating it to \$55,000)

³⁵ From a Zoom interview with Todd Divers

³⁶ <https://www.charlottesville.gov/DocumentCenter/View/7485/FY-2022-23-City-Managers-Proposed-Budget-PDF?bidId=>, Page G-6

³⁷ <https://www.charlottesville.gov/DocumentCenter/View/203/Charlottesville-Housing-Affordability-Program-Application-PDF>

³⁸ Charlottesville City Code, 25-58 - 25-61

worth must not exceed \$125,000.³⁹ The City Treasurer pays grants to applicants. Amounts paid are: the lesser of \$1500 or 25% of the amount determined by subtracting 24% of gross combined income from the lesser of: the actual amount of rent paid; or \$12,000.⁴⁰

IV. PROPOSALS FOR ACTION

Based on the current authorities and limitations that Charlottesville is subject to with regard to providing relief from property taxes to homeowners, we have divided our recommendations into three groups: short-term recommendations (that can be carried out by the City within its current authority), medium-term recommendations (that require a change to the Virginia Code), and long-term recommendations (that require a change to the Virginia Constitution).

A. SHORT TERM RECOMMENDATIONS

1. CHANGE THE CRITERIA FOR CHARLOTTESVILLE'S CURRENT PROGRAMS

(a) Raise income limits. The income caps on Charlottesville's current programs are lower than they could be. Though authority for the programs stems from different statutes, each statute allows the City or its agencies room to alter the program eligibility criteria. The City could choose to harmonize the income limits across programs, or tailor each program to the needs of the target population.

RETR: The income cap on the RETR program is likely a legacy issue from when the program was subject to limitations set at the state level, discussed above. Under Va. Code § 58.1-3212, a locality has discretion to establish limitations, like an income cap, on the program.

CHAP: The provision that provides authority for CHAP, § 63.2-314, explicitly states that local boards of social services can use more expansive criteria than the eligibility requirements for the state's public assistance programs. Therefore, Charlottesville's local board is not limited in the discretion it has to set, change, or eliminate limitations on income and net worth for program applicants.

Rent Relief: To the extent that Charlottesville's Rent Relief program is conducted under the City's powers granted in § 50.7 of the City Charter, Charlottesville must apply the VHDA's mortgage program income guidelines to determine what households qualify as LMI. Charlottesville's programs have caps well below the VHDA's income guidelines for the area, so there is room for the City to raise the income caps. Alternatively, if the City operated the Rent Relief program under § 63.2-314 with the required administration by the board of social services, then the board would not be subject to the VHDA guidelines and would instead have discretion to set, change, or eliminate limitations on income and net worth for program applicants.

³⁹ Id

⁴⁰ Charlottesville City Code, 25-61

Appendix 1 contains a table summarizing the program requirements and amounts of relief provided by Virginia localities through programs comparable to RETR and Rent Relief.

Program	Income Cap
Real Estate Tax Relief (RETR)	\$50,000 per household
Rental Relief	\$50,000 per household
Charlottesville Housing Affordability Program (CHAP)	\$55,000 per household
VDHA's income cap for Charlottesville	\$90,000 (1-2 person household) \$105,000 (3+ person household)

(b) Amend or Remove CHAP's home value limitation. Charlottesville currently limits participation in the CHAP program to homeowners whose home has an assessed value of \$375,000 or less.⁴¹ This asset valuation cap was likely adopted to mirror the loan limits of the VHDA mortgage program. However, we have found no statutory basis for applying an asset limitation to the CHAP program. The provision that appears to authorize CHAP, § 63.2-314, explicitly states that local boards of social services can use more expansive criteria than the eligibility requirements for the state's public assistance programs. Therefore, Charlottesville could consider raising or removing the limitation to expand eligible program participants.

(c) Expand Rental Relief. Rental relief does not directly affect a homeowners property tax burden. However, we postulate that if a landlord increased rents in response to increasing assessments and tax rates, Rental Relief could help absorb the cost of the rent increase, allowing a tenant to remain in the home when they might not otherwise be able to. Charlottesville limits its Rental Relief program to elderly and disabled residents.⁴² However, the City Charter gives Charlottesville the power to award grants to reduce rent burdens to LMI households, as well, subject to the VHDA income limitations.⁴³ Charlottesville could consider expanding Rental Relief to include LMI households.

⁴¹ Charlottesville, Real Estate Tax Relief: Charlottesville Housing Affordability Program (CHAP), <https://www.charlottesville.gov/1513/Real-Estate-Tax-Relief> (last accessed Apr. 1, 2022).

⁴² City Code of Charlottesville Sec. 25-58(2).

⁴³ Charlottesville City Charter Sec. 50.7.

2. ELIMINATE THE NET WORTH REQUIREMENT ON THE RETR PROGRAM

Charlottesville's Commissioner of the Revenue has already proposed removing the net worth limitation on RETR, which restricts the program to households with a net worth of \$125,000 or less, excluding the value of the dwelling itself. Like the income cap on RETR, this net worth cap may be a legacy of the state statute that placed more limitations on locality exemptions prior to 2011.⁴⁴ Presently, localities have discretion to set net worth limitations for their property tax exemption programs for elderly and disabled individuals,⁴⁵ meaning that the RETR net worth cap could be raised or eliminated.

Eliminating the net worth cap could expand the reach of the program while also making the program easier to administer. The Commissioner of the Revenue reports that reviewing documentation to validate the net worth limitation is time consuming for the Commissioner's staff.⁴⁶ In addition, the Commissioner noted that residents are often confused about what documentation is needed for their application. Lastly, maintaining a net worth limitation on the RETR program, when a similar limitation is not placed on the City's CHAP program raises issues of fairness.

3. AMEND THE CHARLOTTESVILLE ORDINANCE ESTABLISHING RETR

Currently, the text of the ordinance outlining the RETR program lists the maximum income for program participants as \$50,000 per year.⁴⁷ However, tables showing the benefit for the program display a maximum income of \$55,000, as does guidance from the City.⁴⁸ To avoid confusion and ensure that the program is administered in compliance with City law, we recommend amending the ordinance so that the income cap is consistent throughout.

Sec. 30-98. - Qualifications for exemption. 🔍 📄 📧

Exemption pursuant to this article shall be granted to certain persons who own and occupy residential real property, where such persons and property comply with the following provisions:

- (1) The title to the residential property for which exemption is claimed must be held, or partially held, by the person entitled to claim such exemption ("claimant"), as of January first of the taxable year for which such exemption is claimed. If the real estate for which exemption is claimed consists of a lot containing a manufactured home, as defined in § 36-85.3 of the Virginia Code, title to both the lot and the manufactured home must be held, or partially held, by the claimant.
- (2) The property for which the exemption is claimed must be occupied as the sole dwelling of such claimant.
- (3) [Reserved.]
- (4) The claimant must be sixty-five (65) years of age or older, or permanently and totally disabled, as of December thirty-first of the year immediately preceding the taxable year for which the exemption is claimed.
- (5) The combined income of such claimant and of all relatives living in the same dwelling, for the immediately preceding calendar year, must not exceed the sum of fifty thousand dollars (\$50,000.00); provided that:

Text of City Code of Charlottesville Sec. 30-98, showing income limit of \$50,000 for RETR.

⁴⁴ Va. Code § 58.1-3211 (repealed 2011).

⁴⁵ Va. Code § 58.1-3212.

⁴⁶ Interview with Todd Divers.

⁴⁷ City Code of Charlottesville Sec. 30-98(5).

⁴⁸ See, e.g., Charlottesville, Real Estate Tax Relief for the Elderly and Disabled,

<https://www.charlottesville.gov/DocumentCenter/View/226/Real-Estate-Tax-Relief-for-the-Elderly-and-Disabled-Qualifications-PDF>.

Sec. 30-101. - Calculation of amount of exemption.

The amount of the exemption or deferral granted pursuant to this article shall be a percentage of the real estate tax assessed for the applicable taxable year in accordance with the following scale:

[EXPAND](#)

Gross Combined Income	Net Combined Financial Worth				
	\$0.00 to \$25,000.00	\$25,001.00 to \$50,000.00	\$50,001.00 to \$75,000.00	\$75,001.00 to \$100,000.00	\$100,001.00 to \$125,000.00
\$0.00—\$25,000.00	100%	100%	100%	100%	100%
\$25,001.00—\$27,500.00	80% or \$1,000.00	64% or \$1,000.00	48% or \$1,000.00	32% or \$1,000.00	16% or \$1,000.00
\$27,501.00—\$35,000.00	60% or \$1,000.00	48% or \$1,000.00	36% or \$1,000.00	24% or \$1,000.00	12% or \$1,000.00
\$35,001.00—\$41,250.00	60% or \$750.00	48% or \$750.00	36% or \$750.00	24% or \$750.00	12% or \$750.00
\$41,251.00—\$45,000.00	40% or \$750.00	32% or \$750.00	24% or \$750.00	16% or \$750.00	8% or \$750.00
\$45,001.00—\$55,000.00	40% or \$500.00	32% or \$500.00	24% or \$500.00	16% or \$500.00	8% or \$500.00

Text of City Code of Charlottesville Sec. 30-101, showing income limit of \$55,000 for RETR.

4. CONSIDER A PROPERTY TAX DEFERRAL PROGRAM

Property taxes increase when the assessed value of a property increases, or when tax rates are increased. For households with a fixed or limited income, this can make a tax burden unaffordable, even if they were able to pay taxes in the past. In the short run, it is hard for the homeowner to pay property tax. However, they own an asset that is gaining value, and although they cannot access that value at present, when the time comes to sell the home, the homeowner (or their estate) will have increased liquidity than can cover deferred tax amounts.⁴⁹

Charlottesville has several sources of authority to draw on in offering property tax deferrals. The City may offer deferrals instead of, or in addition, to property tax exemptions elderly and disabled homeowners,⁵⁰ and can offer deferrals to *any* homeowner of taxes in excess of 105 percent of the homeowner’s prior year tax burden. In addition, the City Charter gives Charlottesville special permissions to grant property tax deferrals to LMI households, without a restriction on the portion of tax that can be deferred.⁵¹ Charlottesville could establish a tax deferral program under one or more of these authorities to reach homeowners not currently served by existing programs.

Deferrals do have some drawbacks. A deferral acts as a lien on the property, which some homeowners may wish to avoid. Localities rarely use the deferral authority, mainly due to concerns about administrability.⁵² According to the Weldon Cooper Center, as of 2018, the cities of Alexandria, Falls Church, and Fairfax and the counties of Fairfax and Henrico had considered, but not adopted, deferral programs. Loudoun County had a deferral program in the 1990s but canceled it because the effort to collect deferred taxes exceeded the benefit to homeowners. Charlottesville’s Commissioner of

⁴⁹ Va. Code 58.1-3210.

⁵⁰ Va. Code 58.1-3291.

⁵¹ Charlottesville City Charter Sec. 50.7(a).

⁵² https://ceps.coopercenter.org/sites/ceps/files/2018_VALocalTaxRatesBook.pdf page 8

the Revenue has echoed these administrability concerns,⁵³ possibly making it necessary to add staff to the Commissioner of the Revenue’s Office to support the establishment of a deferral program. Finally, the deferral authority in Va. Code 58.1-3291 in particular is limited—it defers only the amount of tax due that exceeds the prior year’s burden by more than 5 percent, offering only temporary relief to a homeowner. Still, this could ease the burden for a homeowner experiencing an unexpectedly large increase in their real estate tax liability (perhaps due to the combination of a simultaneous rate increase and assessed value increase).

5. CONDUCT MORE OUTREACH ON OPPORTUNITIES AVAILABLE TO CHARLOTTESVILLE PROPERTY OWNERS

There are several programs at the state level that could have incremental benefits for homeowners, renters, or landlords of low-income housing. For example, Virginia created a new program in 2021—the Housing Opportunity Credit—that provides a state income tax credit to owners of buildings that become low-income housing on or after January 1, 2021.⁵⁴ Charlottesville could create a central information repository that catalogs all available programs and how they may interact with one another. The vibrant community of affordable housing champions in the City should be consulted to ensure the information is accessible and understandable.

B. MEDIUM TERM RECOMMENDATIONS

1 INCLUDE CHARLOTTESVILLE IN THE LOCALITIES COVERED BY THE COMMUNITIES OF OPPORTUNITY TAX CREDIT

The Virginia State Code includes a provision allowing landlords in the Housing Choice Voucher Program to apply for a tax credit, but only in particular localities.⁵⁵ Charlottesville does participate in the Housing Choice Voucher Program,⁵⁶ but is not included in the list of localities in the state code. Charlottesville could work with the General Assembly to add Charlottesville to the list. The advantage of this change is that it would not require the City to alter their current voucher program in order for landlords to be eligible to apply for the credit.

⁵³ Interview with Todd Divers.

⁵⁴ Va. Code § 58.1-439.29 et seq.

⁵⁵ VA Code § 58.1-439

⁵⁶ <https://www.cvillerha.com/section-8-hcv-program/>

C. LONG TERM RECOMMENDATIONS

1. AMEND THE STATE CONSTITUTION

The state constitution allows property tax exemptions for the elderly and disabled, but no one else, and disallows the General Assembly from expanding this list.⁵⁷ From talking with Dick Howard, one of the drafters of the modified constitution, the purpose of including the restriction in the constitution was to protect cities from a flood of exemption requests potentially undermining their budgets. When they wrote the constitution, the drafters attempted to find a way to do without the list of exemptions, but it got too complicated and they “threw up their hands.” It may be worth revisiting now to allow localities control over their property tax exemptions.

V. CONCLUSION

While the City of Charlottesville is restricted in part by the state constitution’s parameters and Virginia’s status as a Dillon Rule state, it still can expand its current slate of property tax exemptions; both in the immediate future and in the long term. First, the City can alter the eligibility requirements and income caps for RETR, CHAP, and Rent Relief based on each program’s authorizing statute. In all three cases, there are either no caps on the parameters a locality can set, or Charlottesville has not reached the caps set by the authorizing statute. Second, the City could work with the General Assembly to modify the state code to include Charlottesville in the list of cities covered by the Communities of Opportunity Tax Credit. Lastly, the City could work to amend the state constitution to expand the list of allowable exemptions, or to remove the restrictions on exemptions altogether.

⁵⁷ Virginia Constitution, Article X, Sec. 6

APPENDIX I

The following pages contain Table 3.1: Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 and Table 3.2: Real Property Renter Tax Relief Plans for the Elderly and Disabled, 2018 from the Weldon Cooper Center's annual report on Local Tax Rates in Virginia. The Tables are from the 2018 report, which is the most recent version that is free to the public. The tables provide a comprehensive snapshot of the limits that localities put on their tax relief programs for elderly and disabled residents.

**Table 3.1
Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018**

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption					
Cities (Note: All cities responded to the survey. Those that answered "not applicable" for all items in this table are excluded.)								
Alexandria	\$72,000 (deferral); \$72,000 (exemption)	\$430,000 excludes 2 acres	<u>Income</u>	<u>Exemption</u>				
			\$0 - 40,000	100%				
			40,001 - 55,000	50%				
			50,001 - 72,000	25%				
			Remaining balance may be deferred at 5% interest.					
Bristol	\$24,000	\$40,000 excludes 1 acre	Flat \$200 relief to all qualified householders.					
Buena Vista	\$25,000; no exemptions	\$65,000 excludes 5 acres	<u>Income</u>	<u>Exemption</u>				
			\$0 - 6,000	80%				
			6,001 - 12,000	60%				
			12,001 - 18,000	40%				
			18,001 - 25,000	20%				
Charlottesville	\$50,000	\$125,000 excludes 10 acres	<u>Net Worth</u>					
			<u>Income</u>	<u>25,000</u>	<u>50,000</u>	<u>75,000</u>	<u>100,001-125,000</u>	
			\$0 - 12,500	100%	80%	60%	40%	
			12,501 - 25,000	80%	64%	48%	32%	
			25,001 - 37,500	60%	48%	36%	24%	
			37,501 - 50,000	40%	32%	24%	16%	
							8%	
Chesapeake	\$62,000 income; \$10,000 for non-spousal relative or disabled is excluded	\$350,000 excludes 3 acres	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>		
			\$0 - 22,000	100%	\$28,001 - 29,500	50%		
			22,001 - 23,500	90%	29,501 - 31,000	40%		
			23,501 - 25,000	80%	31,001 - 33,500	30%		
			25,001 - 26,500	70%	33,501 - 36,500	20%		
			26,501 - 28,000	60%	36,501 - 44,000	10%		
			44,001 - 62,000 are eligible for a frozen assessment					
Colonial Heights	\$40,000	\$80,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>		
			\$0 - 22,800	100%	\$30,001 - 31,800	50%		
			22,801 - 24,600	90%	31,801 - 33,600	40%		
			24,601 - 26,400	80%	33,601 - 35,400	30%		
			26,401 - 28,200	70%	35,401 - 37,200	20%		
			28,201 - 30,000	60%	37,201 - 40,000	10%		
			Maximum exemption \$1,600.					
			50% exemption (maximum: \$150)					
Covington	\$35,000	\$80,000 excludes 1 acre						
Danville	\$20,000 \$27,500 if disabled	\$50,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>				
			\$0 - 10,000	100%				
			10,001 - 15,000	50% or 100% deferral plus 5% interest				
			15,001 - 20,000	100% deferral plus 5% interest				
			Maximum annual exemption and/or deferral on any one property is \$700.					
Fairfax	\$72,000	\$340,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>				
			\$0 - 42,000	100%				
			42,001 - 52,000	50%				
			52,001 - 72,000	25%				
			Tax deferral up to 100%					
			Tax freeze available based on income table.					
Falls Church	\$75,050	\$540,000 excludes 1 acre	<u>Size of Family Household</u>					
			<u>1 member</u>	<u>2 members</u>	<u>3 members</u>	<u>4 members</u>	<u>Relief Amount</u>	
			\$0 - 23,200	\$0 - 26,500	\$0 - 29,800	\$0 - 33,100	\$4,000	
			23,201 - 38,650	26,501 - 44,150	29,801 - 49,650	33,101 - 55,150	\$3,000	
			38,651 - 52,550	44,151 - 60,050	49,651 - 67,550	55,151 - 75,050	\$1,000	

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption						
Cities (continued)									
Franklin	\$30,000	\$60,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>			
			\$0 - 12,000	100%	\$16,001 - 17,000	50%			
			12,001 - 13,000	90%	17,001 - 18,000	40%			
			13,001 - 14,000	80%	18,001 - 19,000	30%			
			14,001 - 15,000	70%	19,001 - 20,000	20%			
Fredericksburg	\$50,000	\$200,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>					
			\$0 - 30,000	100%					
			30,001 - 40,000	80%					
			40,001 - 50,000	60%					
					(Maximum: \$1,500)				
Galax	\$23,000	\$75,000 excludes 1 acre	All income up to \$23,000 qualifies for \$200 relief						
Hampton	\$50,000	\$200,000 excludes 10 acres	<u>Income</u>	<u>Exemption</u>					
			\$0 - 25,000	100%					
			25,001 - 27,000	75%					
			27,001 - 29,000	50%					
			29,001 - 31,000	25%					
			31,001 - 50,000 may freeze or defer tax payment.						
Harrisonburg	\$30,000	\$75,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>			
			\$0 - 15,000	80%	\$20,001 - 25,000	40%			
			15,001 - 20,000	60%	25,001 - 30,000	20%			
			(Maximum: \$1,000)						
Hopewell	\$32,500; \$4,000 exemption for each non-spousal relative	\$100,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>					
			\$0 - 18,500	100%					
			18,501 - 32,500	50%					
			(Maximum: \$850)						
Lexington	\$30,000; first \$6,000 exempt for each non-spousal relative	\$70,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>					
			\$0 - 12,000	80%					
			12,001 - 18,000	60%					
			18,001 - 24,000	40%					
			24,001 - 30,000	20%					
Lynchburg	\$32,500	\$60,000 excludes 1 acre	<u>% Poverty</u>	<u>% Relief</u>	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Class 4</u>	
			150	100	\$0 - 17,820	\$0 - 24,030	\$0 - 24,030	\$0 - 30,240	
			151-175	100	17,820 - 20,790	24,030 - 28,035	24,030 - 28,035	30,240 - 32,500	
			176-200	100	20,790 - 23,760	28,035 - 32,040	28,035 - 32,040	N/A	
			201-225	100	23,760 - 26,730	32,040 - 32,500	32,040 - 32,500	N/A	
			226-250	100	26,730 - 29,700	N/A	N/A	N/A	
			251-275	100	29,700 - 32,500	N/A	N/A	N/A	
						Class 1: applicant (poverty income \$11,880)			
						Class 2: applicant + spouse (poverty income \$16,020)			
						Class 3: applicant + relative (poverty income \$20,160)			
			Class 4: applicant + spouse + relative (poverty income \$24,300)						
Manassas	\$72,995	\$340,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>					
			\$0 - 26,500	100%					
			26,501 - 56,150	100%	up to \$3,400 relief				
			56,151 - 64,573	25%	up to \$850 relief				
			64,574 - 72,995	15%	up to \$510 relief				
			72,996 and over	0%	no relief				
Manassas Park	\$60,000	\$150,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>					
			\$0 - 50,000	100%					
			50,001 - 60,000	50%					
Martinsville	\$27,500	\$65,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>			
			\$0 - 12,500	100%	\$19,151 - 20,825	50%			
			12,501 - 14,150	90%	20,826 - 22,500	40%			
			14,151 - 15,825	80%	22,501 - 24,150	30%			
			15,826 - 17,500	70%	24,151 - 25,825	20%			
			17,501 - 19,150	60%	25,826 - 27,500	10%			
			(Maximum: \$400)						

N/A Not applicable

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption							
Cities (continued)										
Newport News	H.U.D. income limits or \$50,000	\$200,000	Deferral to 100%							
Norfolk	\$67,000	\$350,000	<u>Income</u>		<u>Exemption</u>					
			\$0 - 28,611	100%						
			28,612 - 36,958	80%						
			36,959 - 45,306	60%						
			45,307 - 53,653	40%						
			53,654 - 67,000	20%						
Norton	\$15,000	\$25,000 excludes 1 acre	100% exemption (maximum: \$100).							
Petersburg	\$35,000; first \$4,000 exempt for each non-spousal relative.	\$70,000 excludes 1 acre	100% exemption (to \$1,200) for \$0 to \$25,000. 50% exemption (to \$1,200) for \$25,001 to \$35,000. The income of applicant, spouse, and all relatives is combined into one total, then the first \$4,000 is exempt for each relative. The remaining income is considered the applicant's.							
Poquoson	\$48,600	\$200,000 excludes 1 acre	<u>Income</u>		<u>Exemption</u>					
			\$0 - 25,000	100%						
			25,001 - 33,000	75%						
			33,001 - 41,000	50%						
			41,001 - 48,600	25%						
Portsmouth	\$50,000	\$175,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>				
			\$0 - 21,000	100%	\$25,001 - 26,000	50%				
			21,001 - 22,000	90%	26,001 - 27,000	40%				
			22,001 - 23,000	80%	27,001 - 28,000	30%				
			23,001 - 24,000	70%	28,001 - 29,000	20%				
			24,001 - 25,000	60%	29,001 - 30,000	10%				
			Income above \$30,000 is eligible for freeze.							
Radford	\$24,000; \$6,500 exempt for non-spousal relative	\$180,000 ^a excludes 1 acre	100% exemption.							
Richmond	\$50,000	\$200,000 excludes 1 acre								
			<u>Net Worth</u>							
			<u>Income</u>	<u>\$0-19,000</u>	<u>19,001-37,000</u>	<u>37,001-55,000</u>	<u>55,001-100,000</u>	<u>100,001-150,000</u>	<u>150,001-200,000</u>	
			\$0 - 9,000	100%	100%	90%	80%	75%	70%	
			9,001 - 12,000	100%	100%	84%	71%	65%	60%	
			12,001 - 16,000	89%	80%	71%	62%	57%	50%	
			16,001 - 20,000	59%	50%	41%	33%	31%	30%	
			20,001 - 30,000	40%	35%	31%	27%	26%	25%	
			30,001 - 40,000	30%	25%	21%	16%	15%	15%	
			40,001 - 50,000	26%	22%	18%	14%	12%	10%	
Roanoke	\$42,000	\$160,000 excludes 1 acre	Elderly exemption is the amount by which the property tax for the year exceeds that for the year in which the owner qualifies. For the permanently and totally disabled, exemption is the amount by which the property tax for the year exceeds that for the year in which the owner qualifies.							
Salem	\$50,000	\$100,000 excludes 1 acre	Exemption is the amount by which the property tax exceeds the tax for the year in which the owner became 65. The same tax exemptions for persons determined to be permanently and totally disabled are granted whether they have reached the age of 65 or not. ^b							
Staunton	\$30,000	\$62,500 excludes 1 acre	<u>Net Worth</u>							
			<u>Income</u>	<u>\$0-25,000</u>	<u>25,001-31,250</u>	<u>31,251-37,500</u>	<u>37,501-43,750</u>	<u>43,751-50,000</u>	<u>50,001-56,520</u>	<u>56,521-62,500</u>
			\$0 - 18,000	100%	90%	80%	70%	60%	50%	45%
			18,001 - 21,000	85%	75%	65%	55%	50%	45%	40%
			21,001 - 24,000	70%	60%	55%	50%	45%	40%	35%
			24,001 - 27,000	50%	45%	40%	35%	30%	25%	20%
			27,001 - 30,000	35%	30%	25%	20%	15%	10%	5%

^a The city of Radford includes value up to \$180,000 if house is included. Otherwise, the net worth limit is \$70,000.

^b In the city of Salem, the head of the household occupying the dwelling and owning title, or partial title, or deeded life estate, must be 65 years or older on December 31st of the year immediately preceding the taxable year.

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption							
Cities (continued)										
Suffolk	\$57,150; first \$10,000 exempt for non-spousal relative	\$256,135 excludes 10 acres	<u>Income</u>		<u>Exemption</u>					
			\$0 - 43,703	100%						
			43,704 - 50,427	50%						
			50,428 - 57,150	25%						
			Modified every January 1st based on Consumer Price Index. Modification not to exceed 3.5% annually.							
Virginia Beach	\$70,137; first \$10,000 exempt for relative	\$350,000 excludes 10 acres	<u>Income</u>		<u>Exemption</u>					
			\$0 - 41,966	100%						
			39,966 - 45,222	80%						
			45,222 - 48,474	60%						
			48,474 - 51,734	40%						
			51,734 - 54,989	20%						
Waynesboro	\$30,000	\$62,500 excludes 1 acre	<u>Net Worth</u>							
				\$0- 25,001-	31,251-	37,501-	43,751-	50,001-	56,251-	
			<u>Income</u>	25,000	31,250	37,500	43,750	50,000	56,250	62,500
			\$0 - 18,000	90%	85%	75%	65%	55%	50%	45%
			18,001 - 21,000	85%	75%	65%	55%	50%	45%	40%
			21,001 - 24,000	70%	60%	55%	50%	45%	40%	35%
			24,001 - 27,000	50%	45%	40%	35%	30%	25%	20%
			27,001 - 30,000	35%	30%	25%	20%	15%	10%	5%
			Williamsburg	N/A	N/A	100% deferral				
			Winchester	\$40,000; less \$6,500 of income of each non-spousal relative	\$75,000 excludes 1 acre	<u>Income</u>		<u>Exemption</u>		
\$0 - 25,000	100%	\$30,001 - 35,000				50%				
25,001 - 30,000	75%	35,001 - 40,000				25%				
(Maximum: \$1,500)										
Counties (Note: All counties responded to the survey. Those that answered "not applicable" for all items in this table are excluded.)										
Accomack	\$28,000; first \$6,500 exempt for each non-spousal relative	\$80,000 excludes 1 acre	<u>Income</u>		<u>Exemption</u>					
			\$0 - 15,000	100%						
			15,001 - 28,000	50%						
(Maximum: \$500)										
Albemarle	\$69,452	\$200,000 excludes 10 acres	<u>Net Worth</u>							
				\$0- 100,001-	150,001-					
			<u>Income</u>	100,000	150,000	200,000				
			\$0 - 30,000	100%	90%	80%				
			30,001 - 50,000	70%	60%	50%				
Alleghany	\$35,000; first \$6,500 exempt for each non-spousal relative	\$100,000 excludes 1 acre	<u>Income</u>		<u>Exemption</u>					
			\$0 - 25,000	100%						
			25,001 - 30,000	75%						
			30,001 - 35,000	50%						
Amelia	\$30,000; first \$6,500 exempt for each non-spousal relative	\$100,000 excludes 1 acre	Those certified as disabled can apply with the same gross income and net worth requirement.							
Amherst	\$50,000; first \$6,500 exempt for each non-spousal relative	\$150,000 excludes 1 acre	<u>Net Worth</u>							
				\$0- 110,001-	120,001-	130,001-	140,001-			
			<u>Income</u>	110,000	120,000	130,000	140,000	150,000		
			\$0 - 20,000	100%	95%	90%	85%	80%		
			20,001 - 30,000	75%	70%	65%	60%	55%		
			30,001 - 40,000	50%	45%	40%	35%	30%		
			40,001 - 50,000	25%	20%	15%	10%	5%		
(maximum abatement is \$600 per year.)										
Appomattox	\$20,000; first \$6,500 exempt for each non-spousal relative	\$100,000 excludes 1 acre	<u>Income</u>		<u>Exemption</u>					
			\$0 - 8,300	80%	\$13,311 - 14,980	60%				
			8,301 - 9,970	75%	14,981 - 16,650	55%				
			9,971 - 11,640	70%	16,651 - 18,320	50%				
			11,641 - 13,310	65%	18,321 - 20,000	40%				
			(maximum exemption \$350)							

N/A Not applicable

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption	
Counties (continued)				
Arlington	\$77,407	\$340,000	<u>Income</u>	<u>Exemption</u>
			\$0 - 41,080	100%
			41,081 - 51,560	50% exemption balance deferred
			51,561 - 77,407	25% exemption balance deferred
Augusta	\$40,000	\$100,000 excludes 5 acres	<u>Net Worth</u>	
			<u>Income</u>	<u>Income</u>
			\$0 - 20,000	100%
			20,001 - 24,000	90%
			24,001 - 28,000	80%
			28,001 - 30,000	70%
			30,001 - 32,000	60%
			32,001 - 34,000	50%
			34,001 - 36,000	40%
			36,001 - 38,000	30%
			38,001 - 40,000	20%
Bath	\$50,000	\$200,000 excludes 10 acres	<u>Net Worth</u>	
			<u>Income</u>	<u>Income</u>
			\$0 - 10,000	100%
			10,001 - 20,000	90%
			20,001 - 30,000	80%
			30,001 - 40,000	70%
			40,001 - 50,000	60%
Bedford	\$37,500	\$100,000 excludes 1 acre	85% of total tax with maximum of \$1,000 or \$500 minimum relief	
Bland	\$25,000; first \$5,000 exempt for non-spousal relatives	\$75,000 excludes 1 acre	100% exemption (maximum: \$200).	
Botetourt	\$50,000; first \$8,500 exempt for non-spousal relatives	\$185,000 excludes 2 acres	<u>Income</u>	<u>Exemption</u>
			\$0 - 27,500	90%
			27,501 - 35,000	70%
			35,001 - 42,500	50%
			42,501 - 50,000	40%
Buchanan	\$25,000; first \$5,000 exempt for non-spousal relatives	\$50,000 excludes 1 acre	\$125 exemption or amount of tax liability up to \$125.	
Buckingham	\$35,000	\$80,000 excludes 10 acres	If values or tax rates are increased, the tax for eligible citizens is frozen at the current amount of taxes.	
Campbell	\$36,000; first \$10,000 exempt for non-spousal relatives	\$82,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>
			\$0 - 27,000	100%
			27,001 - 31,000	75%
			31,001 - 36,000	50%
			(maximum: \$600)	
Caroline	\$40,000; first \$6,500 exempt for non-spousal relatives	\$85,000 excludes 10 acres	<u>Net Worth</u>	
			<u>Income</u>	<u>Income</u>
			\$0 - 12,000	95%
			12,001 - 22,000	75%
			22,001 - 30,000	55%
			30,001 - 40,000	35%
			45,000	80%
			85,000	60%
				40%
				20%
Carroll	\$30,000; first \$6,000 exempt for non-spousal relatives	\$100,000 excludes 1 acre	100% of tax on house and one acre of land upon which it is situated (maximum: \$250).	
Charles City	\$50,000; first \$10,000 exempt for disabled applicant	\$150,000 excludes 5 acres	<u>Income</u>	<u>Exemption</u>
			\$0 - 20,000	100%
			20,001 - 30,000	75%
			30,001 - 40,000	50%
			40,001 - 50,000	25%
			(maximum: \$1,000)	

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption			
Counties (continued)						
Chesterfield	\$52,000; first \$10,000 exempt for non-spousal relatives	\$350,000 excludes 10 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 27,200	100%		
			27,201 - 39,000	60%		
			39,001 - 52,000	35%		
Clarke	\$55,000; first \$8,000 is exempt for non-spousal relatives	\$250,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>
			\$0 - 20,000	100%	\$35,001 - 55,000	10%
			20,001 - 25,000	80%	over 55,000	0%
			25,001 - 30,000	60%		
			30,001 - 35,000	50%		
Craig	\$30,000	\$90,000 excludes 1 acre	Persons qualifying for this exemption shall be exempt from the amount of the taxes assessed against such property in an amount not to exceed \$200			
Culpeper	\$50,000; first \$6,500 exempt for non-spousal relatives	\$200,000 excludes 10 acres		<u>Net Worth</u>		
			<u>Income</u>	\$0- 50,000	50,001- 100,000	100,001- 150,000
			\$0 - 20,000	100%	80%	60%
			20,001 - 30,000	70%	50%	40%
			30,001 - 40,000	50%	35%	20%
			40,001 - 50,000	30%	25%	15%
Cumberland	\$22,000	\$100,000 excludes 1 acre	Maximum exemption \$400			
Dickenson	N/A	N/A excludes 1 acre	\$150 exemption.			
Dinwiddie	\$35,000; first \$5,000 exempt for non-spousal relatives	\$100,000 excludes 5 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 35,000	100%		
Essex	\$27,500	\$100,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>		
			\$0 - 16,000	100%		
			16,001 - 20,000	80%		
			20,001 - 23,500	60%		
			23,501 - 27,500	40%		
			(Maximum: \$750 - Must be 65 years old or permanently and totally disabled.)			
Fairfax	\$72,000; first \$6,500 exempt for non-spousal relatives	\$340,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>		
			\$0 - 52,000	100%		
			52,001 - 62,000	50%		
			62,001 - 72,000	25%		
Fauquier	\$58,000; first \$10,000 exempt for non-spousal relatives	\$440,000 excludes 5 acres	On house and up to five acres, 100% exemption.			
Floyd	\$20,650; first \$6,000 exempt for non-spousal relatives	\$75,000 excludes 1 acre	Subject to restrictions and conditions the article provides. Exemption up to \$200			
Fluvanna	\$50,000; first \$12,500 exempt for non-spousal relatives	\$160,000 excludes 5 acres		<u>Net Worth</u>		
			<u>Income</u>	\$0- 40,000	40,001- 80,000	80,001- 120,000
			\$0 - 12,500	100%	75%	50%
			12,501 - 25,000	75%	57%	39%
			25,001 - 37,500	50%	39%	27%
			37,501 - 50,000	25%	20%	15%
Franklin	\$25,000; first \$3,000 exempt for non-spousal relatives	\$80,000 excludes 5 acres		<u>Net Worth</u>		
			<u>Income</u>	\$0- 12,000	12,001- 25,000	25,001- 35,000
			\$0 - 9,000	90%	80%	70%
			9,001 - 12,000	75%	65%	50%
			12,001 - 15,000	65%	55%	40%
			15,001 - 18,000	55%	45%	30%
			18,001 - 25,000	45%	35%	20%
					35,001- 50,000	50,001- 80,000
					50%	35%
					30%	20%
					20%	10%
					10%	10%
					10%	10%

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption			
Counties (continued)						
Frederick	\$50,000; first \$8,500 exempt for non-spousal relatives	\$150,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>
			\$0 - 20,000	100%	\$25,001 - 30,000	35%
			20,001 - 25,000	60%	30,001 - 50,000	10%
Giles	\$45,000	\$65,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>
			\$0 - 15,000	80%	25,001 - 35,000	40%
			15,001 - 25,000	60%	35,001 - 45,000	20%
Gloucester	\$35,000	\$100,000 excludes 10 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 20,000	100% of tax due		
			20,001 - 25,000	\$775 max		
			25,001 - 35,000	\$600 max		
Goochland	\$67,000; first \$10,000 exempt for non-spousal relatives	\$250,000 excludes 10 acres	100% exemption (maximum: \$800).			
Grayson	\$23,500; first \$2,500 exempt for non-spousal relatives	\$80,500 excludes 1 acre	100% exemption (maximum \$225).			
Greene	\$27,000; first \$6,500 exempt for non-spousal relatives	\$100,000 excludes 5 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 10,000	100%		
			10,001 - 18,000	75%		
Greenville	\$30,000	\$75,000 excludes 1 acre	Up to \$300 annual tax relief.			
Halifax	\$22,000	\$60,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>		
			\$0 - 15,000	100%		
			15,001 - 20,000	75%		
			20,001 - 22,000	50%		
			(maximum exemption \$500)			
Hanover	\$50,000; first \$10,000 exempt for non-spousal relatives	\$200,000 excludes 10 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 20,000	100%		
			20,001 - 30,000	75%		
			30,001 - 40,000	50%		
			40,001 - 50,000	25%		
Henrico	\$67,000; first \$10,000 of each relative excluded	\$350,000 excludes 10 acres	100% relief up to \$3,000			
Henry	\$17,000	\$50,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>
			\$0 - 9,000	90%	\$12,001 - 13,000	50%
			9,001 - 9,961	80%	13,001 - 14,000	40%
			9,962 - 11,000	70%	14,001 - 15,000	30%
			11,001 - 12,000	60%	15,001 - 16,000	20%
					16,001 - 17,000	10%
Isle of Wight	\$44,800; first \$6,500 exempt for non-spousal relatives	\$187,700 excludes 1 acre	Option to defer or taxpayer may exempt.			
			<u>Income</u>	<u>Exemption</u>		
			\$0 - 26,000	100%		
			26,001 - 32,300	75%		
			32,301 - 38,500	50%		
			38,501 - 44,800	25%		
James City	\$45,000; first \$6,500 exempt for non-spousal relatives	\$200,000 excludes 10 acres	The first \$120,000 of assessed value is exempt.			
King and Queen	\$35,000	\$60,000 excludes 2 acres	Up to \$500 exemption			
King George	\$40,000; first \$1,500 exempt for non-spousal relatives	\$60,000	100% exemption.			
King William	\$50,000	\$100,000 excludes 5 acres	Up to \$1,000 of tax relief per year.			
Lancaster	\$22,700; first \$5,000 exempt for non-spousal relatives	\$100,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>		
			\$0 - 15,800	100%		
			15,801 - 17,801	80%		
			17,801 - 21,501	60%		
			20,501 - 22,700	40%		

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption					
Counties (continued)								
Lee	\$25,000; first \$2,000 exempt for non-spousal relatives	\$85,000 excludes 1 acre	<u>Income</u> <u>Exemption</u>					
			\$0 - 17,000	100%				
			17,001 - 19,500	75%				
			19,501 - 22,000	50%				
			22,001 - 25,000	25%				
			(maximum: \$200)					
Loudoun	\$72,000	\$440,000 excludes 10 acres	100% exemption on home and up to three acres of land.					
Louisa	\$40,000; \$6,500 exempt for non-spousal relatives	\$100,000 excludes 10 acres	<u>Net Worth</u>					
				\$0-	25,001-	50,001-	75,001-	
			<u>Income</u>	25,000	50,000	75,000	100,000	
			\$0 - 18,000	100%	90%	80%	75%	
			18,001 - 29,000	90%	80%	70%	70%	
			29,001 - 40,000	70%	60%	50%	50%	
			Maximum exemption: \$1,000					
Madison	\$30,000	\$75,000 excludes 3 acres	Taxpayers who qualify for deferral shall be entitled to have their total real estate tax remain at the amount of such tax for subsequent years until they no longer qualify for deferral.					
Mathews (elderly only)	\$35,000	\$100,000 excludes 5 acres	<u>Income</u> <u>Exemption</u>					
			\$0 - 23,000	100%				
			23,001 - 27,000	80%				
			27,001 - 31,000	60%				
			31,001 - 35,000	40%				
			(maximum: \$1,000)					
Middlesex	\$27,500; first \$3,000 exempt for non-spousal relatives	\$100,000 excludes 1 acre	<u>Income</u> <u>Exemption</u>					
			\$0 - 13,000	100%				
			13,001 - 16,000	80%				
			16,001 - 19,000	60%				
			19,001 - 22,000	40%				
			22,001 - 27,500	20%				
Montgomery	\$51,000	\$150,000 excludes 1 acre	<u>Income</u> <u>Exemption</u>					
			\$0 - 32,600	100%				
			32,601 - 40,800	60%				
			40,801 - 51,000	40%				
						Deferral up to 100%		
Nelson	\$50,000; first \$3,000 exempt other than owner	\$100,000. excludes 1 acre	Exemption based on sliding scale on income/net worth.					
New Kent	\$50,000	\$150,000 excludes 10 acres	<u>Income</u> <u>Exemption</u>					
			\$0 - 15,000	\$800				
			15,001 - 25,000	650				
			25,001 - 35,000	500				
			35,001 - 50,000	350				
Northampton	\$22,000	\$80,000 excludes 1 acre	Percentage based on net worth and income.					
Northumberland	\$20,000	\$100,000 excludes 1 acre	Percentage based on net worth and income. Maximum of \$400.					
Orange	\$40,000; first \$7,500 exempt for non-spousal relatives	\$90,000 excludes 2 acres	<u>Net Worth</u>					
				\$0-	18,001-	36,001-	54,001-	72,001-
			<u>Income</u>	18,000	36,000	54,000	72,000	90,000
			\$0 - 15,000	90%	80%	70%	60%	50%
			15,001 - 20,500	80%	70%	60%	50%	40%
			20,501 - 26,000	70%	60%	50%	40%	30%
26,001 - 31,500	60%	50%	40%	30%	20%			
			31,501 - 40,000	50%	40%	30%	20%	
			31,501 - 40,000	50%	40%	30%	20%	
Page	\$21,500	\$114,000 excludes 1 acre	<u>Income</u> <u>Exemption</u>		<u>Income</u> <u>Exemption</u>			
			\$0 - 14,000	100%	\$16,001 - 17,000	40%		
			14,001 - 15,000	80%	17,001 - 18,000	30%		
			15,001 - 16,000	60%	18,001 - 19,000	25%		
						19,001 - 21,500	20%	
Patrick	\$24,000	\$100,000 excludes 1 acre	Maximum exemption \$300.					

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption			
Counties (continued)						
Pittsylvania	\$18,000; first \$4,000 exempt for non-spousal relatives	\$60,000 excludes 1 acre	Percentage relief from 20% to 90% based on net worth and income. Maximum exemption is \$300.			
Powhatan	\$50,000; first \$7,500 exempt for disabled only; first \$6,500 for non-spousal relatives	\$200,000 excludes 1 acre	Income up to \$50,000 receives exemption of up to \$800 off of taxes on one acre and home.			
Prince Edward	\$22,000	\$150,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>		
			\$0 - 11,000	100%		
			11,001 - 22,000	50%		
Prince George	\$45,000	\$120,000 excludes 5 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 28,000	100%		
			28,001 - 45,000	50%		
Prince William	\$87,073; deduct \$7,500 of disability income; each relative deducts up to \$10,000 of income	\$340,000 excludes 25 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 60,500	100%		
			60,501 - 69,058	75%		
			69,059 - 78,065	50%		
			78,066 - 87,073	25%		
Pulaski	\$25,000; first \$2,500 exempt for non-spousal relatives	\$55,000 excludes 3 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 15,000	80%		
			15,001 - 18,125	60%		
			18,126 - 21,250	40%		
			21,251 - 25,000	20%		
Rappahannock	\$31,360	\$250,000 excludes 5 acres	100% relief for income under \$31,360 and net worth under \$250,000. 100% deferral for income under \$31,360 and net worth under \$350,000.			
Richmond	20,000	100,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>		
			\$0 - 14,000	100%		
			14,001 - 16,000	80%		
			16,001 - 18,000	60%		
			18,001 - 20,000	40%		
Roanoke	\$56,566	\$200,000 excludes 1 acre	Value of home and 1 acre frozen at prior years assessment as long as owner qualifies.			
Rockbridge	\$50,000; first \$10,000 exempt for non-spousal relatives	\$200,000 excludes 2 acres	<u>Income</u>	<u>Exemption</u>		
			\$0 - 18,000	80%		
			18,001 - 28,000	60%		
			28,001 - 38,000	40%		
			38,001 - 50,000	20%		
Rockingham	\$38,000; first \$6,500 exempt for non-spousal relatives	\$78,000 excludes 1 acre		<u>Net Worth</u>		
				\$0-	38,001-	58,001-
			<u>Income</u>	38,000	58,000	78,000
			\$0 - 18,000	100%	75%	50%
			18,001 - 23,000	80%	65%	40%
			23,001 - 30,000	50%	40%	30%
			30,001 - 38,000	25%	15%	10%
			over 38,000	0%	0%	0%
Russell	\$30,000; first \$2,500 exempt for non-spousal relatives	\$80,000 excludes 1 acre	100% exemption (maximum: \$165).			
Scott	\$30,000	\$90,000 excludes 1 acre	Maximum relief is \$175.			
Shenandoah	\$30,000; first \$6,000 exempt for non-spousal relatives	\$100,000 excludes 5 acres	<u>Income</u>	<u>Exemption</u>	<u>Income</u>	<u>Exemption</u>
			\$0 - 18,000	100%	24,001 - 26,000	50%
			18,001 - 20,000	80%	26,001 - 28,000	40%
			20,001 - 22,000	70%	28,001 - 30,000	30%
			22,001 - 24,000	60%	over \$30,000	0%
Smyth	\$25,000; first \$1,500 exempt for non-spousal relatives	\$65,000 excludes 1 acre		<u>Net Worth</u>		
				\$0-	28,501-	41,001-
			<u>Income</u>	28,500	41,000	65,000
			\$0 - 10,000	80%	64%	56%
			10,001 - 14,000	70%	55%	40%
			14,001 - 18,000	55%	40%	30%
			18,001 - 22,000	40%	25%	15%
			(maximum relief is \$200.)			

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption				
Counties (continued)							
Southampton	\$40,301; first \$6,000 exempt for non-spousal relatives	\$168,501 excludes 1 acre	Sliding scale from 25% to 100% relief based on gross income and net worth.				
Spotsylvania	\$50,000; first \$5,500 exempt for non-spousal relatives	\$200,000 excludes 10 acres	100% exemption (maximum: \$1,200).				
Stafford	\$40,000; first \$4,000 exempt for non-spousal relatives	\$400,000 excludes 2 acres	100% exemption: \$35,000 income; max. net worth \$300,000 50% exemption: \$30,000 income; max. net worth \$400,000 50% exemption: \$40,000 income; max net worth \$200,000				
Surry	\$30,000; first \$6,500 for non-spousal relatives	\$100,000 excludes 1 acre	<u>Income</u>		<u>Exemption</u>		
			\$0 - 15,000	100%			
			15,001 - 20,000	75%			
			20,001 - 25,000	50%			
			25,001 - 30,000	25%			
			(Maximum: \$500)				
Tazewell (elderly only)	\$30,000	\$75,000 excludes 1 acre	100% exemption. (Maximum: \$300)				
Warren	\$35,000	\$150,000 excludes 5 acres	<u>Income</u>		<u>Exemption</u>		
			\$0 - 20,000	100%			
			20,001 - 25,000	75%			
			25,001 - 30,000	50%			
			30,001 - 35,000	25%			
Washington	\$27,995	\$100,000 excludes 5 acres	Sliding scale from 14% to 80% relief based on gross income and net worth.				
Westmoreland	\$20,000	\$60,000 excludes 1 acre	65 years or older or permanently and totally disabled for a tax relief amount of up to \$300. Must file by May 1st of each year.				
			<u>Income</u>		<u>Exemption</u>		
			\$0 - 14,000	100%	\$16,001 - 18,000	60%	
			14,001 - 16,000	80%	18,001 - 20,000	40%	
Wise	\$42,000; \$4,000 exempt for non-spousal relatives	\$85,000 excludes 1 acre	Maximum \$200 exemption.				
Wythe	\$30,000; first \$5,000 exempt for non-spousal relatives	\$80,000 excludes 1 acre	\$200 exemption.				
York	\$50,000; exempt \$10,000 of income for non-spousal relatives	\$200,000 excludes 10 acres	<u>Income (1 Owner)</u>		<u>Income (2 Owners)</u>		<u>Exemption</u>
			\$0 - 19,550		\$0 - 22,350		100%
			19,551 - 29,700		22,351 - 31,567		up to \$600
			29,701 - 39,850		31,568 - 40,784		up to \$420
			39,851 - 50,000		40,785 - 50,000		up to \$300

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption				
Towns (Note: Towns that answered "not applicable" for all items in this table are excluded. For a listing of town respondents and non-respondents, see Appendix B.)							
Abingdon	\$25,487; first \$2,500 exempt for non-spousal relatives	\$100,000 excludes 1 acre	Net Worth				
			Income	\$0- 33,000	33,001- 66,000	66,001- 100,000	
			\$0 - 10,263	80%	64%	56%	
			10,264 - 15,227	60%	48%	42%	
			15,228 - 20,356	40%	32%	28%	
			20,357 - 25,487	20%	18%	14%	
Altavista	\$34,500; first \$10,000 exempt for non-spousal relatives	\$80,900 excludes 1 acre	Income	Exemption			
			\$0 - 25,900	100%			
			25,901 - 30,200	75%			
			30,201 - 34,500	50%			
			(Maximum: \$500)				
Ashland	\$50,000	\$200,000	Income	Exemption			
			\$0 - 20,000	100%			
			20,001 - 30,000	75%			
			30,001 - 40,000	50%			
			40,001 - 50,000	25%			
Bedford	\$15,000	\$40,000 excludes 1 acre	Income	Exemption	Income	Exemption	
			\$0 - 4,000	100%	\$8,001 - 9,000	50%	
			\$4,001 - 5,000	90%	\$9,001 - 10,000	40%	
			\$5,001 - 6,000	80%	\$10,001 - 11,000	30%	
			\$6,001 - 7,000	70%	\$11,001 - 12,000	20%	
			\$7,001 - 8,000	60%	\$12,001 - 15,000	10%	
Big Stone Gap	\$42,000; first \$4,000 exempt for non-spousal relatives	\$85,000	Maximum exemption is \$150.				
Blacksburg	\$51,000; first \$10,000 exempt for non-spousal relatives	\$150,000	Income	Exemption	Deferral		
			\$0 - 32,600	100%	0%		
			32,601 - 40,800	60%	40%		
			40,801 - 51,000	40%	60%		
Bluefield (elderly only)	\$25,000	\$75,000 excludes 1 acre	100% exemption. up to \$200.				
Bridgewater	\$11,000; first \$2,000 exempt for non-spousal relatives	\$30,000	Net Worth				
			Income	\$0- 15,000	15,001- 20,000	20,001- 25,000	25,001- 30,000
			\$0 - 6,500	80%	64%	56%	40%
			6,501 - 8,000	60%	48%	42%	30%
			8,001 - 9,500	40%	32%	28%	20%
			9,501 - 11,000	20%	16%	14%	10%
Broadway (elderly only)	\$18,000	\$50,000	N/A				
Brookneal	\$22,000; first \$2,500 exempt for non-spousal relatives	\$60,000	Income	Exemption			
			\$0 - 10,000	100%			
			10,001 - 12,000	80%			
			12,001 - 14,000	70%			
			14,001 - 16,000	60%			
			16,001 - 18,000	50%			
			18,001 - 20,000	40%			
			20,001 - 22,000	30%			
			(maximum: \$300)				
Cape Charles	\$22,000	\$80,000 excludes 1 acre	Income	Exemption			
			\$0 - 16,000	90%			
			16,001 - 17,500	80%			
			17,501 - 19,000	70%			
			19,001 - 20,500	60%			
			20,501 - 22,000	50%			
			(maximum: \$300)				
Chilhowie	\$22,000	\$35,000 excludes 1 acre	Up to 100% exemption				

N/A Not applicable.

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption			
Towns (continued)						
Christiansburg	\$51,000	\$150,000	<u>Income</u>		<u>Exemption</u>	
			\$0 - 32,600		100%	
			32,601 - 40,800		60%	
			40,801 - 51,000		40%	
Clifton Forge	\$25,000	\$55,000	Up to 100% exemption			
Clintwood	\$37,000	\$75,000	N/A			
		excludes 1 acre				
Colonial Beach	\$22,500 or \$32,000 with partner	\$100,000	Maximum exemption is \$600			
Culpeper	\$50,000; first \$6,500 exempt for non-spousal relatives	\$200,000	Sliding scale of net worth/income determine exemption.			
		excludes 1 acre				
Dublin	\$23,200; first \$2,500 exempt for each relative	\$55,000	<u>Income</u>		<u>Exemption</u>	
		excludes 3 acres	\$0 - 15,000		80%	
			15,001 - 18,500		60%	
			18,501 - 21,000		40%	
			21,001 - 23,200		20%	
Floyd	\$17,000; first \$6,000 exempt for non-spousal relatives	\$55,000	\$50 deduction from real estate bill for each year that such person qualifies for relief.			
Front Royal	\$15,444	\$100,000	Deferral or exemption.			
		excludes 1 acre				
Grundy	\$16,500	\$50,000	Determined by Buchanan County code.			
Hamilton	\$72,000	\$440,000	All owner(s) of the dwelling, excluding the spouse, are at least 65 years of age or premanently and totally disabled. The title of the dwelling is held by the applicant(s) seeking relief. The applicant(s) may reside in a hospital or nursing home for physical or mental care; however, to qualify for real property tax relief; the dwelling may not be rented for monetary compensation.			
		excludes 3 acres				
Haymarket	\$71,300; exempt \$10,000 for non-spousal relative; exempt \$7,500 of disabled	\$340,000	100% exemption if income is less than \$22,000. 100% deferral if income is less than 85% of HUD low income limit; 75% deferral if income is less than 90% of HUD low income limit; 50% deferral if income is less than 95% of HUD low income limit; 25% deferral if income is less than HUD low income limit.			
		excludes 1 acre				
Herndon	\$72,000	\$340,000	<u>Income</u>		<u>Exemption</u>	
		excludes 1 acre	\$0 - 52,000		100%	
			52,001 - 62,000		50%	
			62,001 - 72,000		25%	
Hillsville	\$23,000; first \$6,000 exempt for others in household	\$80,000	50% exemption. (Maximum: \$74.50)			
		excludes 1 acre				
Independence	\$5,000	\$10,000	Deferred taxes attached as lien on property and collected at time of sale.			
		excludes 1 acre				
Lebanon	\$27,000; first \$2,500 exempt for non-spousal relatives	\$75,000	50% exemption. Maximum \$150.			
		excludes 1 acre				
Leesburg	\$72,000	\$440,000	100% exemption.			
		excludes 10 acres				
Louisa	\$35,000	\$85,000	N/A			
Luray	\$21,500	\$114,000	<u>Income</u>		<u>Exemption</u>	
		excludes 1 acre	\$0 - 14,000	100%	\$18,001 - 19,000	25%
			14,001 - 15,000	80%	19,001 - 20,000	20%
			15,001 - 16,000	60%	20,001 - 21,500	10%
			16,001 - 17,000	40%	over 21,500	0%
			17,001 - 18,000	30%		
Marion	\$22,000	\$35,000	50% exemption.			
Narrows (elderly only)	\$25,000	\$35,000	Determined by Giles County code.			

N/A Not applicable.

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption					
Towns (continued)								
New Market	\$30,000	\$100,000	<u>Income</u> <u>Exemption</u>					
			\$0 - 18,000	100%				
			18,001 - 20,000	80%				
			20,001 - 22,000	70%				
			22,001 - 24,000	60%				
			24,001 - 26,000	50%				
			26,001 - 28,000	40%				
			28,001 - 30,000	30%				
Onancock	\$28,000	\$80,000	Determined by Accomack County code.					
Orange	\$40,000	\$90,000	<u>Net Worth()</u>					
			<u>Income</u>	<u>\$0- 18,000</u>	<u>18,001 - 36,000</u>	<u>36,001 - 54,000</u>	<u>54,001 - 72,000</u>	
				<u>18,000</u>	<u>36,000</u>	<u>54,000</u>	<u>72,000 90,000</u>	
			\$0-15,000	90%	80%	70%	60% 50%	
			15,001 - 20,500	80%	70%	60%	50% 40%	
			20,501 - 26,000	70%	60%	50%	40% 30%	
			26,001 - 31,500	60%	50%	40%	30% 20%	
			31,501 - 40,000	50%	40%	30%	20% 10%	
Pamplin	\$15,000; first \$6,500 exempt for non-spousal relatives	\$90,000	Determined by Appomattox County code.					
Pulaski	\$25,000	\$55,000 excludes 3 acres	<u>Income</u> <u>Exemption</u>					
			\$0 - 15,000	80%				
			15,001 - 18,125	60%				
			18,126 - 21,250	40%				
			21,251 - 25,000	20%				
Purcellville	\$72,000; first \$10,000 exempt for non-spousal relatives	\$440,000 excludes 10 acres	Exemption: Amount by which the real estate tax exceeds 0.5% of gross combined income. Deferral: up to 100%.					
Remington	\$52,000; first \$8,500 exempt for non-spousal relatives	\$195,000	100% exempt if qualified.					
Rocky Mount	\$25,000	\$80,000 excludes 5 acres	<u>Net Worth</u>					
			<u>Income</u>	<u>\$0- 12,000</u>	<u>12,001- 25,000</u>	<u>25,001- 35,000</u>	<u>35,001- 50,000</u>	
				<u>12,000</u>	<u>25,000</u>	<u>35,000</u>	<u>50,000 80,000</u>	
			\$0- 5,000	95%	85%	75%	65% 40%	
			5,001 - 9,000	85%	75%	65%	40% 30%	
			9,001 - 12,000	75%	65%	50%	30% 20%	
			12,001 - 15,000	65%	55%	40%	20% 10%	
			15,001 - 18,000	55%	45%	30%	10% 10%	
			18,001 - 21,000	45%	35%	20%	10% 10%	
Round Hill	\$52,000	\$195,000	Determined by Loudoun County code.					
Smithfield	\$30,000	\$150,000	Determined by Isle of Wight County code.					
Strasburg	\$30,000	\$100,000 excludes 1 acre	<u>Income</u> <u>Exemption</u>					
			\$0 - 18,000	100%				
			18,001 - 20,000	80%				
			20,001 - 22,000	70%				
			22,001 - 24,000	60%				
			24,001 - 26,000	50%				
			26,001 - 28,000	40%				
			28,001 - 30,000	30%				
Tazewell	\$25,000	N/A	Determined by Tazewell County code.					
Vienna	\$72,000	\$340,000	<u>Income</u> <u>Exemption</u>					
			\$0 - 52,000	100%				
			52,001 - 62,000	50%				
			62,001 - 72,000	25%				
Vinton	\$56,600; first \$6,500 exempt for non-spousal relatives	\$200,000 excludes 1 acre	100% exemption.					
N/A	Not applicable							

Table 3.1 Real Property Owner Tax Relief Plans for the Elderly and Disabled, 2018 (continued)

Locality	Combined Gross Income	Combined Net Worth	Relief Plan/Exemption	
Towns (continued)				
Warrenton	\$58,000; first \$10,000 exempt for non-spousal relatives	\$440,000 excludes 1 acre	100% exemption.	
West Point	\$20,000	\$60,000	Exemption	
Wise	\$42,000; first \$4,000 exempt for non-spousal relatives	\$85,000 excludes 1 acre	100% exemption.	
Woodstock	\$30,000	\$100,000 excludes 1 acre	<u>Income</u>	<u>Exemption</u>
			\$0 - 15,000	100%
			15,001 - 17,500	80%
			17,501 - 20,000	70%
			20,001 - 22,500	60%
			22,501 - 25,500	50%
			25,501 - 27,000	40%
			27,001 - 30,000	30%
Wytheville	\$15,000; first \$5,000 exempt for non-spousal relatives	\$50,000	100% exemption (maximum: \$75.00).	

N/A Not applicable.

Table 3.2
Real Property Renter Tax Relief Plans for the Elderly and Disabled, 2018

Locality	Combined Gross Income	Combined Net Worth	Relief Plan	
Cities (Note: Only cities that responded to the items in this table are listed.)				
Alexandria	\$25,600; renters may deduct first \$7,500 of disability income & first \$6,500 for each roommate	\$75,000	Income	Monthly Grant
				Maximum Annual Benefit
			\$ 0 - 15,000	\$500
			15,001 - 21,000	375
			21,001 - 25,600	250
Charlottesville	\$50,000; first \$7,500 of permanent disability compensation exempt; first \$8,500 for non-spousal relative exempt	\$100,000	Relief equals the amount derived by subtracting 24% of previous year's gross combined income from actual rent or 6,000 for previous year, whichever is less. Multiply excess by 25% to obtain amount.	
Fairfax	\$40,000; first \$7,500 exempt for disabled; first \$6,500 exempt for each relative	\$150,000	10% of annual rent payment up to \$2,000.	
Falls Church	\$38,050	\$150,000	Varies based on income and assets; maximum grant of \$1,700 annually.	
Hampton	\$31,000	\$200,000	Criteria the same as for owners	
Counties (Note: Fairfax was the only county that responded to the items in this table.)				
Fairfax	\$22,000; first \$6,500 exempt for each relative	\$75,000	The grant total is based on the amount of rent paid for the dwelling during the grant year that exceeds 30% of income.	
Towns (No towns responded as having rental relief plans.)				

CITY OF CHARLOTTESVILLE



PROCLAMATION

Charlottesville Band Centennial April 2022

WHEREAS the Charlottesville Band, formerly known as The Municipal Band of Charlottesville, has filled the air near and far with symphonic music since August 17, 1922; and

WHEREAS the mission of the Charlottesville Band is to enrich community life through excellence in musical performance and education; and

WHEREAS through free concerts, varied repertoire, and partnerships, the Charlottesville Band provides its members and audiences with musical experiences that entertain, uplift, and inspire; and

WHEREAS the Charlottesville Band is one of the oldest continuously operating amateur community bands in the United States. The Band has played for 7 Presidents and the Queen of England, and for more than 100,000 local residents. Its seven small group ensembles give dozens of performances each year, from pop-up concerts in public parks to tuxedo-clad recitals at the Paramount Theater. Together band members volunteer over 14,000 hours per year to make excellent music for the community; and

WHEREAS Charlottesville has changed a lot since 1922, and so has the band. More than 1,000 members over the past 100 years, representing many different neighborhoods, age groups, professions and backgrounds, have found common ground through the power of music. In 2020, when the pandemic made large concerts impossible, the Band's small ensembles took to the streets and performed at socially distanced outdoor performances, boosting community morale and keeping the local music scene vibrant; and

WHEREAS in 2022, the Band, newly renamed The Charlottesville Band—or Cville Band, for short – is celebrating its 100th consecutive year in operation; and

WHEREAS the 2022 Spring Concert with Steve Layman as Music Director will open the Centennial Season with three selections written especially for the occasion; the program will also feature a performance by the winner of the annual James W. Simmons Solo Contest and the Rev. Dr. Genevieve Murphy Scholarship for Young Musicians;

NOW, THEREFORE, I, J. Lloyd Snook, III, Mayor of the City of Charlottesville, on behalf of the City Council, do hereby proclaim April 24, 2022 as Charlottesville Band Day and encourage members of the public to attend one or more of the Band's nine live performances throughout this Centennial Year.

Signed and dated this 18th day of April 2022.

J. Lloyd Snook, III, Mayor

CITY OF CHARLOTTESVILLE



PROCLAMATION

Fair Housing Month - April 2022

WHEREAS The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, or disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS The City of Charlottesville is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

WHEREAS More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

WHEREAS Acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlottesville does hereby declare the month of April 2022 to be Fair Housing Month in the City of Charlottesville. We reaffirm our commitment to do all that we can to end unlawful housing discrimination, to advance equity for all underserved populations, to help all current and prospective residents of the City of Charlottesville find safe and affordable housing, and to fulfill the full promise of the Fair Housing Act.

Signed and dated this 18th day of April 2022.

J. Lloyd Snook, III, Mayor

CHARLOTTESVILLE CITY COUNCIL MEETING

March 7, 2022 at 4:00 PM

Electronic/virtual meeting

Call to Order/Roll Call

The Charlottesville City Council met in an electronic meeting on Monday, March 7, 2022, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

On motion by Magill, seconded by Wade, Council voted 5-0 to ADOPT the meeting agenda (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. REPORT: Albemarle-Charlottesville Regional Jail renovation project report

Martin Kumer, Superintendent of the Albemarle-Charlottesville Regional Jail, started the presentation with a brief history of the jail. He advised that the January 2022 Average Daily Population of 265 was the lowest that it has been in 20 years. He shared a timeline for the Facilities Conditions Assessment and Community Based Corrections Plan Study findings.

Tony Bell and Chris Roman, Mosley Architects, reviewed a timeline for key decision points once the needs assessment and Planning Study were submitted to the Department of Corrections in December 2021. Projected completion of the renovation project is November 2025 at an estimated total cost of \$49,021,414: of that, \$12,255,353 reimbursable (25 percent eligible costs) with \$36,766,061 total estimated cost to be split among three localities (Charlottesville City, Albemarle County and Nelson County).

Responding to Council questions, the presenters explained Trauma Informed Design, direct and indirect supervision, mental health pods, special purpose beds, elimination of bar-grade standards, and Covid-19 data.

Councilor Pinkston mentioned the benefits that the renovations will also have for jail staff. The resolution requiring a decision will come before Council in August or September 2022.

Councilor Magill explained that most of the decisions about recommendations occurred before she was appointed as the City Council representative to the regional jail board. She encouraged other localities to consider home/electronic incarceration (HEI).

CLOSED SESSION

On motion by Magill at 4:57 p.m., seconded by Wade, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1), for consideration of prospective candidates for appointment by Council to City boards and commissions

On motion by Magill, seconded by Wade, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), 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.

BUSINESS SESSION

Having established quorum with all councilors present, Council observed a moment of silence.

ANNOUNCEMENTS (and Update from Blue Ridge Health Department)

Vice Mayor Wade offered sympathy regarding the crisis facing Ukraine and Mayor Snook added that Charlottesville will likely see refugees within a month.

Dr. Denise Bonds, Blue Ridge Health Director provided an update on Covid-19. She shared a graph showing a general downward trend in cases. She advised that the Centers for Disease Control recently updated criteria for grading community Covid-19 levels and that the Charlottesville-Albemarle area is still listed as a High transmission area. Three components that factor into the rating are: 1) New COVID-19 cases per 100,000 people in the past seven days, 2) burden on the hospital: percent of staffed inpatient beds occupied by COVID-19 patients (7-day average), and 3) COVID-19 hospital admissions per 100,000.

She reported that the Omicron variant is prevalent, and the Delta variant no longer shows in the area. Adults with at least one vaccine dose is 75.5 percent and fully vaccinated is 73.1 percent (68.9 percent, including children). She shared safety guidelines and encouraged people to upgrade their masks. Dr. Bonds stated that community testing locations will close on March 15. She shared vaccination locations.

Mayor Snook asked Dr. Bonds for input on criteria to consider while planning to re-start in-person meetings. Dr. Bonds shared a few items for consideration:

- Will the meeting be hybrid with in-person and electronic options? Some people will still

not be able to be in person.

- Will masks be required? Council Chamber is typically crowded, and masks are encouraged.
- Is there an option to hold meetings in a larger or more open space?
- Metrics: weekly case counts over time trending down; hospital capacity strong with minimal Covid cases; and consider CDC metrics.
- Give lots of notice and advance warning so that people can plan.

Dr. Bonds will provide an update at the April 4 City Council meeting.

RECOGNITIONS/PROCLAMATIONS

- **Resolution: Liberation Day – March 3**
Vice Mayor Wade read a resolution from 2017 acknowledging March 3 as Liberation Day in Charlottesville, also a city employee holiday.
- **Proclamation: Festival of the Book Week, March 16-20, 2022**
Mayor Snook proclaimed March 16-20, 2022 as Festival of the Book Week. Jane Kulow, Virginia Festival of the Book Director, made remarks.
- **Proclamation: Women's History Month**
Councilor Magill read a proclamation for Women's History Month.
- **Proclamation: March for Meals Month**
Mayor Snook presented a proclamation for March for Meals Month. Robin Goldstein, Meals on Wheels Executive Director, accepted the proclamation with remarks and encouraged community volunteers to work to help senior citizens.
- **Proclamation: Colorectal Cancer Awareness Month**
Councilor Pinkston presented the proclamation. Dr. Thomas Loughran, UVA Cancer Center Director, made remarks and encouraged preventive measures.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

2. January 26 Council retreat, February 2 joint budget work session with Schools
3. RESOLUTION: Appropriating funding of \$625,000 to a new Collective Bargaining Project account within the City's Capital Projects Fund (2nd reading)

- Bill Goldeen, Charlottesville Area Transit bus driver, spoke in support of Item #3.
- David Koenig spoke in support of Item #3.
- David Broder, union president, spoke in support of Item #3.

On motion by Wade, seconded by Payne, Council by the following vote Adopted the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

CITY MANAGER REPORT

Interim City Manager Michael C. Rogers announced future deployment of an Employee Satisfaction Survey, the kick-off meeting for the compensation study, and continued work on Collective Bargaining.

Deputy City Manager Ashley Marshall advised of four phases for the Classification and Compensation Study and stated that the consultants expect a full report to be available at the conclusion of Phase 4, which is estimated to take nine to ten months. She listed key jobs actively being filled: 1) Director of Communications and Public Engagement, 2) Director of Human Services, 3) Director of Information Technology, and 4) Director of Human Resources. She thanked staff who stepped up in key roles to ensure stability of operations.

Deputy City Manager Sam Sanders announced:

- 1) the Bennett's Village inclusive playground information-gathering event being hosted by the Parks and Recreation Department at Pen Park on March 14 and 15;
- 2) the Benjamin Tonsler Park public engagement sessions online and in-person on March 21 and 22;
- 3) He provided updates on three community priorities:
 - 5th Street Corridor Internal Working group continues to work on planning and Mr. Sanders has given approval to pursue SmartScale funding from VDOT for 5th Street, advising that all options will be on the table.
 - Regarding affordable housing he advised of a 4:00 p.m. work session on April 4;
 - Regarding the Climate Action Plan, he announced work session on April 18 and acknowledged work to be done to regroup efforts.

Mayor Snook stated that he was pleased to hear about efforts to move initiatives forward. Councilors thanked staff for stepping up.

COMMUNITY MATTERS

1. Chris Meyer, city resident, acknowledged city staff who stepped in to fill vacant leadership roles in the interim. He asked for full funding for school reconfiguration and affordable housing. He encouraged a 10-cent increase in the real estate tax rate to help fund priorities.

2. Emily Dreyfus, representing Charlottesville Low Income Housing Coalition (CLIHC), spoke about the need to improve housing affordability. She shared CLIHC's top two recommendations: fully fund the Affordable Housing Plan, and pair robust tax increases with maximum tax and rent relief for very low income people.
3. Leah Puryear, city resident, requested a \$200,000 annual appropriation for the Jefferson School African American Heritage Center (JSAAHC) and fully fund city school reconfiguration.
4. Elizabeth Breeden, city resident, requested that Council include in the city budget the annual lease amount for the JSAAHC, and shared perspective about the Center's role in the community.
5. Susan Kruse, Executive Director of the Community Climate Collaborative, spoke about climate change and the need to move forward rapidly with a plan.
6. Moriah Wilkins, housing attorney with the Legal Aid Justice Center, spoke about the ongoing need for rent relief, about housing voucher limitations and she encouraged creative solutions to fully fund the Affordable Housing Plan.
7. Whitney Richardson with Dark Skies, Bright Kids spoke about creating an interactive planet walk on the Downtown Mall.
8. Robin Hoffman, city resident, announced that the Botanical Garden of the Piedmont volunteer group has begun meeting. She spoke about neighborhoods working together.
9. Andy Orban, city resident, spoke in support of full funding for the Buford Middle School reconfiguration.
10. Joy Johnson, city resident, requested full funding for affordable housing and school reconfiguration.

ACTION ITEMS

6. PRESENTATION: Presentation of the FY2023 Adopted Budget from Charlottesville City Schools

School Superintendent Royal Gurley introduced School Board Chair Lisa Torres, who began the School Budget presentation.

Chair Torres shared Strategic Plan Focus Areas for Schools:

- Academic excellence
- Safe and supportive schools
- Organizational supports

She shared priorities for Schools moving forward: 1) supporting mental health, 2) embracing English Language Learners, 3) acceleration of learning, 4) the national teacher shortage, 5) inflation, 6) reconfiguration, and 7) alignment of non-recurring Federal relief funds with non-recurring expenditures.

Kim Powell, Chief Operations Officer, provided the FY2023 Schools Adopted Budget overview, requesting from the City Budget \$4,216,341 for operational costs.

Ms. Torres stated for the record the School Board's request to keep \$75 Million funding in the City budget for school reconfiguration.

The meeting recessed at 8:31p.m. and reconvened at 8:36 p.m.

7. PRESENTATION: Presentation of the Proposed FY2023 City Budget

Mr. Rogers began the presentation and noted that the budget document was released to the public earlier in the day. The balanced budget revenues and expenditures totaled \$216,171,432, with the current \$0.95/\$100 real estate tax rate. Some tax revenues were near pre-Covid levels.

Krisy Hammill, Senior Budget and Management Analyst, announced that the City received for the 29th time the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the FY 2022 budget. She presented budget revenue and expenditure details, as well as information about the impact of a Real Estate Tax increase and the impact of school reconfiguration on other projects and debt service. Ms. Hammill mentioned the budget's alignment with Council priorities:

1. An inclusive community of self-sufficient residents
2. A healthy and safe city
3. A beautiful and sustainable natural and built environment
4. A strong, creative and diversified economy
5. A well-managed and responsive organization

Vice Mayor Wade asked whether the budget included structural improvements to stay competitive. Mr. Rogers advised that the Compensation Study would be the guide. Mr. Wade asked about various agreements or contractual obligations.

Mayor Snook asked a series of questions to clarify information in the City Manager's budget letter to Council.

8. RESOLUTION: Approving a Special Use Permit at 2116 Angus Road

Dannan O'Connell, City Planner, presented the request, which was recommended for approval by the Planning Commission.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 APPROVED the Special Use Permit (Ayes: Magill, Payne, Pinkston; Noes: none).

RESOLUTION
Approving a Special Use Permit for Increased Residential Density for
Property Located at 2116-2118 Angus Road

WHEREAS, in order to facilitate a specific development project, Dermo, LLC, (“Landowner”), has submitted application SP21-00006, requesting a Special Use Permit to increase allowed residential density on certain land fronting on Angus Road, identified on City Real Property Tax Map 40C as Parcel 8 and designated as City Real Estate Parcel No. 40C080000 (the “Subject Property”); and

WHEREAS, the purpose of the application is to allow an existing mixed use development to be modified as described within the application materials for SP21-00006, which materials describe a plan to provide six (6) residential dwelling units, with a total of 18 bedrooms, within an existing office building established on the Subject Property, in addition to twenty-one (21) existing dwelling units currently located within an apartment building located on the Subject Property (the “Project”); and,

WHEREAS, the additional 6 residential dwelling units would increase the Subject Property’s residential density from 25 to 33 dwelling units per acre, exceeding the current limits for “by-right” density on land zoned “B-1,” but this increased density is allowed by special use permit, as specified in City Code § 34-458(b), within the area of a mixed-use development site; and

WHEREAS, a joint public hearing on the proposed special use permit was conducted by the Planning Commission and City Council on February 8, 2022, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on February 8, 2022, to recommend that City Council should approve the Rezoning; and

WHEREAS, this City Council has considered the details of the specific Project represented within the Landowner’s application materials for SP21-00006; has reviewed the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed special use permit and the proposed residential development density is consistent with the Comprehensive Plan; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code § 34-458(b), a special use permit is hereby approved and granted to authorize the Project described within the application materials for SP21-00006, within the Subject Property, subject to the following conditions:

1. Residential density of development shall not exceed thirty-three (33) dwelling units per acre (DUA) within the area of the Subject Property.
2. The six (6) residential dwelling units authorized by this special use permit shall, collectively, have no more than 18 bedrooms.
3. Automatic fire sprinklers and alarms shall be provided within the building to be renovated (2116 Angus Road), in accordance with applicable requirements of the Virginia Uniform Statewide Building Code.

9. RESOLUTION: Appropriating funds for the Cville Plans Together (Comp Plan) Project from the Small Area Plans Account within the City's Capital Projects Fund - \$188,810 (carried)

James Freas, Director of Neighborhood Development Services, made a presentation regarding Cville Plans Together as related to the appropriation request and zoning re-write project timeline.

After discussion about the Housing Market Outcome Model and the Small Area Plan fund, Council agreed to move the item to the March 21 Consent Agenda for the second reading.

10. RESOLUTION: Appropriating funds from the Virginia Department of Rail and Public Transportation to Charlottesville Area Transit - \$980,599 (carried)

Garland Williams, Director of Transportation, made the presentation, advising that a revision to the FY2022 State funding means additional funds were received and that \$300,000 of those funds would fund the Feasibility Study for alternative fuel vehicles and develop the integration plan.

Following discussion, Council agreed to move the item to the March 21 Consent Agenda for the second reading.

ORDINANCE*: Consideration of action related to the local Continuity of Governance Ordinance

Interim City Manager Rogers and City Attorney Lisa Robertson presented options for Council consideration. Mr. Rogers referenced an approaching deadline for deciding on a public meeting status during the locally declared emergency. Some considerations that Ms. Robertson mentioned were keeping local health guidelines and metrics in mind; looking at options for moving Council meetings to another location; creating safety plans per public body and location; making Council space safe for return; and considering safety measures for moving boards and commissions to suitable meeting spaces.

Councilor Payne expressed concern with a lack of specific timeline and metrics for moving to hybrid meetings.

Staff noted several items that affect the ability to conduct hybrid meetings, including staff capacity and technology in certain spaces.

On motion by Pinkston, seconded by Magill, and following discussion about opening meetings to the public with reasonable safeguards, Council by a vote of 5-0 APPROVED the ordinance (Ayes: Magill, Payne, Pinkston; Noes: none).

Ms. Robertson advised that the ordinance addresses delegation of authority to the Mayor and City Manager to come up with a safety plan for reopening Council meetings for in-person participation.

ORDINANCE AMENDING AND RE-ENACTING CITY COUNCIL'S CONTINUITY OF GOVERNMENT ORDINANCE, FOR A SIX-MONTH PERIOD BEGINNING MARCH 8, 2022

GENERAL BUSINESS

There were no items for general business discussion.

OTHER BUSINESS

There were no other business items or additional follow-up items for the City Manager.

MATTERS BY THE PUBLIC

- Gregory Weaver spoke in support of funding for Charlottesville Area Transit's vision for 15-minute service and sustainable transit, collective bargaining, and affordable housing.

The meeting adjourned at 10:25 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL

Budget Work Session

March 10, 2022 at 6:00 PM

Virtual/electronic meeting via Zoom

Call to Order/Roll Call

The Charlottesville City Council met in an electronic meeting on Thursday, March 10, 2022, in accordance with a local ordinance amended and re-enacted on March 7, 2022, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order at 6:02 p.m. with all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

Interim City Manager Michael C. Rogers began the budget discussion, noting a 12.46% balanced budget increase over the prior year.

Krisy Hammill, Senior Budget and Management Analyst, reviewed the meeting agenda, and shared information about the Budget Visualization tool on the City website at www.charlottesville.gov/budget for General Fund line items.

Ms. Hammill and Commissioner of the Revenue Todd Divers answered Council questions about revenues from city-owned properties, AirBnBs and homestay fees, and various other taxes.

Major expenditure drivers include:

- Generally, all departments increased at least 8%, with 2% COLA (Cost of Living Adjustment) as of July 1, 2021, and 6% mid-year COLA given in January 2022
- Increased fixed costs in fuel, Information Technology replacements, and risk management costs
- Tax and rent relief programs
- Funding for City Schools
- Funding for City Schools Capital Improvement Projects
- Employee compensation
- Debt service and Capital Improvement Fund
- Department additions - seven new full-time-equivalent positions

Council discussed staff vacancies. Councilor Magill indicated interest in filling a position for Measurements and Solutions and Mayor Snook emphasized the need to hire staff to help get through the backlog of Council-approved projects.

Ms. Hammill advised that the March 17 budget work session will address outside and non-profit agencies. The FY 2023 Vibrant Community Funding Report was made available on the City website.

Council decision points were discussed.

Mr. Pinkston requested various tax increase scenarios. For the record he recommended Option 2 of the school renovation options presented by VMDO consultants and he recommended right sizing the Buford Middle School project, at a lower cost.

Council discussion ensued about debt capacity, property taxing authority, increasing costs, Council's original intent for school reconfiguration funds, the need to consider multiple budget cycles, and operational capacity.

Ms. Hammill mentioned the 7-day tax advertising deadline for the tax public hearing and Ms. Robertson shared legal advertisement guidelines. Council agreed to advertise a 0.5% meals tax increase for further discussion during budget work sessions.

Council discussed the Council Strategic Initiatives Fund and designating funds for a City Manager Initiatives fund.

Ms. Hammill clarified the need for the April 7 work session and summarized action steps.

The remainder of the Budget Calendar is as follows:

- March 17: Work session, 6:00pm, Outside and Non-Profit Agencies
- March 21: Public Hearings, 6:30pm, Tax Rates and Proposed Budget
- March 23: Community Budget Forum, 6:00pm
- March 31: Work session, 6:00pm, Capital Improvements Program
- April 4: Public Hearings, 6:30pm
- April 7: Work session, 6:00pm -Remaining budget issues and wrap up
- April 12: Budget Approval by City Council, 5:30pm

The meeting adjourned at 8:26 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2022
Action Required:	Approve Resolution (Appropriation) (1 st of 2 Readings)
Presenter:	Sue Moffett, Director, Department of Social Services
Staff Contacts:	Jenny Jones, Chief of Family Services, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Funding for Driving and Transportation Assistance for Youth in and Formerly in Foster Care -- \$13,877

Background:

The Virginia Department of Social Services (VDSS) has provided funding to localities to be used to provide driving and transportation assistance to youth between the ages of 14 and 23 who are currently in or were previously in foster care. **The Charlottesville Department of Social Services has received \$13,877 from this funding.**

Discussion:

It is estimated that less than 5% of teens in foster care obtain their driver's license by their 18th birthday (Virginia Commission on Youth Report, 2018). Young adults participating in focus groups conducted by VDSS reported that having a driver's license is important because it can provide them independence and reliable transportation for school and work. This funding can be used to cover DMV licensing fees, driver's education and testing fees, vehicle purchases, vehicle insurance, and other driving and transportation-related expenses. The funding allows up to \$4,000 per eligible youth.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal 1: An inclusive community of self-sufficient residents and Objective 2.3, Improve community health and safety outcomes by connecting residents with effective resources.

Community Engagement:

Foster care staff will work directly with eligible youth to administer the transportation assistance program.

Budgetary Impact:

The Virginia Department of Social Services is providing 100% of the funding with no local general fund match required. Funding can be used through August 31, 2022.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services. If funds are not appropriated, the department will be unable to provide driving and transportation assistance to eligible youth.

Recommendation and Suggested Motion:

Staff recommends approval and appropriation of these funds.

Suggested Motion: “I move to approve the Resolution Appropriating Funding Received from the Virginia Department of Social Services for the Driving and Transportation Assistance for Foster Care Youth, in the amount of \$13,877”

Attachment:

Resolution

RESOLUTION

Appropriating Funding Received from the Virginia Department of Social Services for the Driving and Transportation Assistance for Foster Care Youth, in the amount of \$13,877

WHEREAS, the Charlottesville Department of Social Services has received an allocation in the amount of \$13,877 in the Fiscal Year 2022 budget from the Virginia Department of Social Services to be used for Driving and Transportation Assistance for youth in, and formerly in, foster care.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$13,877, upon receipt by the City, is hereby appropriated for expenditure for a period running through August 31, 2022, in the following manner:

Revenue – \$13,877

Fund: 212	Cost Center: 9900000000	G/L Account: 430080	\$13,877
-----------	-------------------------	---------------------	----------

Expenditures - \$13,877

Fund: 212	Cost Center: 3333006000	G/L Account: 540060	\$13,877
-----------	-------------------------	---------------------	----------

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2022
Action Required:	Approve Resolution (Appropriation) (1 st of 2 Readings)
Presenter:	Sue Moffett, Director, Department of Social Services
Staff Contacts:	Jenny Jones, Chief of Family Services, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Additional Funding for the Promoting Safe and Stable Families (PSSF) Program -- \$16,435

Background:

The Virginia Department of Social Services (VDSS) has provided additional funding to localities for the Promoting Safe & Stable Families (PSSF) program in response to the COVID-19 pandemic and public health emergency. **The Charlottesville Department of Social Services has received \$16,435 from this additional funding.**

Discussion:

The department plans to use the additional funding for PSSF clients who are facing evictions and/or have other housing-related needs. The funding will provide hotel stays for unhoused clients as well as other shelter related expenses such as rent, utilities, and food. Twenty to thirty families are expected to be served with the additional funding.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with the City’s mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal 2: A Healthy and Safe City and Objective 2.2, Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization and Objective 2.3, Improve community health and safety outcomes by connecting residents with effective resources.

Community Engagement:

Family Services staff will work directly with eligible families

Budgetary Impact:

The Virginia Department of Social Services is providing 100% of the funding with no local general fund match required.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services. If funds are not appropriated, the department will be unable to provide additional assistance through the PSSF program to eligible families.

Recommendation and Suggested Motion:

Staff recommends approval and appropriation of these funds.

Suggested Motion: I move to approve the Resolution Appropriating Additional Funding Received from the Virginia Department of Social Services for the Promoting Safe and Stable Families (PSSF) Program, in the amount of \$16,435

Attachment:

Resolution

RESOLUTION

**Appropriating Additional Funding Received from the Virginia Department of Social Services for the Promoting Safe and Stable Families (PSSF) Program
In the amount of \$16,435**

WHEREAS, the Charlottesville Department of Social Services has received an allocation of \$16,435 in the Fiscal Year 2022 budget from the Virginia Department of Social Services to be used for the Promoting Safe and Stable Families (PSSF) program.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$16,435, upon receipt by the City, is hereby appropriated for expenditure within the FY22 budget in the following manner:

Revenue – \$16,435

Fund: 212 Cost Center: 9900000000 G/L Account: 430080 \$16,435

Expenditures - \$16,435

Fund: 212 Cost Center: 3343008000 G/L Account: 540060 \$16,435

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2022
Action Required:	Approve Supplemental Appropriation
Presenter:	Chris Engel, Director of Economic Development
Staff Contact:	Chris Engel, Director of Economic Development
Title:	CACVB Supplemental Appropriation of Virginia Tourism Corporation grant funds - \$280,000

Background & Discussion:

Albemarle County, the City of Charlottesville and the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) are jointly coordinating the use of Virginia Tourism Corporation's American Rescue Plan Act funding. The goal of the joint proposal is to increase awareness of Charlottesville and Albemarle County to markets not yet reached before, increase knowledge of the movement of visitors and residents in the destination, craft a Diversity, Equity, and Inclusion plan for the local visitor economy, generate stays during winter and provide a safer space for visitors on the downtown mall. The purpose of working together for the entire \$680,000 (\$400,000 for the County, \$280,000 for the City) is to accomplish a greater positive impact utilizing the same amount of money by maximizing exposure while easing reporting.

The appropriation included herein facilitates the transfer of funds to the County of Albemarle which serves as the fiscal agent for the Bureau.

Community Engagement:

The CACVB regularly receives community input from its constituents and its board of directors, both of which helped inform this plan.

Alignment with City Council's Vision and Strategic Plan:

The approval of this agenda item aligns with Council's vision for Economic Sustainability.

Budgetary Impact:

There is no impact to the General Fund. These funds are additional federal funds being passed through to the County which currently serves as the fiscal agent of the CACVB.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

If City Council chooses not to appropriate the funds, use of the funds will be in jeopardy.

Attachments:

Appropriation

APPROPRIATION

Charlottesville Albemarle Convention and Visitors Bureau Budget
Supplemental Appropriation of Virginia Tourism Corporation American
Rescue Plan Act Funds **\$280,000**

WHEREAS, the City of Charlottesville and Albemarle County jointly fund the efforts of the Charlottesville Albemarle Convention and Visitors Bureau (CACVB); and

WHEREAS, the Commonwealth of Virginia has chosen to allocate a portion of its American Rescue Plan Act (ARPA) funding to the Virginia Tourism Corporation (VTC) in support of enhancing the impact of tourism throughout the state; and

WHEREAS, VTC has determined a mechanism for distributing these funds by locality and the City of Charlottesville and Albemarle County working with the CACVB to develop a coordinated plan to increase awareness of the Charlottesville and Albemarle markets; and

WHEREAS, this plan has been approved by VTC;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of **\$280,000** is hereby appropriated as a supplemental appropriation in the following manner:

Revenue – \$280,000

Fund: 209 Internal Order: 1900462 G/L Account: 430120 \$280,000

Expenditures - \$280,000

Fund: 209 Internal Order: 1900462 G/L Account: 540100 \$260,000

Fund: 209 Internal Order: 1900462 G/L Account: 530670 \$20,000

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$280,000 from Virginia Tourism Corporation’s ARPA funding and shall hereby be considered a continuing appropriation and shall not be deemed to expire unless further altered by Council.

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



Agenda Date:	April 4, 2022
Action Required:	Approval of Refund of Business License Tax Payment
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Jason Vandever, City Treasurer Todd Divers, Commissioner of the Revenue
Title:	Refund of Business License Tax

Background:

Entity is a contracting company that incorrectly filed and paid for a 2020 business license for a project that was located in Albemarle County. The filing and payment was timely. The entity subsequently discovered that it should have applied for and paid for a license in Albemarle County. It then applied to the Commissioner of the Revenue for a refund of the license tax paid in error.

The City is required to refund business license taxes paid in error with interest per Code of Virginia 58.1-3703.1 (A) (2) (e). The amount paid for the 2020 business license was \$11,200. In addition, Code of Virginia 58.1-3703.1(A)(2)(e) states: “Interest shall be paid on the refund of any BPOL tax from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under 58.1-3916.” The interest amount is \$1,686.44.

Discussion:

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is also required in accordance with Section 14-12(g) of the Charlottesville City Code.

Per City Code Sec. 30-6(b), the Commissioner of the Revenue has provided to the City Attorney information necessary to enable her to consent to the determination of the Commissioner of the Revenue that the tax paid by the taxpayer was erroneous and should therefore be refunded. The refund has therefore been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

Alignment with City Council’s Vision and Strategic Plan:

n/a

Budgetary Impact:

The refund will reduce current year Business License Tax revenue (GL 410150) by \$12,886.44.

Alternatives:

None.

Recommendation:

Approval of the tax refund.

Suggested Motion: “I move the RESOLUTION authorizing a refund of \$12,866.44 to a taxpaying entity or business, for business license taxes paid in error for 2020”

Attachments:

Interest Calculation

Council Resolution

Refund Interest Calculation

Payment	Paid Date	Refund Date	Days	Rate	Payment Amount	Annualized Interest	Tax Refund	Interest Refund
2020 BL	5/18/2020	4/5/2022	687	8%	\$ 11,200.00	\$ 896.00	\$ 11,200.00	\$ 1,686.44

Suggested Motion: "I move the RESOLUTION authorizing a refund of \$12,866.44 to a taxpaying entity or business, for business license taxes paid in error for 2020"

RESOLUTION

Authorizing a refund of \$12,866.44 to a taxpaying entity or business, for business license taxes paid in error for 2020

WHEREAS, the Commissioner of the Revenue has determined that a taxpaying entity or business paid 2020 Business License Tax to the City of Charlottesville in error; and

WHEREAS, that taxpaying entity or business has requested a refund of the amount paid in error; and

WHEREAS, the Commissioner of the Revenue has certified that a refund of taxes paid is due in the amount of \$12,866.44; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$12,886.44, payable to that taxpaying entity or business.



PLACEHOLDER

(Budget Documents are available on the City
website at

<https://www.charlottesville.gov/169/Budget>

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



Agenda Date:	April 4, 2022
Action Required:	Approval of Resolution (1 st of 2 Readings)
Presenter:	Tony Edwards, Public Works Development Services Manager
Staff Contacts:	Jack Dawson, City Engineer Tony Edwards, Public Works Development Services Manager
Title:	State Of Good Repair (SGR) for Dairy Road Bridge Replacement – Appropriation of \$7,210,664.00

Background:

The Code of Virginia authorizes the Commonwealth Transportation Board (CTB) to use funds allocated to State of Good Repair (SGR) purposes for reconstruction of structurally deficient locally owned bridges. Dairy Road Bridge has been classified as structurally deficient for its deck elements. However, it should be noted that while these bridges may be classified as structurally deficient, they are adequate to support the required loads of today’s vehicles. Structurally deficient is classified as a Condition Rating score of 0-4 out of 10. None of the Dairy Road Bridge elements have a rating below 4; nonetheless, the CTB’s SGR funding is available to completely replace the bridge. Following the improvements, each bridge element should have a minimum rating of 5 or greater, so that it will be off the “impaired” list.

In **April 2021** the City Manager executed a Standard Project Administration Agreement (“Agreement”), agreeing to undertake a complete replacement of the Dairy Road Bridge (over Rt. 250), with funding allocated by the Virginia Department of Transportation (VDOT).

In **June 2021** the CTB approved the prioritization process and methodology for selecting State of Good Repair (SGR) Bridge projects.

In **August 2021** the City was fortunate to receive approval for 100% SGR funding, and VDOT executed the Project Administration Agreement.

Discussion:

At this time, Staff is requesting that \$7,210,664.00 be appropriated to be expended for the costs of a new Capital Project (Dairy Road Bridge Replacement).

Public Works plans to conduct the bridge replacement as a Design Build Project, and the design-build process has been authorized by the City’s Procurement Manager in accordance with the City’s policy and state regulations regulating design build projects.

Community Engagement:

A Public Hearing will be held to provide the opportunity for community input on the design for the bridge replacement. In addition, once the demolition/construction process commences, Public Works Project Administration staff will issue notices and project updates to keep road users and the surrounding residents apprised of the project status and traffic impacts.

Alignment with City Council’s Vision and Priority Areas:

Approval of this agenda item will help meet the City’s commitment to create “a connected community” by improving our existing transportation infrastructure. In Addition, it would contribute to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community and objectives 2.3. Provide reliable and high-quality infrastructure.

Budgetary Impact:

The bridge replacement costs will need to initially be covered from City funds; however, the costs are 100% reimbursed by the awarded SGR funding. So long as reimbursement requests are timely made, there should be no budgetary impact within a given Fiscal Year.

**The Budget Office will add this Project to the City’s Capital Improvements Plan for FY23 through FY27, noting that the costs (\$7,210,664.00) are covered 100% (\$7,210,664.00) by the SGR Funding. Therefore, there will be no impact on the availability of funding for other capital projects.

Recommendation:

Staff recommends approval of the attached Resolution and the creation of a new active Project line item within the City’s Capital Improvements Plan.

Alternatives: N/A

Attachment (1): Proposed Resolution

RESOLUTION

Appropriating State of Good Repair Funding in the amount of \$7,210,664.00 Awarded by the Commonwealth of Virginia for Costs of Replacement of the Dairy Road Bridge

WHEREAS the City of Charlottesville has been notified that the Commonwealth has awarded state funding in the amount of \$7,210,664.00 from the Commonwealth’s State of Good Repair Program (“SGR Funding”), for a locally-administered transportation construction project to replace the Dairy Road Bridge (“Project”), and the awarded funding covers one hundred percent (100%) of the costs of engineering, design, project administration and construction; and

WHEREAS the Department of Public Works is prepared to commence work on the Project, using a design-build procurement process; therefore, the award of this funding allows the Project to be promoted to an active Capital Project within the City’s Capital Improvements Plan, beginning in Fiscal Year 2023; and

WHEREAS the SGR Funding will be payable to the City on a reimbursement basis, and the Department of Public Works expects to submit reimbursement applications periodically over the course of the Project;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of each reimbursement payment from the Commonwealth for the Project, the SGR Funding received shall be appropriated to the following accounts:

Revenues

\$7,210,664 Fund: 426 WBS: P-01068 G/L Account: 430110

Expenditures

7,210,664 Fund: 426 WBS: P-01068 G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 4, 2022
Action Requested:	Resolution (2 readings)
Presenter:	Alex Ikefuna, Interim Director, Office of Community Solutions
Staff Contacts:	Alex Ikefuna, Interim Director, Office of Community Solutions Brenda Kelley, Redevelopment Manager, Office of Community Solutions
Title:	Award of FY22 Charlottesville Affordable Housing Funds (CAHF)

Background:

The City's FY21/22 budget included funding the Charlottesville Affordable Housing Fund (CAHF). A Notice of Funding Availability (NOFA) to accept applications for \$750,000 in available funding was issued January 21, 2022, with applications due February 18, 2022. Seven (7) applications were received (see application summary attached as an Exhibit). The recommendations for FY22 CAHF allocations are presented below.

Discussion:

Staff received seven (7) applications for CAHF funding by the submission deadline. The application review was done by a seven-person technical team composed of city staff and a representative from the Housing Advisory Committee (HAC). Summaries of the proposals are as follows (the applications are attached as Exhibits):

Project: Assisted Home Performance and Electrification Ready (AHP) – Owner Occupied
Applicant: Local Energy Alliance Program (LEAP)
CAHF Request: \$125,000

This program will assist 14-18 low-income households with whole-house energy-efficiency solutions, increasing comfort and indoor air quality while reducing energy bills. The improvements will assist in keeping existing affordable housing stock affordable, by reducing maintenance costs (e.g. better ventilation reduces mold and rot), reducing ownership cost through energy bill reduction, and improving home comfort and health outcomes. Additionally, if the home heating system is a good fit for electrification (the switching from a fossil-fuel-fired furnace or water heater to a high-efficiency electric heat pump system), LEAP will also make those necessary improvements.

Project: Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied

Applicant: Local Energy Alliance Program (LEAP)

CAHF Request: \$100,000

This program will assist 10-14 low-income renters by improving their homes' with whole-house energy-efficiency solutions, increasing comfort and indoor air quality while reducing energy bills. The improvements will assist in keeping existing affordable housing stock affordable, by reducing energy bills and improving home comfort and health outcomes. Additionally, if the home heating system is a good fit for electrification (the switching from a fossil-fuel-fired furnace or water heater to a high-efficiency electric heat pump system), LEAP will also make those necessary improvements.

Project: South First Phase Two

Applicant: Charlottesville Redevelopment and Housing Authority (CRHA)

CAHF Request: \$750,000

The proposed South First Phase Two project will construct a new, 113-unit multi-family rental development on the site of the current South First Street public housing development located at 900 First Street South... The mix of income levels include at least 12 households at or below 30% of AMI, 45 households at or below 50% of AMI, and 56 households at or below 60% of AMI...

Project: Equity Homeownership Initiative 2022

Applicant: Habitat for Humanity of Greater Charlottesville

CAHF Request: \$435,000

(Lot Acquisition \$360,000; Down Payment Assistance \$75,000)

Funding is requested to support lot acquisition and/or partial site development for 12 affordable townhome units in the new Flint Hill neighborhood of the City... Funding is also requested for down payment assistance for families at or below 30% of AMI when they enter the Habitat program. Habitat is requesting an average of \$15,000 for five families.

Project: Gas Furnace Replacement

Applicant: The Arc of the Piedmont

CAHF Request: \$6,739.00

This project will replace the original gas furnace at the Arc of Piedmont's group home at 222 Shamrock Road in the City of Charlottesville.

Project: Charlottesville Critical Repair Program

Applicant: Albemarle Housing Improvement Program (AHIP)

CAHF Request: \$250,000

Funds will provide for critical home repairs for low-income homeowners in the City of Charlottesville. Funds will enable AHIP to serve 25 to 50 Charlottesville households (with an anticipated investment of \$5,000 to \$10,000 in CAHF funds per project). Funds will enable AHIP to promptly respond to emergencies and serve more city residents who call us for assistance. We will also be able to move program participants through our program more quickly and efficiently. The purpose of this work is to keep household members safe, healthier, and more secure through improving, modernizing, and preserving their home.

Project: MACAA Development

Applicant: Piedmont Housing Alliance

CAHF Request: \$3,000,000

This project provides a diversity of affordable housing options for people experiencing low incomes within a high-opportunity neighborhood just one mile from a local job center in downtown Charlottesville and meets a critical need for affordable housing in the Charlottesville area... The proposal reflects a partnership between four organizations, all of which focus efforts on the support of people experiencing low-incomes as a central part of their mission. The four organizations are partnering on the redevelopment of the MACAA location to pursue and integrated spectrum of affordable rental housing, affordable homeownership opportunities, and a new modern early childhood center. Piedmont Housing Alliance is acting as the lead developer overall as well as the lead developer of the affordable rental homes, aiming to partner with the Charlottesville Redevelopment and Housing Authority (CRHA) to dedicate a mixture of public housing units and project-based vouchers integrated with the rental buildings. MACAA, the current owner of the property, will develop classrooms in which to operate its Head Start program onsite. Habitat for Humanity of Charlottesville will build townhomes and duplexes on the site to provide affordable homeownership opportunities.

The Charlottesville Affordable Housing Plan recommends that targeted funding awards should be allocated as follows:

Level of Funding	Amount of Funding	Households Served
Tier 1	\$375,000	serving households with incomes up to 30% of Area Median Income (AMI)
Tier 2	\$225,000	serving households with incomes up to 60% of Area Median Income (AMI)
Tier 3	\$150,000	serving households with incomes up to 80% of Area Median Income (AMI)

However, if City Council approves the allocation as recommended by the HAC, funding by Tier level as recommended by staff, should be awarded as follows:

Level of Funding	Amount of Funding	Households Served
Tier 1	\$495,000	serving households with incomes up to 30% of Area Median Income (AMI)
Tier 2	\$245,000	serving households with incomes up to 60% of Area Median Income (AMI)
Tier 3	\$10,000	serving households with incomes up to 80% of Area Median Income (AMI)

After careful consideration and discussion of all applications, the technical team recommended the following awards of CAHF funding:

- CRHA; South First Phase 2; \$350,000
- Habitat for Humanity of Greater Charlottesville; Equity Homeownership Initiative 2022 Down Payment Assistance; \$75,000
- Piedmont Housing Alliance; MACAA Development; \$175,000

- Albemarle Housing Improvement Program (AHIP); Charlottesville Critical Repair Program; \$100,000
- Local Energy Alliance Program (LEAP); Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied; \$50,000

The Housing Advisory Committee (HAC) was advised of the technical team’s recommendations prior to this agenda memo being finalized. The HAC requested a full review and recommendation of the applications. A HAC subcommittee met on March 16th and March 24th to review and discuss the applications. Subsequent to the first team review and recommendation of applications, we learned that Piedmont Housing Alliance did not make a Low Income Housing Tax Credit (LIHTC) application in March 2022 for the MACAA project. Because of this, the HAC subcommittee recommended that the Piedmont Housing Alliance MACAA project application should not be funded and those funds previously recommended by the technical review team (\$175,000) be reallocated to other applications. The final recommendation by the HAC subcommittee is as follows:

- CRHA; South First Phase 2; \$425,000
- Habitat for Humanity of Greater Charlottesville; Equity Homeownership Initiative 2022 Down Payment Assistance; \$75,000
- Albemarle Housing Improvement Program (AHIP); Charlottesville Critical Repair Program; \$100,000
- Local Energy Alliance Program (LEAP); Assisted Home Performance and Electrification Ready (AHP) – Owner Occupied; \$50,000
- Local Energy Alliance Program (LEAP); Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied; \$100,000

Alignment with City Council’s Vision and Strategic Plan:

The overall funding of affordable housing initiatives supports City Council’s visions of Quality Housing Opportunities for All; A Green City; Community of Mutual Respect; and Smart, Citizen-Focused Government.

Approval of this request is also supported by the following:

Strategic Plan Goals:

- Goal 1.3: Increase affordable housing options
- Goal 1.4: Enhance financial health of residents
- Goal 1.5: Intentionally address issues of race and equity
- Goal 2.3: Improve community health and safety outcomes by connecting residents with effective resources

Comprehensive Plan Guiding Principles (2021):

- Equity & Opportunity – All people will be able to thrive in Charlottesville.

- Community Culture & Unity – Charlottesville’s rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued and respected.
- Local & Regional Collaboration – From the neighborhood to the region, open conversations and partnerships will make the city stronger.
- Environmental Stewardship & Sustainability – The Charlottesville community will demonstrate environmental and climate leadership.
- (Numerous Goals in the Comprehensive Plan also support this request).

Community Engagement:

This CAHF allocation is in keeping with the provisions in the Affordable Housing Plan and 2021 Comprehensive Plan that were recommended by the Planning Commission and approved by the City Council. Both documents went through an extensive public engagement process. Also, the application review was done by a seven-person team composed of city staff and a representative from the Housing Advisory Committee (HAC).

Budgetary Impact:

This request does not encumber any additional funding from the City budget. CAHF funding is allocated in the Capital Improvement Program (CIP) FY21/22 budget. This approval allocates this FY21/22 CIP funding.

Recommendation:

Staff recommends City Council approve the attached Resolutions awarding CAHF funding. If approved, the funding will support various levels of affordable housing, as follows:

Level of funding: Tier 1 – serving households with incomes up to 30% AMI:

- CRHA; South First Phase Two; \$375,000
- Habitat for Humanity of Greater Charlottesville; Equity Homeownership Initiative 2022 Down Payment Assistance; \$75,000
- Local Energy Alliance Program (LEAP); Assisted Home Performance and Electrification Ready (AHP) – Owner Occupied; \$25,000
- Local Energy Alliance Program (LEAP); Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied; \$20,000

Level of funding: Tier 2 – serving households with incomes up to 60% AMI:

- CRHA; South First Phase Two; \$50,000
- Albemarle Housing Improvement Program (AHIP); Charlottesville Critical Repair Program; \$100,000
- Local Energy Alliance Program (LEAP); Assisted Home Performance and Electrification Ready (AHP) – Owner Occupied; \$25,000

- Local Energy Alliance Program (LEAP); Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied; \$70,000

Level of funding: Tier 3 – serving households with incomes up to 80% AMI:

- Local Energy Alliance Program (LEAP); Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied; \$10,000

Alternatives:

City Council could decide to provide the recommended projects with different levels of funding than those recommended. Council could also decide to fund a different set of the projects outlined above, or choose to not award any funding for any of these projects at this time.

Attachments:

- Resolutions (including suggested motions)
- Summary of CAHF applications received
- CAHF applications

Suggested motion: "I move the Resolution allocating CAHF funding for CRHA South First Phase Two project, in the amount of \$425,000"

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Charlottesville Redevelopment and Housing Authority (CRHA) South First Phase Two - - \$425,000

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$425,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Charlottesville Redevelopment and Housing Authority (CRHA) for the purpose of providing funds for the South First Phase Two project.

Fund: 426	Project: CP-084	G/L Account: 530670
Charlottesville Redevelopment and Housing Authority (CRHA)		\$425,000

Approved by Council
April 18, 2022

Kyna Thomas
Clerk of Council

Suggested motion: "I move the Resolution allocating CAHF funding for Habitat for Humanity of Greater Charlottesville Equity Homeownership Initiative 2022 Down Payment Assistance project, in the amount of \$75,000"

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Habitat for Humanity of Greater Charlottesville Equity Homeownership Initiative 2022 Down Payment Assistance -- \$75,000

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$75,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Habitat for Humanity of Greater Charlottesville for the purpose of providing funds for the Equity Homeownership Initiative 2022 Down Payment Assistance program.

Fund: 426	Project: CP-084	G/L Account: 530670
Habitat for Humanity of Greater Charlottesville		\$75,000

Approved by Council
April 18, 2022

Kyna Thomas
Clerk of Council

Suggested motion: "I move the Resolution allocating CAHF funding for Albemarle Housing Improvement Program Charlottesville Critical Repair program, in the amount of \$100,000"

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Albemarle Housing Improvement Program (AHIP) Charlottesville Critical Repair Program - - \$100,000

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$100,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Albemarle Housing Improvement Program (AHIP) for the purpose of providing funds for the Charlottesville Critical Repair program.

Fund: 426	Project: CP-084	G/L Account: 530670
Albemarle Housing Improvement Program (AHIP)	\$100,000	

Approved by Council
April 18, 2022

Kyna Thomas
Clerk of Council

Suggested motion: "I move the Resolution allocating CAHF funding for Local Energy Alliance Assisted Home Performance and Electrification Ready – Owner Occupied project, in the amount of \$50,000"

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Local Energy Alliance Program (LEAP) Assisted Home Performance and Electrification Ready (AHP) – Owner Occupied - - \$50,000

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$50,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Local Energy Alliance Program (LEAP) for the purpose of providing funds for the Assisted Home Performance and Electrification Ready (AHP) – Owner Occupied program.

Fund: 426	Project: CP-084	G/L Account: 530670
Local Energy Alliance Program (LEAP)	\$50,000	

Approved by Council
April 18, 2022

Kyna Thomas
Clerk of Council

Suggested motion: “I move the Resolution allocating CAHF funding for Local Energy Alliance Assisted Home Performance and Electrification Ready – Renter Occupied project, in the amount of \$100,000”

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Local Energy Alliance Program (LEAP) Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied -- \$100,000

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$100,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Local Energy Alliance Program (LEAP) for the purpose of providing funds for the Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied program.

Fund: 426	Project: CP-084	G/L Account: 530670
Local Energy Alliance Program (LEAP)	\$100,000	

Approved by Council
April 18, 2022

Kyna Thomas
Clerk of Council

CAHF Applications Received by 2/18/22

\$750,000 Available

Organization	Project Name	Total Funding Requested	Funding Requested			Purpose of Requested Funding
			Tier 1 <30%AMI	Tier 2 <60%AMI	Tier 3 <80%AMI	
LEAP	Assisted Home Performance and Electrification Ready (AHP) – Owner Occupied	\$125,000	\$25,000	\$75,000	\$25,000	Rehabilitation Other: Energy Efficiency retrofits with health and safety repairs
LEAP	Assisted Home Performance and Electrification Ready (AHP) – Renter Occupied	\$100,000	\$20,000	\$70,000	\$10,000	Rehabilitation Other: Energy Efficiency retrofits with health and safety repairs
Charlottesville Redevelopment and Housing Authority	South First Street Phase 2	\$750,000	\$375,000	\$225,000	\$150,000	Multi-family, New Construction
Habitat for Humanity of Greater Charlottesville	Equity Homeownership Initiative 2022	\$435,000	\$75,000	\$225,000	\$135,000	New Construction, Acquisition, Rehabilitation and Enhanced Down Payment Assistance; Multi-family and detached and attached Single family
The Arc of the Piedmont	Gas Furnace Replacement	\$6,739	\$6,739			Other: replacement
Albemarle Housing Improvement Program (AHIP)	Charlottesville Critical Repair Program	\$250,000	\$100,000	\$100,000	\$50,000	Rehabilitation
Piedmont Housing Alliance	MACAA Development	\$3,000,000	\$1,650,000	\$1,350,000		Acquisition; Multi-family New Construction
Totals		\$4,666,739	\$2,251,739	\$2,045,000	\$370,000	

City of Charlottesville
Affordable Housing Fund (CAHF) Application

(all items must be completed)

Applicant Information

Total Amount of CAHF funds requested: \$125,000

Check Tier Applying For	Amount of CAHF Funds Requested by Tier	Level of Funding	Typical Amount of Funding Available	Households Served
XX	\$25,000	Tier 1	\$375,000	serving households with incomes up to 30% of Area Median Income (AMI)
XX	\$75,000	Tier 2	\$225,000	serving households with incomes up to 60% of Area Median Income (AMI)
XX	\$25,000	Tier 3	\$150,000	serving households with incomes up to 80% of Area Median Income (AMI)

Organization name: Local Energy Alliance Program

Contact name: Chris Meyer

Title: Executive Director

Organization Address: 608 Ridge Street

Phone: 434.227.4666

Email: chris@leap-va.org

Project Information

Project Name: Assisted Home Performance and Electrification Ready (AHP) - Owner Occupied

Project Location: All of Charlottesville

Purpose of requested funding: (check all that apply)

- New Construction
- Acquisition
- Rehabilitation
- Rent Subsidy
- Operating/Administration
- Other: Energy Efficiency retrofits with health and safety repairs

Project type: (check all that apply)

- Multi-family
- Single family (detached)
- Single family (attached)
- Rehabilitation
- New Construction
- Acquisition
- Other: Will assist all housing types including manufactured homes that are owner occupied.

Income restrictions on project (indicate number of units meeting each Area Median Income (AMI) category:

_____	Incomes less than 30% AMI
_____	Incomes between 30% and 40% AMI
_____	Incomes between 40% and 50% AMI
_____	Incomes between 50% and 60% AMI
_____	Incomes between 60% and 80% AMI
_____	Unrestricted units (>80% AMI)
_____	Total Units

Term of Affordability (indicate number of units meeting each affordability term):

_____	less than 2 years
_____	2 - 5 years
_____	5 - 10 years
_____	10 - 15 years
_____	15 - 20 years
_____	20 - 30 years
_____	more than 30 years
_____	Total Units

Project Proposal:

Please provide following information as separate attachments to the application:

1. Project Description -- Provide a description of the proposed project.

Include: project type and location, short and long term goals, the population(s) to be served. Discuss plans for accessibility/adaptability, energy conservation and/or any green building components.

This program will assist 14-18 low-income households (in a mix of the three income tiers provided) with whole-house energy-efficiency solutions, increasing comfort and indoor air quality while reducing energy bills. The improvements will assist in keeping existing affordable housing stock affordable, by reducing maintenance costs (e.g. better ventilation reduces mold and rot), reducing ownership cost through energy bill reduction, and improving home comfort and health outcomes. Additionally, if the home heating system is a good fit for electrification (the switching from a fossil-fuel-fired furnace or water heater to a high-efficiency electric heat pump system), LEAP will also make those necessary improvements.

Program Scope of Work includes:

- o Pre-qualification of homeowners*
- o Collection of utility usage from the year prior to work commencing (to the greatest extent feasible, when data is available)*
- o Comprehensive Home Energy Audit performed by LEAP staff. Audit shall meet Building Performance Institute standards. Energy conservation, water conservation, occupant comfort, and health and safety improvements based upon recommendations from the energy audit report could include:*
 - Improvements to facilitate Beneficial Electrification*
 - Air sealing*
 - Duct sealing*
 - Insulation (attic, walls, basement, crawl space)*
 - Crawlspace/Foundation insulation*
 - HVAC system tune-up*
 - HVAC system replacement*
 - Ductwork reconfiguration*
 - Water heater replacement*
 - Hot water pipe insulation*
 - Ventilation improvements and moisture control (bath fans, kitchen range exhaust, dehumidifiers, etc.)*
 - Installing CO and smoke detectors*

Beneficiaries would be income qualified using the current HUD Income Limit guidelines (or 2023 when released). LEAP already maintains a list of income-qualified households waiting

for this type of assistance. A minimum of 14 households are to be assisted. LEAP will prioritize participants for the program who reside in the CDBG priority neighborhoods of Rose Hill, 10th and Page, Fifeville, Ridge Street, and Belmont. LEAP's headquarters is located on Ridge Street and neighbors Fifeville.

By starting with a Home Energy Assessment, LEAP identifies the unique opportunities to reduce energy usage in each home. Combined with leveraging other programs from Dominion Energy and the City, LEAP can do 'deep' dives into the house that often require systemic fixes (like duct sealing and a new electric heat pump) to maximize energy savings. By ensuring that each home receives a unique solution set and delivering multiple improvements within a home, LEAP maximizes the energy savings for the homeowner while delivering services in a cost-effective manner to the City and client.

LEAP uses our own set of experienced analysts to assess homes and discuss each home's particular needs with the client.

All of the home improvements LEAP makes have been proven over the years, through independent research, to save energy and money. Because Dominion's energy-efficiency programs are regulated, much of the programming LEAP implements is frequently reviewed by the State Corporation Commission and found to be cost-effective in reducing energy use. Equipment replacements are independently rated for energy usage in order to determine the efficacy of each individual piece of equipment. LEAP's project managers are certified and take continuing education courses to ensure that the solutions they're suggesting or implementing for low-income households are the most appropriate and up-to-date options available. Finally, LEAP currently reports to the City on energy savings for a similar program and has consistently met its goal of more than 20% energy savings on average for clients served. This 20% savings equates to an ongoing annual savings of \$350/year (nearly \$30/month) for an 1800 sqft, 3-4 bedroom house built 50-60 years ago.

2. Demonstration of Need -- Describe how the project contributes to the City of Charlottesville's housing goals.

Per the City's own Affordable Housing Plan (slide 147), energy efficiency rehabilitation and retrofits are one of the explicitly listed activities to be supported and implemented. This project takes what is on paper and makes it a reality. It will assist in keeping existing affordable housing units affordable or maintaining the stock. It will also, in many cases, be leveraging external funding from Dominion Energy's low-income energy-efficiency program (\$1-to-\$1 or greater in most cases) which will mean additional funding being sourced to support the City's goals. The project will also target households in all three income tiers, with the majority expected to be in the tier below 60% AMI.

3. Demonstration of Equity – Describe how this project demonstrates and promotes equitable housing needs and economic opportunity for low-income

residents in the City of Charlottesville.

All homeowners should feel comfortable in their homes and have an energy burden - or cost to heat and cool their home - that is bearable. However, for low-income households, their housing often lacks proper insulation levels, is under maintained with older, inefficient equipment, and thus, is relatively more expensive to heat and cool compared to a middle-higher income home. This project seeks to address the home comfort AND energy burden aspects of homeownership for low-income households. It will reduce energy bills and long-term maintenance costs, which will keep the housing stock affordable for longer and allow savings on energy bills to be spent on other household needs.

4. Project Readiness -- Provide evidence of: organizational experience and capacity to manage the project; pursue and acquire land, site control, required zoning variance and permitting (if applicable); financial commitments for the projects; community engagement plan (if applicable); resident relocation plan (if applicable); plans for preparation and coordination of necessary public meetings (if applicable).

LEAP maintains a waitlist of income-qualified households already audited who are waiting for funding - as of the end of January 2022, the list numbered 10. Through outreach with partners such as the Community Climate Collaborative, Charlottesville Gas, past client referrals, and other channels, we typically add 4-5 income-qualifying households to our roster of clients needing assistance each month.

LEAP has a dedicated audit team and weatherization crews for the Charlottesville area that serves 40 households a month. Our client coordination team is experienced in coordinating necessary oversight and paperwork with the City's legal office and securing necessary signatures from clients. One of LEAP's coordinators is a notary and will go to a home to get a notarized signature, if necessary, in order to move a project forward administratively.

LEAP would anticipate spending a \$125,000 project allocation (14-18 clients) in 9-12 months. The maximum of 12 months would likely only be necessary if we were to receive additional external funding that we would prioritize spending instead of the City's resources. In the calendar year of 2021, LEAP served 263 low-income single-family households with a range of energy-efficiency services, around 22 households a month. We are capable of serving 14-18 households over 9-12 months.

5. Project Budget -- Provide a detailed description of the proposed project budget showing sources and uses and amounts of additional funding.

LEAP's budget for the entire Assisted Home Performance program for low-income homeowners in the City of Charlottesville is \$375,000. Of that amount, LEAP is requesting \$125,000 from the CAHF with another chunk potentially coming from the City's HOME allocation, and the balance of \$187,500 projected to be covered by

Dominion Energy.

Assisted Home Performance Owner Occupied Budget				Funding Splits		
Item	Units	Avg cost/unit	Total	Cville HOME	Cville CAHF	Dominion
Energy Efficiency retrofit mid-range	40	\$5,000	\$200,000	\$40,000	\$50,000	\$110,000
Energy Efficiency retrofit high-range	10	\$10,000	\$100,000	\$10,000	\$50,000	\$40,000
Overhead (25%)			\$75,000	\$12,500	\$25,000	\$37,500
Total			\$375,000	\$62,500	\$125,000	\$187,500

The majority of projects LEAP would implement would max out at around \$5,000 of provided support, to align with the City's Housing Affordability Policy (HAP) for when a lien on the deed is not required. A smaller portion of participants would receive up to \$10,000 of assistance, which would require a lien on the deed for a number of years until the amount is amortized based on the HAP.

Each home is different and would require different energy-efficiency measures, with differing costs depending on the home. However, a sampling of average costs for varying measures include: \$2,000-\$3,000 for attic insulation and air sealing, \$8,500 to replace a heat pump, \$2,500-\$4,000 for a heat pump hot water heater replacement, \$1,000 to replace an electric panel, and \$450 to install a new bath fan. LEAP utilizes reimbursement rates for different measures provided by Dominion Energy and that have been reviewed by the State Corporation Commission. All of our work comes with industry-standard guarantees on equipment and workmanship in addition to LEAP being fully insured for any liability that may arise.

LEAP's overhead rate is 25% for energy-efficiency work. Expenses in addition to the overhead covering client coordination/outreach and project administration/reporting, include: workers comp, general liability and other insurances needed, truck and equipment expense, and training and certification costs associated with maintaining LEAP's workforce. All of our full-time staff earn above a living wage and receive a full benefits package.

6. Project Schedule -- Indicate the proposed project schedule; timing of completed SAUs; pre- development, anticipated pursuit and acquisition timeline, site control, zoning approval, financing and construction milestones (if applicable) to project completion.

Because LEAP already has a list of low-income households waiting for improvements, as soon as the contract is signed, LEAP will start work on any necessary paperwork with the client to qualify them in the City's system. Within the first month, at least 2-3 households would be served. Over the next 5 months, an additional 2-3 households would be served for a total of at least 12 households served in the first six months. Over the next three months, the remaining 4-6 households would be served. The final three months would be utilized for any reporting and/or cushion time in case additional Dominion funding was allocated enabling LEAP to save City funding to be spent later. Again, we always try to utilize Dominion's funding first with the last three months of the calendar year (Oct-December) being when extra allocations are normally awarded. LEAP can report every three months, or as desired by City staff.

7. Experience -- Provide a summary of similar activities completed by the organization and project team.

LEAP has a proven track record executing this type of work for the City over the last three years. Our team recently grew from a staff of five to 14 full-time employees serving the area, and accordingly increased our capacity. Our audit team reviews about 40 homes on average each month, and about 20 of those in the Greater Charlottesville area receive weatherization measures from our crews. All of our auditors are certified through the Building Performance Institute, have worked for LEAP for at least one year, and are familiar with these types of projects as well as how to ensure their prompt implementation. LEAP's network of trade allies (HVAC contractors, plumbers, and others) are responsive and complete work 2-3 weeks after being contracted. LEAP is currently executing this project with CDBG and HOME funding worth nearly \$100,000. We have nearly spent down that funding in 7 months, prioritizing Dominion Energy funding over City funds in November and December of 2021. LEAP now serves low-income households throughout Northern and Central VA with similar energy-efficiency measures.

8. Capacity – Provide a detailed description to demonstrate the applicant's ability to complete this project within 24 months.

LEAP's professional staff, consisting of Executive Director (Chris Meyer), Technical Director (Wilson Ratliff), Marketing and Outreach Manager (Erin Morgan), and Client Relations Coordinator (Kara Chipiwalt) meet regularly to review program progress and reporting needs. This includes weekly meetings to review households in need of service, utilization of project management software, and frequent communication with grant coordinators to ensure quality control. The City of Charlottesville's Housing and Redevelopment staff (Erin Atak) can attest that LEAP has aggressively spent our current FY CDBG and HOME allocations exceeding plan and target. That includes reporting and invoicing in a timely manner, frequent and responsive communication, and management of multiple contracts with the City simultaneously. LEAP manages and implements, at any one time, more than 10 programs or unique sources of funding from the City of Charlottesville (3), Albemarle County (1), foundation grants (2), and Utility programs (4) - all of which have their own reporting and administrative requirements.

9. Metrics – Provide a detailed description of the metrics used to measure success.

LEAP developed program evaluation metrics together with relevant City staff to detail the most relevant energy-efficiency measurements. These include: Kilowatt Hours Saved, Therms Saved (natural gas clients), Measures Implemented, and Efficiency Gains. Additionally, LEAP collects socio-economic demographic data on Race, Age, Household Headship, Income, and Number of Inhabitants. Evaluation of the data collected previously helped to inform where marketing dollars and time should be spent in order to ensure we are reaching low-income clients of all races and in the neediest neighborhoods.

Authorization:

Organization Name: Local Energy Alliance Program

Project Title: Assisted Home Performance and Electrification Ready (AHP) - Owner
Occupied

I, Chris Meyer, certify that I am authorized to apply for funding from the City of Charlottesville. I certify that all information contained herein is accurate to the best of my knowledge.



Signature

2/9/2022

Date

Chris Meyer

Executive Director

Print Name

Title

Applications shall be submitted electronically via email in one complete .pdf package to:

Brenda Kelley, Redevelopment Manager

Office of Community Solutions

kellybr@charlottesville.gov

(434) 970-3040

It is the applicant's responsibility to insure that the application package is fully completed and received on or before the deadline. **Applications received after the deadline will not be considered.**

City of Charlottesville
Affordable Housing Fund (CAHF) Application

(all items must be completed)

Applicant Information

Total Amount of CAHF funds requested: \$100,000

Check Tier Applying For	Amount of CAHF Funds Requested by Tier	Level of Funding	Typical Amount of Funding Available	Households Served
xx	\$20,000	Tier 1	\$375,000	serving households with incomes up to 30% of Area Median Income (AMI)
xx	\$70,000	Tier 2	\$225,000	serving households with incomes up to 60% of Area Median Income (AMI)
xx	\$10,000	Tier 3	\$150,000	serving households with incomes up to 80% of Area Median Income (AMI)

Organization name: Local Energy Alliance Program

Contact name: Chris Meyer

Title: Executive Director

Organization Address: 608 Ridge Street

Phone: 434.227.4666

Email: chris@leap-va.org

Project Information

Project Name: Assisted Home Performance and Electrification Ready (AHP) - Renter Occupied

Project Location: All of Charlottesville

Purpose of requested funding: (check all that apply)

- New Construction
- Acquisition
- Rehabilitation
- Rent Subsidy
- Operating/Administration
- Other: Energy Efficiency retrofits with health and safety repairs

Project type: (check all that apply)

- Multi-family
- Single family (detached)
- Single family (attached)
- Rehabilitation
- New Construction
- Acquisition
- Other: Will assist all housing types including manufactured homes that are owner occupied.

Income restrictions on project (indicate number of units meeting each Area Median

Income (AMI) category:

_____	Incomes less than 30% AMI
_____	Incomes between 30% and 40% AMI
_____	Incomes between 40% and 50% AMI
_____	Incomes between 50% and 60% AMI
_____	Incomes between 60% and 80% AMI
_____	Unrestricted units (>80% AMI)
_____	Total Units

Term of Affordability (indicate number of units meeting each affordability term):

_____	less than 2 years
_____	2 - 5 years
_____	5 - 10 years
_____	10 - 15 years
_____	15 - 20 years
_____	20 - 30 years
_____	more than 30 years
_____	Total Units

Project Proposal:

Please provide following information as separate attachments to the application:

1. Project Description -- Provide a description of the proposed project.

Include: project type and location, short and long term goals, the population(s) to be served. Discuss plans for accessibility/adaptability, energy conservation and/or any green building components.

This program will assist 10-14 low-income renters (in a mix of the three income tiers provided) by improving their homes' with whole-house energy-efficiency solutions, increasing comfort and indoor air quality while reducing energy bills. The improvements will assist in keeping existing affordable housing stock affordable, by reducing energy bills and improving home comfort and health outcomes. Additionally, if the home heating system is a good fit for electrification (the switching from a fossil-fuel-fired furnace or water heater to a high-efficiency electric heat pump system), LEAP will also make those necessary improvements.

Program Scope of Work includes:

- o Pre-qualification of households*
- o Collection of utility usage from the year prior to work commencing (to the greatest extent feasible, when data is available)*
- o Comprehensive Home Energy Audit performed by LEAP staff. Audit shall meet Building Performance Institute standards. Energy conservation, water conservation, and health and safety improvements based upon recommendations from the energy audit report could include:*
 - Upgrades for Electrification, if needed*
 - Air sealing*
 - Duct sealing*
 - Adding insulation where needed (attic, walls, basement, crawl space)*
 - Encapsulating the crawl space*
 - HVAC system tune-up*
 - HVAC system replacement*
 - Ductwork reconfiguration*
 - Water heater replacement*
 - Insulating water heater and the supply and distribution pipes*
 - Installing ventilation where needed (bath fans, kitchen range exhaust, etc.)*
 - Installing CO and smoke detectors*

Beneficiaries would be qualified as 'low-income' using the 2023 HUD Income Limit guidelines (when released). LEAP already maintains a list of income-qualified households waiting for this type of assistance. A minimum of 10 rental households are to be assisted. LEAP will prioritize

participants for the program who reside in the CDBG priority neighborhoods of Rose Hill, 10th and Page, Fifeville, Ridge Street, and Belmont. LEAP's headquarters is located on Ridge Street and neighbors Fifeville.

By starting with a Home Energy Assessment, LEAP identifies the unique opportunities to reduce energy usage in each home. Combined with leveraging other programs from Dominion Energy and the City, LEAP can do 'deep' dives into the house that often require systemic fixes (like duct sealing and a new electric heat pump) to maximize energy savings. By ensuring that each home receives a unique solution set and delivering multiple improvements within a home, LEAP maximizes the energy savings for the resident, while delivering services in a cost-effective manner to the City and client.

LEAP uses our own set of experienced analysts to assess homes and discuss each home's particular needs with the client.

All of the home improvements LEAP makes have been proven over the years, through independent research, to save energy and money. Because Dominion's energy-efficiency programs are regulated, much of the programming LEAP implements is frequently reviewed by the State Corporation Commission and found to be cost-effective in reducing energy use. Equipment replacements are independently rated for energy usage in order to determine the efficacy of each individual piece of equipment. LEAP's project managers are certified and take continuing education courses to ensure that the solutions they're suggesting or implementing for low-income households are the most appropriate and up-to-date options available. Finally, LEAP currently reports to the City on energy savings for a similar program and has consistently met its goal of more than 20% energy savings on average for clients served. This 20% savings equates on average to an ongoing annual savings of \$350/year (nearly \$30/month) for an 1800 sqft, 3-4 bedroom house built 50-60 years ago.

2. Demonstration of Need -- Describe how the project contributes to the City of Charlottesville's housing goals.

Per the City's own Affordable Housing Plan (slide 147), energy efficiency rehabilitation and retrofits are one of the explicitly listed activities to be supported and implemented. This project takes what is on paper and makes it a reality. It will assist in keeping existing affordable housing units affordable or maintaining the stock. It will also, in many cases, be leveraging external funding from Dominion Energy's low-income energy-efficiency program (\$1-to-\$1 or greater in most cases), which will mean additional funding being sourced to support the City's goals. The project will also target households in all three income tiers, with the majority expected to be in the tier below 60% AMI.

3. Demonstration of Equity – Describe how this project demonstrates and promotes equitable housing needs and economic opportunity for low-income residents in the City of Charlottesville.

All renters should feel comfortable in their homes and have an energy burden - or cost to heat and cool their home - that is bearable. The majority of low-income residents in the City are renters. However, for low-income renters, their housing often lacks proper insulation levels, is under maintained with older, inefficient equipment, and thus, is relatively more expensive to heat and cool compared to a middle-higher income home. This project seeks to address the home comfort AND energy burden aspects of low-income renters, reducing energy bills for participating Charlottesville residents.

Renters face a split incentive challenge regarding energy-efficiency updates, because it is normally the responsibility of the landlord to pay for insulation and air sealing for example, but the landlord doesn't receive the savings and comfort benefits. If the renter makes those investments, but only plans to live in the property for a couple of years, they would never reap the full benefits of their investment. Thus, the need for this type of project.

LEAP will target the program to landlords who themselves are lower-income qualified. We will not engage large, corporate owners of multiple rental properties. We will utilize the Housing Assistance Program's (HAP) policies associated with assisting renters, which will ensure a landlord can not raise rent on the tenant until the Deferred Loan's term is complete (1-3 years depending on the amount of benefit received).

4. Project Readiness -- Provide evidence of: organizational experience and capacity to manage the project; pursue and acquire land, site control, required zoning variance and permitting (if applicable); financial commitments for the projects; community engagement plan (if applicable); resident relocation plan (if applicable); plans for preparation and coordination of necessary public meetings (if applicable).

LEAP maintains a waitlist of income-qualified households, including renters already audited who are waiting for funding - as of the end of January 2022, the list numbered 10. Through outreach with partners such as the Community Climate Collaborative, Charlottesville Gas, past client referrals, and other channels, we typically add 4-5 income-qualifying households and renters to our roster of clients needing assistance each month.

LEAP has a dedicated audit team and weatherization crews for the Charlottesville area that serves 40 households a month. Our client coordination team is experienced in coordinating necessary oversight and paperwork with the City's legal office and securing necessary signatures from clients and landlords. One of LEAP's coordinators is a notary and will go to a home to get a notarized signature, if necessary, in order to move a project forward administratively.

LEAP would anticipate spending a \$100,000 project allocation (10-14 clients) in 12-16 months. The maximum of 16 months would likely only be necessary if we were to receive additional

external funding that we would prioritize spending instead of the City's resources. In the calendar year of 2021, LEAP served 263 low-income single-family households with a range of energy-efficiency services, around 22 households a month. We are capable of serving 14-18 households over 9-12 months.

5. Project Budget -- Provide a detailed description of the proposed project budget showing sources and uses and amounts of additional funding.

LEAP's budget for the entire Assisted Home Performance program for low-income renters in the City of Charlottesville is \$200,000. Of that amount, LEAP is requesting \$100,000 from the CAHF with the balance of \$100,000 projected to be covered by Dominion Energy.

Assisted Home Performance Renters				Funding Splits	
Item	Units	Avg cost/unit	Total	City of Cville	Dominion
Energy Efficiency retrofit mid-range	20	\$5,000	\$100,000	\$55,000	\$45,000
Energy Efficiency retrofit high-range	6	\$10,000	\$60,000	\$25,000	\$35,000
Overhead (25%)			\$40,000	\$20,000	\$20,000
Total			\$200,000	\$100,000	\$100,000

The majority of projects LEAP would implement would max out at around \$5,000 of provided support, to align with the City's Housing Affordability Policy (HAP) for when a lien on the deed is not required. A smaller portion of participants would receive up to \$10,000 of assistance, which would require a lien on the deed for a number of years until the amount is amortized based on the HAP.

Each home is different and would require different energy-efficiency measures, with differing costs depending on the home. However, a sampling of average costs for varying measures include: \$2,000-\$3,000 for attic insulation and air sealing, \$8,500 to replace a heat pump, \$2,500-\$4,000 for a heat pump hot water heater replacement, \$1,000 to replace an electric panel, and \$450 to install a new bath fan. LEAP utilizes reimbursement rates for different measures provided by Dominion Energy and that have been reviewed by the State Corporation Commission. All of our work comes with industry-standard guarantees on equipment and workmanship in addition to LEAP being fully insured for any liability that may arise.

LEAP's overhead rate is 25% for energy-efficiency work. Expenses in addition to the overhead covering client coordination/outreach and project

administration/reporting, include: workers comp, general liability and other insurances needed, truck and equipment expense, and training and certification costs associated with maintaining LEAP's workforce. All of our full-time staff earn above a living wage and receive a full benefits package.

6. Project Schedule -- Indicate the proposed project schedule; timing of completed SAUs; pre- development, anticipated pursuit and acquisition timeline, site control, zoning approval, financing and construction milestones (if applicable) to project completion.

Because LEAP already has a list of low-income households waiting for improvements, as soon as the contract is signed, LEAP will start work on any necessary paperwork with the client to qualify them in the City's system. However, the list of renters is currently not as robust as the list of homeowners, so time would also need to be dedicated to growing this list. Within the first month, we would assist at least 1 renter and average 1-2/month over the next 12 months, expecting to finish all projects no later than 15 months after commencement. We would add an additional three months for any reporting and/or cushion time in case additional Dominion funding was allocated enabling LEAP to save City funding to be spent later. Again, we always try to utilize Dominion's funding first, with the last three months of the calendar year (Oct-December) being when extra allocations are normally awarded. LEAP can report every three months, or as desired by City staff. We anticipate that all reporting and grant expenditures will be finished no later than 18 months after signature, and likely earlier.

7. Experience -- Provide a summary of similar activities completed by the organization and project team.

LEAP has a proven track record executing this type of work for the City over the last three years. Our team recently grew from a staff of five to 14 full-time employees serving the area, and accordingly increased our capacity. Our audit team reviews about 40 homes on average each month, and about 20 of those in the Greater Charlottesville area receive weatherization measures from our crews. All of our auditors are certified through the Building Performance Institute, have worked for LEAP for at least one year, and are familiar with these types of projects as well as how to ensure their prompt implementation. LEAP's network of trade allies (HVAC contractors, plumbers, and others) are responsive and complete work 2-3 weeks after being contracted. LEAP is currently executing this project with CDBG and HOME funding worth nearly \$100,000. We have nearly spent down that funding in 7 months, prioritizing Dominion Energy funding over City funds in November and December of 2021. LEAP now serves low-income households throughout Northern and Central VA with similar energy-efficiency measures.

- 8. Capacity** – Provide a detailed description to demonstrate the applicant’s ability to complete this project within 24 months.

LEAP’s professional staff, consisting of Executive Director (Chris Meyer), Technical Director (Wilson Ratliff), Marketing and Outreach Manager (Erin Morgan), and Client Relations Coordinator (Kara Chipiwalt) meet regularly to review program progress and reporting needs. This includes weekly meetings to review households in need of service, utilization of project management software, and frequent communication with grant coordinators to ensure quality control. The City of Charlottesville’s Housing and Redevelopment staff (Erin Atak) can attest that LEAP has aggressively spent our current FY CDBG and HOME allocations exceeding plan and target. That includes reporting and invoicing in a timely manner, frequent and responsive communication, and management of multiple contracts with the City simultaneously. LEAP manages and implements, at any one time, more than 10 programs or unique sources of funding from the City of Charlottesville (3), Albemarle County (1), foundation grants (2), and Utility programs (4) - all of which have their own reporting and administrative requirements.

- 9. Metrics** – Provide a detailed description of the metrics used to measure success.

LEAP developed program evaluation metrics together with relevant City staff to detail the most relevant energy-efficiency measurements. These include: Kilowatt Hours Saved, Therms Saved (natural gas clients), Measures Implemented, and Efficiency Gains. Additionally, LEAP collects socio-economic demographic data on Race, Age, Household Headship, Income, and Number of Inhabitants. Evaluation of the data collected previously helped to inform where marketing dollars and time should be spent in order to ensure we are reaching low-income clients of all races and in the neediest neighborhoods.

Authorization:

Organization Name: Local Energy Alliance Program

Project Title: Assisted Home Performance and Electrification Ready (AHP) - Renter Occupied

I, Chris Meyer, certify that I am authorized to apply for funding from the City of Charlottesville. I certify that all information contained herein is accurate to the best of my knowledge.



Signature

2/9/2022

Date

Chris Meyer

Executive Director

Print Name

Title

Applications shall be submitted electronically via email in one complete .pdf package to:

Brenda Kelley, Redevelopment Manager

Office of Community Solutions

kellybr@charlottesville.gov

(434) 970-3040

It is the applicant's responsibility to insure that the application package is fully completed and received on or before the deadline. **Applications received after the deadline will not be considered.**

Kelley, Brenda

From: Chris Meyer <chris@leap-va.org>
Sent: Wednesday, February 9, 2022 3:24 PM
To: Kelley, Brenda
Cc: Wilson Ratliff; Katie VanLangen
Subject: Re: Release of Notice of Funding Availability for the Charlottesville Affordable Housing Fund (CAHF)
Attachments: CAHF Jan2022 Application LEAP AHP Owner Occupied.docx.pdf; CAHF Jan2022 LEAP AHP Renter Program.docx.pdf

WARNING: This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brenda,

Please find attached proposals from LEAP to the CAHF. I believe they're complete in as much we answered all of the questions except for two regarding the length of affordability and number of new units provided at which affordability level. Both of those questions are not relevant to our proposal because we are not building any new units.

Thank you for considering the proposal.

Regards, Chris

On Fri, Jan 21, 2022 at 4:03 PM Kelley, Brenda <kellybr@charlottesville.gov> wrote:

We are pleased to release the Notice of Funding Availability (NOFA) for the FY22 Charlottesville Affordable Housing Fund (CAHF). This NOFA contains the information and Application Form necessary to prepare and submit an application. More information can be found at: <https://www.charlottesville.gov/679/Charlottesville-Affordable-Housing-Fund>

Applications are due by 4pm, February 18, 2022.

Feel free to contact me if you require an Application Form in Word document format.

Brenda Kelley, Redevelopment Manager

(Pronouns: she/her/hers)

Office of Community Solutions

Exhibit 1

**Application Form for the Charlottesville Affordable Housing Fund
(CAHF)**

City of Charlottesville
Affordable Housing Fund (CAHF) Application
(all items must be completed)

Applicant Information

Total Amount of CAHF funds requested: \$ 750,000.00

Check Tier Applying For	Amount of CAHF funds requested by Tier	Level of Funding	Typical Amount of Funding Available	Households Served
X	\$375,000	Tier 1	\$375,000	serving households with incomes up to 30% of Area Median Income (AMI)
X	\$225,000	Tier 2	\$225,000	serving households with incomes up to 60% of Area Median Income (AMI)
X	\$150,000	Tier 3	\$150,000	serving households with incomes up to 80% of Area Median Income (AMI)

Organization name:
Charlottesville Redevelopment and Housing Authority
Contact name: John M Sales
Title: Executive Director
Organization Address: PO Box 1405, Charlottesville, VA 22902
Phone: 434-422-9297
Email: salesj@cvilleaha.org

Project Information

Project Name: South First Phase Two

Project Location: 900 First Street South, Charlottesville, VA 22902

Purpose of requested funding: (check all that apply)

- New Construction
- Acquisition
- Rehabilitation
- Rent Subsidy
- Operating/Administration
- Other:

Project type: (check all that apply)

- Multi-family
- Single family (detached)
- Single family (attached)
- Rehabilitation
- New Construction
- Acquisition
- Other:

Income restrictions on project (indicate number of units meeting each Area Median Income (AMI) category):

<u>12</u>	Incomes less than 30% AMI
<u> </u>	Incomes between 30% and 40% AMI
<u>45</u>	Incomes between 40% and 50% AMI
<u>56</u>	Incomes between 50% and 60% AMI
<u> </u>	Incomes between 60% and 80% AMI
<u> </u>	Unrestricted units (>80% AMI)
<u>113</u>	Total Units

Term of Affordability (indicate number of units meeting each affordability term):

<u> </u>	less than 2 years	<u> </u>	2 - 5 years
<u> </u>	5 - 10 years		
<u> </u>	10 - 15 years		
<u> </u>	15 - 20 years		
<u> </u>	20 - 30 years		
<u>113</u>	more than 30 years		
<u>113</u>	Total Units		

Project Proposal:

Please provide following information as separate attachments to the application:

- **Project Description** -- *Provide a description of the proposed project. Include: project type and location, short- and long-term goals, the population(s) to be served. Discuss plans for accessibility/adaptability, energy conservation and/or any green building components.*

The proposed South First Phase Two project will construct a new, 113-unit multi-family rental development on the site of the current South First Street public housing development located at 900 First Street South. The existing South First Street public housing development containing 58 one through five-bedroom apartment units for families, and built in 1981 will be demolished, in two phases: A and B. Phase A will demolish that portion of the site containing only one-, two- or three-bedroom units. Construction on phase A will involve development of primarily large four- and five-bedroom units to accommodate the remainder of the households in larger bedroom units who, because of the lack of large units in the surrounding market area, cannot be moved anywhere else. Upon completion of Phase A, those large households will be relocated to the new units in Phase A, and Phase B will commence. The two phases may take up to 24 months to complete.

The newly constructed units at South First Phase Two will include 19 one-bedroom, 38 two-bedroom, 26 three-bedroom, 15 four-bedroom and 15 five-bedroom apartment units, in twenty-five separate garden-style, and townhouse style buildings. The buildings are designed to achieve an Enterprise Certification for energy efficiency following construction. A minimum of twelve of the units are designed to be consistent with HUD's regulations interpreting the accessibility standards of Section 504 of the Rehabilitation Act of 1973 as referenced in the requirements set forth in the Uniform Federal Accessibility Standards "UFAS". Sixteen units are designed to meet VHDA's universal design guidelines (visitability). The buildings will have pitched roofs, and their exteriors will be clad with a mix of brick and cementitious siding. The development will include a large community resource space, resident storage, and outdoor recreation space. The non-dwelling heated community space will be approximately 10,567 sf. Additional unheated community space is 1,051.

Thirty-eight of the units at South First Phase Two will be subsidized with project-based section 8 (TPV's). Twenty of the units are proposed to use the operating subsidy for public housing units under the CRHA's Annual Contributions Contract. The remaining fifty-five apartment units will have no operating subsidy attached to them but will be actively marketed to households in the community, including public housing residents, with incomes at or below 60% of AMI (LIHTC only units). The mix of income levels include at least 12 households at or below 30% of AMI, 45 households at or below 50% of AMI, and 56 households at or below 60% of AMI.

The short-term goals of the project are to improve the living conditions for the existing 58 public housing households at South First Street by transforming their community into energy efficient, attractive, accessible homes with modern amenities, while remaining hyper-affordable. The long-term goal is to do the same for 55 additional low-income and vulnerable households on the same site.

- **Demonstration of Need** -- *Describe how the project contributes to the City of Charlottesville's housing goals.*

In Charlottesville, the CRHA waitlist alone includes over 1600 families, and over 3,300 new affordable units are needed to meet the projected demand. By utilizing CRHA property to its highest and best use, we can start making positive strides to address this community need. This effort puts residents in the driver's seat to redesign their housing, leading to a complete community transformation.

The Charlottesville Affordable Housing Plan includes a strong focus on equity in affordable housing. In particular, the plan notes that our community is lacking affordable housing options for those making 30% or less of the area median income. This population can only be served by CRHA and the multitude of government and private subsidies that must be layered to bring new deeply affordable options to our community. South First Phase Two will bring a mix of new affordable units to Charlottesville, including deeply affordable housing.

- **Demonstration of Equity** – *Describe how this project demonstrates and promotes equitable housing needs and economic opportunity for low-income residents in the City of Charlottesville.*

While many may regard the city of Charlottesville, VA as a thriving city, a closer look at demographic data and lived experiences of Charlottesville residents reveals a tale of two cities—one in which housing, health, and economic disparities cut deeply across race and class. For example, in the neighborhoods where the South First Street Community is located, 44% of residents live below the poverty line. The area is home to the “working poor”, boasting unemployment rates from 1.64% alongside a neighborhood median income of \$24,871, to 5.97% with a neighborhood median income at \$26,806 (according to City Census data). The area is largely regarded as diverse with African Americans and people of color comprising 47%-92% of the population.

Put simply, the historical neighborhoods of Ridge Street & Fifeville are prime examples of neighborhoods in our city that have been hardest hit by structural inequities and limits to resources due to historical segregation practices. Up to 66% of families in these neighborhoods earn less than necessary to pay for the essentials to support a family giving rise to high food insecurity rates (17.5% of residents are food insecure) and poor health outcomes. Furthermore, many are tenants in public housing sites falling into dilapidation. For these reasons, in 2017 the Department of Housing and Community Development declared the census tracts where our project is located as “Opportunity Zones” and in 2019 the City of Charlottesville designated the property a “Revitalization Area.”

The audacious plan to redevelop all public housing properties in Charlottesville is only possible through the foundation of an innovative resident-led redevelopment process in tandem with significant charitable donations from the City of Charlottesville, the Dave Matthews Band, other private charitable donations, LIHTC funding and leveraging of funding sources such as Vibrant Communities Initiative. Resident designers have spent over 700 hours so far in the redesign of South First Street

community, and the work continues. While we know this model is worth replicating for all future phases of public housing redevelopment, we also believe this resident process can be replicated and serve as a model for public housing throughout the country.

- **Project Readiness** -- *Provide evidence of: organizational experience and capacity to manage the project; pursue and acquire land, site control, required zoning variance and permitting (if applicable); financial commitments for the projects; community engagement plan (if applicable); resident relocation plan (if applicable); plans for preparation and coordination of necessary public meetings (if applicable).*

The most convincing evidence of the organizational experience and capacity of CRHA to engage in this level of redevelopment is the example of the first two redevelopment projects that are currently in construction and expected to be completed and leasing by the end of 2022. Both projects – South First Phase One and Crescent Halls – required the CRHA and PHAR to engage residents and neighbors in the planning process including holding multiple public meetings; organize a development team with the appropriate skills to see the developments to completion; attract sufficient financing to not only complete the projects as planned but to address unforeseen circumstances and crises; to proceed with renovation with residents in place, and then to relocate them in an emergency situation; and to work with the City’s Neighborhood Development Division to achieve site plan and other permitting approvals.

- **Project Budget** -- *Provide a detailed description of the proposed project budget showing sources and uses and amounts of additional funding.*

All sources of funds in the attached sources and uses pages have been committed except for the following which are in process:

- Additional equity from LIHTC \$160,000 annual credits being requested equal to \$1,408,000 in equity to the project. Application due March 10, awards late May.
- \$9.5 million loan from Virginia Housing in process of underwriting. Commitment expected in June of 2022.
- TJPDC Funds \$500,000 – request has been made, award anticipated soon.
- CAHF request is \$750,000. This request.

PLEASE SEE ATTACHED SOURCES AND USES

- **Project Schedule** -- *Indicate the proposed project schedule; timing of completed SAUs; pre- development, anticipated pursuit and acquisition timeline, site control, zoning approval, financing and construction milestones (if applicable) to project completion.*

ACTIVITY	ACTUAL OR ANTICIPATED DATE	NAME OF RESPONSIBLE PERSON
1. SITE		
a. Option/Contract	Complete	John M Sales
b. Site Acquisition	7/1/22	John M Sales
c. Zoning Approval	Complete	John M Sales
d. Site Plan Approval	Complete	John M Sales
2. Financing		
a. Construction Loan		
i. Loan Application	4/1/22	John M Sales
ii. Conditional Commitment		
iii. Firm Commitment	5/1/22	John M Sales
b. Permanent Loan - First Lien		
i. Loan Application	In process	John M Sales
ii. Conditional Commitment		
iii. Firm Commitment	5/1/22	John M Sales
c. Permanent Loan-Second Lien		
i. Loan Application	Complete	John M Sales
ii. Conditional Commitment		
iii. Firm Commitment		
d. Other Loans & Grants		
i. Type & Source, List	Complete	John M Sales
ii. Application		
iii. Award/Commitment		
2. Formation of Owner	Complete	John M Sales
3. IRS Approval of Nonprofit Status		
4. Closing and Transfer of Property to Owner	7/1/22	John M Sales
5. Plans and Specifications, Working Drawings	4/1/22	John M Sales
6. Building Permit Issued by Local Government	6/1/22	John M Sales
7. Start Construction	7/15/22	John M Sales
8. Begin Lease-up	7/15/23	John M Sales
9. Complete Construction	7/15/24	John M Sales
10. Complete Lease-Up	10/15/24	John M Sales
11. Credit Placed in Service Date	10/15/24	John M Sales

- Experience -- Provide a summary of similar activities completed by the organization and project team.

While CRHA is gaining valuable experience with developing the Crescent Halls and South First Phase One properties, they also have extensive experience managing their portfolio of properties. CRHA has assembled a team of development experts to complete the redevelopment efforts including Riverbend

Development, Castle Development Partners, Arnold Design Studio, BRW Architects and Virginia Community Development Corporation to coordinate the redevelopment of public housing. The most important experts that are leading this effort are the residents of public housing and the leadership and commitment of PHAR. Residents know best how to design their communities for comfort, cohesion and safety, with the result of better long-term outcomes for property maintenance and neighborhood stability.

Riverbend Development has over a decade of experience in completing multifamily housing and commercial developments. Castle Development Partners have successfully completed numerous LIHTC and market rate developments throughout Virginia, North Carolina and Maryland. 6 staff members from Riverbend and Castle are working with CRHA on their redevelopment efforts.

Riverbend Development and Castle Development Partners Multifamily Housing Project Portfolio:

- Brookhill Apartments, Charlottesville, VA, budget \$68 million, 316 market rate units, completed in 2019
 - New Hill Place Apartments, Holly Springs, NC, budget \$49 million, 288 market rate units, completed in 2019
 - Adams Crossing Phase 1, Waldorf, MD, budget \$33 million, 192 LIHTC units, completed in 2014
 - Adams Crossing Phase 2, Waldorf, MD, budget \$16 million, 72 LIHTC units, completed in 2017
 - Beacon on 5th, Charlottesville, VA, budget \$40 million, 241 market rate units, completed in 2017
 - Avemore Apartments, Charlottesville, VA, budget \$61 million, 280 market rate units, under renovation
 - Holly Tree Apartments, Waldorf, MD, budget \$17 million, 144 market rate units, under renovation
- **Capacity** – *Provide a detailed description to demonstrate the applicant's ability to complete this project within 24 months.*

South First Phase 2, as noted in the attached schedule, will commence construction in the 4th quarter of 2022. Once under construction, we anticipate the project to take approximately 24 months to construct. The primary reason for this duration is the commitment by CRHA to prevent displacement of residents during the construction process and ensure they can remain in their existing home until their new home is complete. CRHA and Affordable Housing Group LLC have hired the Downey & Scott team to manage the construction process and hiring of a contracting team as the Owner's Representative.

- **Metrics** – *Provide a detailed description of the metrics used to measure success.*

For CRHA, the measurement and metrics of success are twofold. The first and most essential metric of success is- has the process been empowering to residents. The Resident Design process was deeply involved for South First Phase Two, with over 700 hours of resident input, design and education. As a result, residents will be moving into a neighborhood and a home of their own design with the amenities that are important to them and their families. The second measure of success is the creation of deeply affordable units for those who are most vulnerable in our community that match the resident design. South First Phase Two includes units that are 100% affordable to current residents of public housing and other members of our community in need of affordable options that do not exist anywhere in Charlottesville today.

Authorization:

Organization Name: Charlottesville Redevelopment and Housing Authority

Project Title: South First Phase Two

I, John Sales _____ certify that I am authorized to

(Authorized Organization Official)

apply for funding from the City of Charlottesville. I certify that all information contained herein is accurate to the best of my knowledge.

2/17/22

Signature

Date

John Sales

Executive Director

Print Name

Title

South 1st Street Phase II

Project Sponsor
 Charlottesville Redevelopment and Housing Authority
 Community
 Charlottesville, VA

Sources

Sources	Amount	Interest Rate	Interest Only?	Nonrecourse?	Available Only		% of CF	% CF Flip*	Payment Start		Term	Payments Per Year	Annual Debt Service	As a % of Debt	As a % of Equity	As a % of Total Capitalization
					From Cash Flow?	Soft Debt CF Priority			Date	Amortization						
Debt																
Hard Debt																
1 VHDASPARC/REACH	9,500,000	0.50%	No	Yes					8/1/24	30	30	12	341,076	34.62%		22.04%
2 DHCD (VCI - HOME)	2,000,000	0.50%	Yes	Yes					8/1/24	0	30	12	10,000	7.29%		4.64%
3 DHCD (NHTE)	400,000	0.50%	Yes	Yes					8/1/24	0	30	12	2,000	1.46%		0.93%
4 DHCD (HIEE)	2,000,000	0.00%	Yes	Yes					8/1/24	0	30	12	0	7.29%		4.64%
Soft Debt																
5 Deferred Developer Fee	559,643	0.00%	No	Yes	Yes	1	100.00%	100.00%	1/1/23	0	30	1	0	2.04%		1.30%
6 CRHA (Seller Note)	4,730,000	2.07%	No	Yes	Yes	2	100.00%	100.00%	1/1/23	0	30	1	0	17.24%		10.97%
7 CCDC (City of Charlottesville gr)	3,000,000	0.00%	No	No	Yes	3	100.00%	100.00%	1/1/23	0	30	1	0	10.93%		6.95%
8 CCDC (Affordable Housing Opp)	4,000,000	0.00%	No	No	Yes	4	100.00%	100.00%	1/1/23	0	30	1	0	14.58%		9.28%
9 CCDC (PDC Grant)	500,000	0.00%	No	No	Yes	5	100.00%	100.00%	1/1/23	0	30	1	0	1.82%		1.16%
## CCDC (CAHF)	750,000	0.00%	0.00	No	Yes	6	100.00%		1/1/23	0	30	1	0	2.73%		1.74%
Total Debt	27,439,643													100.00%		63.66%
Equity																
1 GP Interest	100														0.00%	0.00%
2 LIHTC Equity	15,662,434														100.00%	36.34%
3 State HTC Equity	0														0.00%	0.00%
4 Federal HTC Equity	0														0.00%	0.00%
5 Energy Credit Equity	0														0.00%	0.00%
6 Grant 1	0														0.00%	0.00%
7 Grant 2	0														0.00%	0.00%
8 Grant 3	0														0.00%	0.00%
9 Construction Period CF	0														0.00%	0.00%
## MIM Contribution	0														0.00%	0.00%
## Other Equity 2	0														0.00%	0.00%
Total Equity	15,662,534														100.00%	36.34%
Other																
1 -																
2 -																
3 -																
Total Other Source	0	0.00%	0.00	0.00	0.00	0.00			0	0	0	0	0	0.00%	0.00%	0.00%
Total Sources	43,102,177															

50% Test			
Tax Exempt Bond 1	0	4% Credit Basis Acquisition	#N/A
Short Term Bonds	0	4% Credit Basis Rehab	#N/A
Tax Exempt Bond 3	0	No Credits - Depreciable	#N/A
Tax Exempt Bond 4	0	Land	2,370,000
Total Tax Exempt Sources	0	Total Denominator	#N/A
50% Test Result			#N/A

South 1st Street Phase II
Project Sponsor
Charlottesville Redevelopment and Housing Authority
Community
Charlottesville, VA

Uses (1 of 2)

Uses	Amount	% of Total	Per Unit	Per Square Foot (Resi Only)	4% Credit Basis Acquisition	4% Credit Basis Rehab	4% Credit Basis New Construction	9% Credit Basis	No Credits - Amortized Expense	No Credits - Depreciable	No Credits - Expensed	No Credits - Non- Depreciable
Acquisition												
1 Land	2,370,000	-	20,973	19.35	0	0	0	0	0	0	0	2,370,000
2 Building	2,360,000	-	20,885	19.27	0	0	0	0	0	2,360,000	0	0
3 Other Acq. 4	0	-	0	0.00	0	0	0	0	0	0	0	0
4 Other Acq. 3	0	-	0	0.00	0	0	0	0	0	0	0	0
5 Other Acquisition Fees	0	-	0	0.00	0	0	0	0	0	0	0	0
6 Debt Repayment	0	-	0	0.00	0	0	0	0	0	0	0	0
7 Acquisition Legal	0	-	0	0.00	0	0	0	0	0	0	0	0
8 Building - non O/D	0	-	0	0.00	0	0	0	0	0	0	0	0
9 Land - non O/D	0	-	0	0.00	0	0	0	0	0	0	0	0
Acquisition Subtotal	4,730,000	#VALUE!	41,858	38.63	0	0	0	0	0	2,360,000	0	2,370,000
Contractor Costs												
1 Unit Structures (New)	21,944,027	-	194,195	179.20	0	0	0	21,944,027	0	0	0	0
2 General Requirements	1,588,000	-	14,053	12.97	0	0	0	1,588,000	0	0	0	0
3 Earthwork	1,550,000	-	13,717	12.66	0	0	0	0	0	0	0	1,550,000
4 Builder's Profit	1,191,000	-	10,540	9.73	0	0	0	1,191,000	0	0	0	0
5 Site Utilities	1,150,000	-	10,177	9.39	0	0	0	1,150,000	0	0	0	0
6 Site Improvements	500,000	-	4,425	4.08	0	0	0	500,000	0	0	0	0
7 Demolition	450,000	-	3,982	3.67	0	0	0	0	0	0	0	450,000
8 Roads & Walks	400,000	-	3,540	3.27	0	0	0	400,000	0	0	0	0
9 Appliances	275,000	-	2,434	2.25	0	0	0	275,000	0	0	0	0
## Lawns & Planting	250,000	-	2,212	2.04	0	0	0	250,000	0	0	0	0
## Site Environmental Mitigation	150,000	-	1,327	1.22	0	0	0	150,000	0	0	0	0
## Bonds	100,000	-	885	0.82	0	0	0	100,000	0	0	0	0
## Other HC 17	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 16	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 15	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 14	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 13	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 12	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 11	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 10	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 9	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 8	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 7	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 6	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other HC 5	0	-	0	0.00	0	0	0	0	0	0	0	0
## Latent Defect LoC	0	-	0	0.00	0	0	0	0	0	0	0	0
## Contractor Cost Escalation	0	-	0	0.00	0	0	0	0	0	0	0	0
## Elevator	0	-	0	0.00	0	0	0	0	0	0	0	0
## Generator	0	-	0	0.00	0	0	0	0	0	0	0	0
## Special Construction	0	-	0	0.00	0	0	0	0	0	0	0	0
## Building Permits	0	-	0	0.00	0	0	0	0	0	0	0	0
## Builder's Overhead	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other Site work	0	-	0	0.00	0	0	0	0	0	0	0	0
## Site Work	0	-	0	0.00	0	0	0	0	0	0	0	0
## Off-Site Improvements	0	-	0	0.00	0	0	0	0	0	0	0	0
## Engineering	0	-	0	0.00	0	0	0	0	0	0	0	0
## Structured Parking Garage	0	-	0	0.00	0	0	0	0	0	0	0	0
## Commercial Space Costs	0	-	0	0.00	0	0	0	0	0	0	0	0
## Non Residential Structures	0	-	0	0.00	0	0	0	0	0	0	0	0
## Unit Structures (Rehab)	0	-	0	0.00	0	0	0	0	0	0	0	0
Construction - Contractor Costs Subtotal	29,548,027	#VALUE!	261,487	241.30	0	0	0	27,548,027	0	0	0	2,000,000

South 1st Street Phase II

Project Sponsor
 Charlottesville Redevelopment and Housing Authority
 Community
 Charlottesville, VA

Uses (2 of 2)

Uses	Amount	% of Total	Per Unit	Per Square Foot (Resi Only)	4% Credit Basis Acquisition	4% Credit Basis Rehab	4% Credit Basis New Construction	9% Credit Basis	No Credits - Amortized Expense	No Credits - Depreciable	No Credits - Expensed	No Credits - Non- Depreciable
Owner Costs												
1 Contingency	1,500,000	-	13,274	12.25	0	0	0	1,500,000	0	0	0	0
2 Arch./Engin. Design Fee	800,000	-	7,080	6.53	0	0	0	800,000	0	0	0	0
3 Construction Interest	677,120	-	5,992	5.53	0	0	0	400,000	0	0	277,120	0
4 Operating Reserve	648,029	-	5,735	5.29	0	0	0	0	0	0	0	648,029
5 Tap Fees	565,000	-	5,000	4.61	0	0	0	565,000	0	0	0	0
6 Tenant Relocation	450,000	-	3,982	3.67	0	0	0	0	0	0	450,000	0
7 Soft Cost Contingency	250,000	-	2,212	2.04	0	0	0	250,000	0	0	0	0
8 Construction/Development Mgt	185,000	-	1,637	1.51	0	0	0	185,000	0	0	0	0
9 Legal Fees for Closing	165,000	-	1,460	1.35	0	0	0	20,000	145,000	0	0	0
## Title and Recording	150,000	-	1,327	1.22	0	0	0	30,000	120,000	0	0	0
## Permanent Forward Premium Fee	130,000	-	1,150	1.06	0	0	0	0	130,000	0	0	0
## Insurance During Construction	125,000	-	1,106	1.02	0	0	0	125,000	0	0	0	0
## Tax Credit Fee	124,200	-	1,099	1.01	0	0	0	0	124,200	0	0	0
## Permanent Loan Fee	112,500	-	996	0.92	0	0	0	0	112,500	0	0	0
## Utilities	100,000	-	885	0.82	0	0	0	100,000	0	0	0	0
## Construction Loan	100,000	-	885	0.82	0	0	0	100,000	0	0	0	0
## E&S bond and other related fees for site plan	100,000	-	885	0.82	0	0	0	100,000	0	0	0	0
## Soil Borings/Geotech	80,000	-	708	0.65	0	0	0	80,000	0	0	0	0
## Leasing and Marketing Expense	75,000	-	664	0.61	0	0	0	0	0	0	75,000	0
## Enterprise Green/Passivhaus Certification	66,300	-	587	0.54	0	0	0	66,300	0	0	0	0
## Third Party testing	65,000	-	575	0.53	0	0	0	65,000	0	0	0	0
## Structural/Mechanical Study	50,000	-	442	0.41	0	0	0	0	0	0	0	0
## Building Permit	50,000	-	442	0.41	0	0	0	50,000	0	0	0	0
## Obsolescence Report and Consulting	35,000	-	310	0.29	0	0	0	35,000	0	0	0	0
## Lender Third Party Expenses	25,000	-	221	0.20	0	0	0	25,000	0	0	0	0
## Taxes During Construction	25,000	-	221	0.20	0	0	0	25,000	0	0	0	0
## Environmental	25,000	-	221	0.20	0	0	0	25,000	0	0	0	0
## Accounting	15,000	-	133	0.12	0	0	0	0	15,000	0	0	0
## Cost Certification Fee	15,000	-	133	0.12	0	0	0	0	15,000	0	0	0
## Site Engineering / Survey	15,000	-	133	0.12	0	0	0	15,000	0	0	0	0
## Appraisal	10,000	-	88	0.08	0	0	0	0	10,000	0	0	0
## Market Study	6,000	-	53	0.05	0	0	0	6,000	0	0	0	0
## Bed Bug Inspection	0	-	0	0.00	0	0	0	0	0	0	0	0
## Interior Designer	0	-	0	0.00	0	0	0	0	0	0	0	0
## Marketing Costs	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other O&C 2	0	-	0	0.00	0	0	0	0	0	0	0	0
## 0.00	-	-	-	-	-	-	-	-	-	-	-	-
## Owner's Representative	0	-	0	0.00	0	0	0	0	0	0	0	0
## Development Consultant	0	-	0	0.00	0	0	0	0	0	0	0	0
## Land Planning	0	-	0	0.00	0	0	0	0	0	0	0	0
## Acquisition Loan Interest	0	-	0	0.00	0	0	0	0	0	0	0	0
## Other Title Insurance and Fees	0	-	0	0.00	0	0	0	0	0	0	0	0
## Replacement Reserve	0	-	0	0.00	0	0	0	0	0	0	0	0
## Security	0	-	0	0.00	0	0	0	0	0	0	0	0
## Organization Costs	0	-	0	0.00	0	0	0	0	0	0	0	0
## FF&E	0	-	0	0.00	0	0	0	0	0	0	0	0
## Mortgage Banker	0	-	0	0.00	0	0	0	0	0	0	0	0
## Letter of Credit	0	-	0	0.00	0	0	0	0	0	0	0	0
Construction - Owner Costs Subtotal	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Syndicator Fees												
1 Syndicator Legal	85,000	-	752	1	0	0	0	0	0	0	0	85,000
2 Other 2 SF	0	-	0	0	0	0	0	0	0	0	0	0
3 Tax Opinion	0	-	0	0	0	0	0	0	0	0	0	0
4 Consultant	0	-	0	0	0	0	0	0	0	0	0	0
5 Bridge Loan Fees	0	-	0	0	0	0	0	0	0	0	0	0
Syndicator Fees Subtotal	85,000	-	752	0.69	0	0	0	0	0	0	0	85,000
Developer Fees												
1 Developer Fee	2,000,000	-	17,699	16.33	0	0	0	2,000,000	0	0	0	0
2 Other Developer Fee 2	0	-	0	0.00	0	0	0	0	0	0	0	0
Total Developer Fees	2,000,000	#VALUE!	17,699	16.33	0	0	0	2,000,000	0	0	0	0
Total Construction Costs	-	#VALUE!	#VALUE!	#VALUE!	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
1 Development Advisory Fee	0	0.00%	0	0.00	0	0	0	0	0	0	0	0
Total Cost	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A

City of Charlottesville
Affordable Housing Fund (CAHF) Application
(all items must be completed)

Applicant Information

Total Amount of CAHF funds requested: \$ 435,000

Check Tier Applying for	Amount of CAHF funds requested by Tier	Level of Funding	Typical Amount of Funding Available	Households Served
x	\$75,000	Tier 1	\$375,000	Serving households with incomes up to 30% of Area Median Income (AMI)
x	\$225,000	Tier 2	\$225,000	Serving households with incomes up to 60% of Area Median Income (AMI)
x	\$135,000	Tier 3	\$150,000	Serving households with incomes up to 80% of Area Median Income (AMI)

Organization name: Habitat for Humanity of Greater Charlottesville

Contact name: Dan Rosensweig

Title: President & CEO

Address: 967 2nd St. SE, Charlottesville, VA 22902

Phone: 434-293-9066

E-mail: drosensweig@cvillehabitat.org

Project Information

Project Name: **Equity Homeownership Initiative 2022**

Project Location: Flint Hill (lot acquisition) and other city locations (enhanced down payment for very-low income homebuyers)

Purpose of requested funding: (check all that apply)

New Construction

Acquisition

Rehabilitation

Rent Subsidy

Operating/Administration

Other: Enhanced Down Payment Assistance for families at 30% or less of the Area Median Income (AMI)

Project type: (check all that apply)

Multi-family

Single family (detached)

Single family (attached)

Rehabilitation

New Construction

Acquisition

Other: Enhanced Down Payment Assistance for families at 30% or less of the Area Median Income (AMI)

Income restrictions on project (indicate number of units meeting each Area Median Income (AMI) category):

Because Habitat families are able to select the homes they buy, the numbers below are estimates based on the AMI of families currently working through homeowner education and sweat equity requirements. Additionally, because we work with families to increase their incomes, their income at acceptance into the program and their income at closing will likely differ.

<u> 5 </u>	Incomes less than 30% AMI
<u> 5 </u>	Incomes between 30% and 40% AMI
<u> 1 </u>	Incomes between 40% and 50% AMI
<u> 1 </u>	Incomes between 50% and 60% AMI
<u> </u>	Incomes between 60% and 80% AMI
<u> </u>	Unrestricted units (>80% AMI)
<u> 12 </u>	Total Units at Flint Hill
<u> 5 </u>	Units purchased by families via enhanced DPA
<u> 17 </u>	Total*

*Please note that there may be some overlap if families supported by enhanced DPA choose to purchase at Flint Hill

Term of Affordability (indicate number of units meeting each affordability term):

<u> </u>	Less than 2 years
<u> </u>	2-5 years
<u> </u>	5-10 years
<u> </u>	10-15 years
<u> </u>	15-20 years
<u> </u>	20-30 years
<u> 17 </u>	more than 30 years
<u> 17 </u>	Total Units

Project Proposal

Please provide the following information as separate attachments to the application.

1. Project Description

Provide a description of the proposed project. Include: project type and location, short- and long-term goals, the population (s) to be served. Discuss plans for accessibility/adaptability, energy conservation and/or any green building components.

The **Equity Homeownership Initiative 2022** is an initiative of Habitat for Humanity of Greater Charlottesville, a nonprofit corporation whose mission is to “bring people together to build and rebuild homes and communities while catalyzing new pathways to safe, decent, and affordable housing.” Habitat’s 2017-2022 strategic plan—a product of intensive listening to local, low-income residents—calls for Habitat to provide and/or catalyze ladders of housing opportunities across the housing needs spectrum. The **Equity Homeownership Initiative 2022** will support acquisition of land in the City of Charlottesville for new affordable home construction, and targets families at the very low- and low-income levels who have experienced generational poverty and need a “hand up” to access safe and affordable homeownership. Access to affordable housing will in turn generate economic opportunities for families and future generations that serve to address the long-term inequities in wealth among Charlottesville’s residents.

The **Equity Homeownership Initiative 2022** supports two primary long-term goals: (a) Increase the number of affordable homeownership housing units in the City; and, (b) Increase the capacity of very low- and low-income families to access affordable homeownership. CAHF funding is requested in order to achieve the following short-term goals: (1) assist in land acquisition land that would support 12 affordable housing units, and (2) provide down payment assistance to very low-income families (at or below 30% AMI) who are eligible for homeownership.

Short-Term Goal (1):

Lot Acquisition—Requested Funding \$360,000 (\$30,000/unit x 12 units). Funding is requested to support lot acquisition and/or partial site development for 12 affordable townhome units in the new Flint Hill neighborhood of the City.

This funding (the local match) is necessary to leverage two sources of state and federal funding (Affordable and Special Needs Housing – ASNH -- and Self-Help Homeownership Opportunity Program – SHOP). Without a local match of at least 25%, these subsidies – part of the capital stack necessary to sell homes affordably to very low- and low-income homeowners – are unavailable to Habitat and thereby the project will likely be unfeasible.

The homes will be sold to homebuyers earning between 25-60% of the Area Median Income (AMI). Habitat homebuyers engage in financial coaching and homebuyer education, provide \$2,000 for the down payment, and invest a minimum of 200 hours of sweat equity toward the construction of Habitat homes (plus an additional 100 hours for each adult who will be living in the home). For an entire year prior to purchase, Habitat homebuyers meet monthly for Community Conversations--an opportunity to discuss shared values, hopes, and concerns. These conversations are guided by Habitat staff with a focus on building bridges between often diverse families, identifying and strengthening community assets, and working towards a shared identity that results in a healthy, engaged neighborhood community.

Habitat's unique mortgage structure enables low-wealth homebuyers to purchase at an affordable price with monthly housing payments that do not exceed 23-28% of household income. Because Habitat homes are heavily subsidized, our equity sharing rules are designed to protect the investment of Habitat and other funders, assure the homes remain part of the City's affordable housing stock long term (40 years), and comply with City Housing Policy #1 regarding resale of homes as part of "people-based initiatives." Habitat originates a zero-interest first mortgage at an amount based on the homebuyer's ability to pay, with junior notes which are either deferred (and thus repaid in full if the home sells) or forgivable over time. A final forgivable mortgage provides extra incentive for families to remain in their homes long term and entitles Habitat a right of first refusal to repurchase the property for a period of 40 years if a homeowner chooses to sell. This allows Habitat to rehab the property to resell to another low-income family. This lending and legal structure assures that the homes are affordable at purchase, retain affordability mechanisms for at least 40 years, and, most importantly, enable homebuyers to build significant equity in their homes, providing economic mobility while also allowing for long-term affordability.

To support accessibility and adaptability, all Habitat homes incorporate Universal Design Standards with elements such as zero-step entry and a first-floor bedroom with accessible bathrooms. Homes are all also built to at-least Energy Star 3.0 standards featuring highly energy-saving HVAC systems, windows and doors, energy-star appliances, insulation, and water heaters. Programmable thermostats, ceiling fans, and low-flow faucets and showerheads also minimize the environmental impact of these new homes. These features reduce the energy costs for the homeowners, thus enhancing long-term affordability while reducing adverse environmental impacts.

CAHF funding will enable 12 families between 25% and 60% of the AMI to purchase homes, creating long term housing stability for the families and generating wealth via earning of home equity. Each mortgage payment made by a family serves as "monthly savings" and is matched by a reduction in the amount owed on their final forgivable mortgage. Additionally, by staying in the home, families earn reduced or forgiven amounts on trailing mortgages and also increase their share of appreciation in value of the home. Although funds are sought from each of the three Tiers, including 80% and below of AMI, all proceeds from this award will be used to serve

homebuyer below 60% and below 30% AMI, in alignment with the RFP's statement that projects serving lower affordability levels will receive stronger consideration.

Short-term Goal (2):

Down Payment Assistance—Funding Requested \$75,000 (\$15,000/family for five families).

Funding is also requested for down payment assistance for families at or below 30% of AMI when they enter the Habitat program. Habitat is requesting an average of \$15,000 for five families.

Habitat homebuyers are highly motivated to accomplish a life long goal of owning a home. In examining our financial risk data, we found that Habitat homebuyers on the lower end of the AMI scale had no higher default rate than other purchasers largely due to the extensive individual financial counseling provided and the fact that, as the long term note holder, we work in partnership with families who might struggle after closing instead of immediately working toward foreclosure. The intensive financial coaching Habitat staff provides for families includes personal finance, clearing issues surrounding credit, reducing debt, decreasing spending and improving savings, avoiding predatory lending and understanding fair housing policies. Because each Habitat mortgage is based on the family's ability to pay, their payment is pro-rated to their income preventing them from being forced into a cost-burdened housing situation. On the back end, Habitat retains control of the notes so that we can work with families throughout the duration of their mortgage term should they need temporary forbearance, and support in addressing any issues they may have. Habitat's overall default rate is roughly 1%, or less than the national average for all homes sold.

In light of the critical need for a pathway to economic and housing securing for lower income families, Habitat has changed its selection and underwriting criteria to advantage residents at the lowest end of the AMI scale. "Housing need" is measured by tiered type(s) of need presented at the time of application.

This new system prioritizes offering our services and support to local residents needing deeper subsidy due to earning a lower percentage of AMI and experiencing many years living locally in poverty. Although Habitat continues to offer core homebuyer services to all residents earning between 25%-60% of AMI, the new scoring criteria shifts our demographic toward those at the lower end of our scale. Although more subsidy is required, this shift addresses a deep and damaging racial wealth gap among residents in the City of Charlottesville. This source of CAHF funding will be available to residents at or below 30% of area median income as down payment assistance.

Additionally, in response to the extraordinary local racial wealth gap, Habitat Charlottesville created the "Pathways to Housing" program through which we engage low-wealth communities

and families through targeted outreach. Through this work, we identify and build relationships with otherwise “hard to serve” families earning below 25% AMI who often have crippling debt burdens. When these families join the Pathways program, we provide wrap around assistance, helping them create a pathway toward better economic outcomes and eventually homeownership. Enhanced down payment assistance is especially important in helping these Pathways families become homeowners.

CAHF funding would enable five families who came to us at or below 30% of area median income to purchase homes, creating long term housing stability and wealth generation via home equity. Each mortgage payment made by a family serves as “monthly savings” and is matched by a reduction in the amount owed on their final forgivable mortgage. Additionally, by staying in the home, families earn reduced or forgiven amounts on trailing mortgages and increase their share of appreciation in value of the home. Over time, with patience and perseverance, Habitat homebuyers build a bridge out of poverty for themselves and for generations to follow.

2. Demonstration of Need *Describe how the project contributes to the City of Charlottesville’s housing goals.*

The **Equity Homeownership Initiative 2022** supports the City of Charlottesville 2025 goals for affordable housing and the housing goals detailed in the Comprehensive Plan of the City of Charlottesville, November 15, 2021. Released in February 2010, *The City of Charlottesville 2025 Goals for Affordable Housing* clearly describes the deficit in affordable housing for the residents of Charlottesville and the Greater Charlottesville area. As noted in the report, the deficits are particularly significant for the very low- and low-income families who struggle to find affordable housing and further struggle to pay mortgages and rents in order to retain housing. According to the report, almost half of all households in the City spent more than 30% of their income on housing costs including utilities; for those spending more than 50% of their incomes on housing costs, most had incomes below 50% of AMI (*City of Charlottesville 2025 Goals for Affordable Housing*, p.4).

Since the 2010 report was released, the deficits in affordable housing have continued to rise and is reported at “crisis proportions.” In the County of Albemarle and City of Charlottesville the gap in affordable homeowner units is projected to be 2,589 by 2040 (Thomas Jefferson Planning District Commission, 2019). For many renters, costs are too high with monthly payments averaging \$1,384 in today’s market. Since 2012, the cost to purchase housing in Charlottesville has risen by an average of 5% per year with the median housing cost now exceeding \$400,000. Further, the gap between the wealthy and those at the lower end of wealth has been increasing in recent years. Since 2010, “the number of families earning over \$150,000 has increased by 96% while the number of families earning less than \$35,000 has increased by 10% (*Charlottesville Low-Income Housing Coalition*, 2020, p.7). According to the Housing Coalition report, 25% of Charlottesville families did not earn enough to meet the costs of living and working (*Charlottesville Low-Income Housing Coalition*, 2020, p.1). As a result of these inequities,

“affordable and decent housing remains out of reach for many residents, especially for Black communities” (*Charlottesville Low-Income Housing Coalition, 2020, p.1*).

The **Equity Homeownership Initiative 2022** offers solutions to address these deficits. The project activities increase access to affordable housing for families with low incomes by increasing the **number** of affordable housing units available, and **supporting costs of access** through assistance with down payments for very low-income aspiring homeowners. At every decision point in the process—from home design, to financing, construction, and closing—community members who are representative of the target population are involved. The project directly contributes to Goal #3 of the City’s affordable housing goals that states: “*Increase the ratio of supported affordable units to 15% of total housing units by 2025*” (*City of Charlottesville 2025 Goals for Affordable Housing, p.3*). Further, the project supports the Charlottesville Affordable Housing Plan and its policies that mandate funding to target the greatest need and support initiatives that “preserve and expand homeownership opportunities for residents who earn less than 80% of Area Median Income” (See Policy 1, Current City of Charlottesville Policies Regarding Affordable Housing.)

The project also directly supports the City’s housing goals as presented in the Comprehensive Plan of 2021:

- **Goal 1. Funding Commitments, Strategy 1.2.** Prioritize city funding for those with the greatest need and attach funding awards to requirements for community representation in processes, duration of affordability, and leverage of non-public funds.
- **Goal 2. Diverse Housing Throughout the City, Strategies 2.1, 2.8** where funding decisions encourage mixed-use and mixed-income neighborhoods and housing developments throughout the city, and encourage the development of affordable housing to take a form similar to nearby market rate housing in design and other physical features...allowing affordable units to blend into existing neighborhoods.
- **Goal 7. Subsidy Programs, Strategies 7.7, 7.10** where city subsidy programs are aligned with community-defined priorities and increase the impact of public spending, including down payment assistance to provide a greater level of assistance and serve a larger number of households, and collaboration with developers to build and renovate affordable single-family housing in existing neighborhoods.

3. Demonstration of Equity—*Describe how this project demonstrates and promotes equitable housing needs and economic opportunity for low-income residents in the City of Charlottesville.*

Charlottesville City sits nestled in the shadow of the Blue Ridge Mountains with a rich history of commitment to the residents of its city and the Greater Charlottesville Area. Like most southern cities, however, this commitment has not always reflected an equitable distribution of opportunity for all members of its community. Access to affordable housing – and in particular, to homeownership -- is one area in which, both historically and in 2022, the City recognizes

significant inequalities continue to exist among community members of different races and at different economic strata.

While the City's Affordable Housing 2010 report notes that deficits in affordable rental and home ownership are *each* estimated at 3,000-4,000 units, this deficit has increased since that time. The Economic Policy Institute's 2015 comprehensive study on income inequality indicates that Charlottesville ranks among the highest in the country for wage gaps (Charlottesville Low-Income Housing Coalition, February 2020). Since 2010, the number of families earning over \$150,000... increased by 96% while the number of families earning less than \$35,000 has increased by 10 percent. Among available housing, higher income families are displacing lower income families competing for an increasingly diminishing market of affordable housing units.

The 2021 Orange Dot Report showed that 22% (n=1,918) of Charlottesville's families do not make enough money to afford the basic necessities of life—food, shelter, clothing, utilities--and costs associated with working. Of these families, 55% (n=1,068) earn between \$15,000-\$35,000 annually, which is not enough to even cover their housing costs alone (Orange Dot Report 4.0, January 2021; Charlottesville Low-Income Housing Coalition, February 2020).

A core directive of Habitat's is to address these inequities by increasing access to affordable homeownership, particularly for those who are at the lower wealth end of the economic spectrum. Habitat believes that to do this well and with the greatest success, the voices of those who are most affected must be an integral part of the process. In 2021, Habitat for Humanity of Greater Charlottesville was certified by the US Department of Housing and Urban Development as a Community-Based Development Organization (CBDO) based on its extensive outreach into low income communities, its partnership homeownership model, its leadership in the use of Asset Based Community Development in redevelopment projects, the diverse composition of its board, and its nationally-recognized models for engaging and elevating low-wealth community members to leadership positions. One example is its formal Homeowner Advisory Council comprising 100% of individuals who have purchased homes via our homebuyer's program. This group of 17 members, co-chaired by Habitat Partner Family Homeowners, meets monthly to guide Habitat's programming, advocacy, and home and land design work.

Further, this project supports the City's vision of achieving a housing market that is affordable, healthy, high quality, accessible to resources, and above all, equitable, meeting the needs of underserved communities to foster a good quality of life for all (Comprehensive Plan, City of Charlottesville, VA, 11/15/2021, p.45).

This project addresses the issue of inequity within the housing market by promoting increased access to homeownership for very-low and low-income families and ensuring long-term affordability. It does so guided by the insight and desires of partner families. There is strong evidence that home ownership is one of the greatest means to build wealth for families and future generations. Providing low income families with the means to own a home gives them a "hand

up” along the economic strata, eventually reducing the income wealth gap and promoting a more equitable landscape of housing opportunities. Habitat’s mixed income model is a bold response to more than a century of largely intentional residential segregation and provides mobility and opportunity for people from all walks of life to live together and to grow and learn from each other. CAHF funding has not been available for homeownership for three funding cycles and therefore, this request addresses a gap in home equity funding in the City’s recent portfolio.

4. Project readiness

Flint Hill received its rezoning approval two years ago. Habitat has agreed on a draft contract to develop these lots pending City funding. In total, Habitat will build 16 units, with acquisition of the first four units supported by the balance of a previous CAHF grant. CAHF funding is critical for this project for three primary reasons:

1. The 12 remaining units need City funding to close a gap in the budget.
2. Without City Funding (the local match), Habitat will be unable to access certain State and Federal funding, specifically Affordable Housing and Special Needs (ASNH) and Community Development Block Grant (CDBG) which are leveraged with local government matches.
3. These additional subsidies, which, when leveraging a local match, can bring in up to \$120K/home subsidy from outside the City enabling Habitat to build and sell the homes affordably. These additional subsidies have enabled Habitat to push its AMI down to an average of 34% AMI as well allow us to continue to build and sell homes affordably during the COVID price spikes.

CAHF Funding is the critical component remaining for this project to move forward. We expect these units to be completed by 2024 and are planning a hybrid build (utilizing the services of a general contractor) to expedite the build.

5. Project Budget

Flint Hill 12 Units/Lot Acquisition	
<i>REVENUE</i>	
CAHF	\$360,000
ASNH	\$720,000
SHOP	\$144,000
Private Fundraising (donors, Store proceeds, etc)	\$496,000
Partner Family First Mortgages	\$1,200,000

TOTAL	2,920,000
<i>EXPENSES</i>	
Lot Acquisition	\$420,000
Site Work	\$100,000
New Home Construction	\$2,400,000
TOTAL	\$2,920,000
Down Payment Assistance For 5 Families @ +/- \$15,000 per family	\$75,000
<i>Down Payment Assistance (Sample Mortgage Structure for Family at 25% AMI)</i>	
Appraised Value	\$275,000
Final Forgivable Mortgage	\$32,000
Habitat Deferred Mortgage	\$51,500
Trailing Deeds, forgivable terms vary (e.g. ASNH)	\$110,000
CAHF DPA	\$15,000
First Mortgage Amount (factored at 70%)	\$66,500

6. Project Schedule

Flint Hill:

Activity	Time Frame
Partner Family Applications and Selection	Complete
Partner Family Homebuyer Education and Sweat Equity	Under way
Contract Ratification for Purchase of 12 lots	Pending. Awaiting results of CAHF application
Closing on Purchase of 12 lots	Pending. Awaiting results of CAHF application, contract ratification and final plat

Lot Delivery	Expected 2023
Home Construction begins	Expected third quarter of 2023
Homes Close	Spring/Summer 2024

Enhanced DPA:

Activity	Time Frame
Partner Family Applications and Selection	Ongoing
Partner Family Homebuyer Education, Financial Counseling and Sweat Equity	Rolling
Closing	September 2022 through June 2024 (Homes available for selection at three sites)

7. Experience

Habitat for Humanity of Greater Charlottesville is a leader in affordable housing on a national level. Founded in 1991, our affiliate is the flagship affordable homeownership program in Central Virginia and has enabled almost 300 families to achieve their dreams of homeownership, enabling them to earn collectively an estimated \$85,000,000 in home equity creating a permanent bridge out of poverty. By building an average of 18 homes/year, we are the most productive Habitat affiliate for a service area of this size in the Country.

Since Habitat’s founding, we have also developed nine mixed-income neighborhoods, creating diverse and sustainable communities without gentrifying. For instance, Burnet Commons was a unique partnership among Habitat, the City, and a private developer that converted an old city dumping ground into a community of townhomes and single-family detached homes. Our scattered site builds have added affordable homes in a number of census tracts throughout the City, including many that had previously had fewer than 10 deed-restricted affordable homes thereby providing affordable opportunities in homogenously wealthy areas. In the last two years, we have expanded our reach in Louisa and Greene Counties, and are increasing opportunities for home ownership in these counties for low-income families.

We have also undertaken the transformation of two mobile home parks -- one located in the City of Charlottesville and the other just south of Charlottesville in Albemarle County. In 2010 Sunrise Trailer Park was transformed from a deteriorating and under-threat mobile home park to a community of 70 mixed income housing units, a community center and community gathering space. We are now redeveloping Southwood, a mobile home park in Albemarle County of 317

trailers housing approximately 1,300 individuals to create 1,000 housing units, with 650-700 of them affordable rentals and homeownership.

8. Capacity

Charlottesville Habitat is a nonprofit corporation governed by a 16-member Board of Directors and an Advisory Council with a 30-year history of addressing the affordable housing needs of the Greater Charlottesville Area. Together with the Chief Executive Officer, the Board sets the strategic vision and provides fiduciary oversight. Our annual goals are consistently tied to key City documents, such as the City of Charlottesville 2025 Goals for Affordable Housing, the Charlottesville Affordable Housing Plan, and the Charlottesville Comprehensive Plan. In 2017, we adopted a new strategic plan that called for us to increase our annual building capacity to more than 40 homes/year so that we can maintain building momentum at Southwood while also building 20+ units/annually in the City and in other surrounding jurisdictions.

Since that time, we have nearly completed a \$15M capital campaign, increased our internal capacity to prepare families, augmented and improved our build staff, have begun homebuilding activities at Southwood and have increased our borrowing capacity such that we will be able to reach this level of production provided we are awarded local funding that will match leveraged State and Federal funds.

Habitat's core staff of 50 experienced, knowledgeable, and committed individuals is led by a strong leadership team with many years of experience in affordable housing, land planning and development, finance and accounting, law, nonprofit management, and fundraising. In addition, staff reflects a diversity of cultures and educational backgrounds that provide a rich environment for pioneering creative solutions to address the City's urgent needs for affordable housing.

Habitat's philosophy is one of community engagement. We work with a network of more than 2,000 volunteers, including individuals and families who will be future home owners, business partners, and civic and religious leaders. Together, we work to ensure all individuals have the opportunity for safe, affordable, decent housing.

Habitat's efforts are partially self-sustaining. Partner family mortgages allow us to advance our next innovative building projects when combined with assistance from state and federal grants, such as CDBG, HOME, and SHOP, as well as gifts from individual donors, private foundations, and local government allocations. Our Habitat Store, generously supported by the community, has provided up to \$450,000 annually in net revenue to support our projects. We have a strong record of accomplishment in successfully completing projects and meeting goals.

We use an active listening, asset-based approach in neighborhood development. Our neighborhood engagement begins before we break ground where habitat homebuyers meet monthly for Community Conversations, an opportunity to discuss shared values, hopes, and concerns, for an entire year prior to purchase. Children participate as well, enabling them to

build friendships before “moving in next door.” Existing neighbors around the build sites are also invited to join in the conversations and volunteer on the construction sites. We work hard to build neighborhoods first, and then begin building homes.

9. Metrics

Metrics for the Equity Homeownership Initiative 2022 include:

- Purchase of land for 12 townhome units by Summer 2022
- Construction of 12 homes sold to homebuyers between 25-60% AMI by June, 2024
- Sales of homes supported by enhanced down payment assistance to 5 very low-income homebuyers who came to us at or below 30% AMI.
- Leverage of ~10x City investment with other funding sources (including net mortgage amounts, private fundraising, Store proceeds and Federal/State funds)
- Equity earnings potential of ~\$5M for 17 local, low-income families.

Authorization:

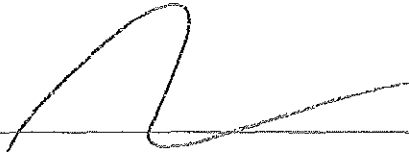
Organization Name: Habitat for Humanity of Greater Charlottesville

Project Title: Equity Homeownership Initiative 2022

I, Dan Rosensweig certify that I am authorized to apply

(Authorized Organization Official)

for funding from the City of Charlottesville. I certify that all information contained herein is accurate to the best of my knowledge.



Signature

2/17/2022

Date

Dan Rosensweig

Print Name

President & CEO, Habitat for Humanity of Greater Charlottesville

Title



The Arc
of the Piedmont

Building a future where all people with developmental disabilities and their families experience their best lives possible.

Officers

Kate Barrett
President

Judy Smith
Vice President

Rives Bailey
Treasurer

Carla Hallman
Secretary

Board of Directors

Rives Bailey
M. Eddie Pinson, CIC
~~Herb Stewart, Ph.D.~~
Carla Hallman
Shannon Copeland
~~Barbara Barrett~~
Judy Smith
Kate Barrett
Amy Laufer
John Santoski, M.S.
Executive Director

Services

Group Home
In Home
Sponsored Residential
Day Support
Education & Advocacy

Brenda Kelley, Redevelopment Manager
Office of Community Solutions
City of Charlottesville
Charlottesville, VA 22901

Dear Ms. Kelley,

I am pleased to submit an application on behalf of the Arc of the Piedmont for the use of Charlottesville Affordable Housing Funds to replace the gas furnace at 222 Shamrock Rd.

This is a group home operated by the Arc of the Piedmont for individuals with developmental disabilities, all of whom are at or below the 30% of AMI.

The Arc of the Piedmont is a 501 (c) 3 entity and has been in operation for nearly 60 years. If you need any additional information please do not hesitate to contact me.

Sincerely,


John Santoski MS
Executive Director

1149 Rose Hill Drive, Charlottesville, VA 22903
Phone: (434) 977-4002 | www.arcpva.org | Fax: (434) 977-7864
Affiliated with The Arc US and The Arc Virginia

City of Charlottesville
Affordable Housing Fund (CAHF) Application
(all items must be completed)

Applicant Information

Total Amount of CAHF funds requested: \$ 6,739.⁰⁰

Check Tier Applying For	Amount of CAHF funds requested by Tier	Level of Funding	Typical Amount of Funding Available	Households Served
✓	\$ 6,739. ⁰⁰	Tier 1	\$375,000	serving households with incomes up to 30% of Area Median Income (AMI)
		Tier 2	\$225,000	serving households with incomes up to 60% of Area Median Income (AMI)
		Tier 3	\$150,000	serving households with incomes up to 80% of Area Median Income (AMI)

Organization name: *The Arc of the Piedmont*
Contact name: *John Santoski*
Title: *Executive Director*
Organization Address: *1149 Rose Hill Dr. Charlottesville, VA 22903*
Phone: *434-977-4002 x112*
Email: *jsantoski@arcva.org*

Project Information

Project Name: *Gas Furnace Replacement*

Project Location: *222 Shamrock Rd
Charlottesville, VA 22903*

Purpose of requested funding: (check all that apply)

New Construction

Acquisition

Rehabilitation

Rent Subsidy

Operating/Administration

Other: *Replacement*

Project type: (check all that apply)

Multi-family

Single family (detached)

Single family (attached)

Rehabilitation

New Construction

Acquisition

Other: *replacement*

Income restrictions on project (indicate number of units meeting each Area Median Income (AMI) category):

<u> ✓ </u>	Incomes less than 30% AMI
<u> </u>	Incomes between 30% and 40% AMI
<u> </u>	Incomes between 40% and 50% AMI
<u> </u>	Incomes between 50% and 60% AMI
<u> </u>	Incomes between 60% and 80% AMI
<u> </u>	Unrestricted units (>80% AMI)
<u> </u>	Total Units

Term of Affordability (indicate number of units meeting each affordability term):

<u> </u>	less than 2 years
<u> </u>	2 - 5 years
<u> </u>	5 - 10 years
<u> ✓ </u>	10 - 15 years
<u> </u>	15 - 20 years
<u> </u>	20 - 30 years
<u> </u>	more than 30 years
<u> </u>	Total Units

Project Proposal:

Please provide following information as separate attachments to the application:

1. **Project Description** -- Provide a description of the proposed project. Include: project type and location, short and long term goals, the population(s) to be served. Discuss plans for accessibility/adaptability, energy conservation and/or any green building components.
2. **Demonstration of Need** -- Describe how the project contributes to the City of Charlottesville's housing goals.
3. **Demonstration of Equity** – Describe how this project demonstrates and promotes equitable housing needs and economic opportunity for low-income residents in the City of Charlottesville.
4. **Project Readiness** -- Provide evidence of: organizational experience and capacity to manage the project; pursue and acquire land, site control, required zoning variance and permitting (if applicable); financial commitments for the projects; community engagement plan (if applicable); resident relocation plan (if applicable); plans for preparation and coordination of necessary public meetings (if applicable).
5. **Project Budget** -- Provide a detailed description of the proposed project budget showing sources and uses and amounts of additional funding.
6. **Project Schedule** -- Indicate the proposed project schedule; timing of completed SAUs; pre- development, anticipated pursuit and acquisition timeline, site control, zoning approval, financing and construction milestones (if applicable) to project completion.
7. **Experience** -- Provide a summary of similar activities completed by the organization and project team.
8. **Capacity** – Provide a detailed description to demonstrate the applicant’s ability to complete this project within 24 months.
9. **Metrics** – Provide a detailed description of the metrics used to measure success.



Project Description: Gas Furnace Replacement-Shamrock Rd. Group Home

This project will replace the original gas furnace at the Arc of Piedmont's group home at 222 Shamrock Rd in the city of Charlottesville. This home was originally built and owned by the AIDS support Group and ownership was later transferred to the Arc of the Piedmont. The Arc still operates this home for individuals with developmental disabilities under a HUD agreement that ensures that the home remains affordable and serves those of low income.

This home meets one of the missions of the Arc of the Piedmont which is to provide affordable housing and services to individuals with developmental disabilities. We are committed to maintaining the home for accessibility (it is all one level) and affordability.

Demonstration of Need: This project helps to meet the goals of preserving one of the affordable homes in the city and stabilizing the housing instability faced by individuals with developmental disabilities who are also in the lowest category of affordable median income (AMI).

Demonstration of Equity: By stabilizing housing for individuals with developmental disabilities who are also on fixed incomes (SSI) that places them in the lowest category of AMI, The Arc of the Piedmont continues to promote equity for those most in need who can least afford any other housing.

Project Readiness: As can be seen from the attachment this project has a bid in place for the furnace replacement and is ready to be replaced upon notification to begin.

Project Budget: The total project budget is \$6,739.00 for the furnace replacement. Should any additional funds be required, the Arc of the Piedmont will be responsible for the additional costs.

Project Schedule: This project will commence upon notification of award and notification that replacement can commence.

Experience: The arc of the Piedmont has been in operation for nearly 60 years and operates group home in Charlottesville and Albemarle and Nelson counties along with day programs in Charlottesville and Louisa and Nelson County. We recently completed the purchase and remodeling of 1149 Rose Hill Drive in Charlottesville. Cii provides commercial air conditioning and heating service and has worked with the Arc for many years. They are SWaM certified.

Capacity: This is a small project that will be completed in days after replacement begins.

Metrics: Timely completion, within budget and lower utility bills.

Authorization:

Organization Name: The Arc of the Piedmont

Project Title: Gas Furnace Replacement

I, John Santosi, Executive Director certify that I am authorized to
(Authorized Organization Official)

apply for funding from the City of Charlottesville. I certify that all information contained herein is accurate to the best of my knowledge.

John Santosi 2/16/22
Signature Date

John Santosi Executive Director
Print Name Title



SERVICE OF CENTRAL VIRGINIA, INC.

COMMERCIAL AIR CONDITIONING & HEATING SERVICE • 24 HOUR SERVICE • (800) 868-5610

603 Rivanna Avenue • Charlottesville, VA 22903 • (434) 977-5626 • Fax (434) 977 8808

February 4, 2020

Arc of the Piedmont
222 Shamrock Location
Attn: Sharon Apgar

Re: Replace the gas furnace

Sharon,

Per your request Cii Service is pleased to provide you with a quote to replace the gas furnace at this location. We will remove the existing furnace and dispose of it properly. We will install the new furnace and make all necessary connections to complete the installation. Then we will start the system and check it for proper operation. We will log the unit with all system checks.

The total cost for this would be **\$6,739.00** in material and labor. Please let us know how you would like to proceed.

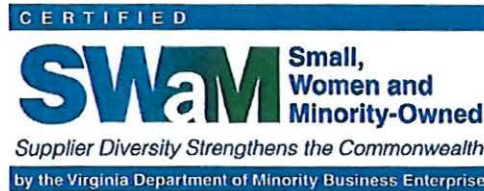
We look forward to working with you in the future. Please contact me if you have any questions at 434-977-5626 or 800-868-5610 and E-mail me at swalsh@ciiservice.com
Please visit us for news and information at our web site at www.ciiservice.com

Sincerely,

Cii Service of Central Virginia, Inc.

Steve Walsh

Assistant Branch Manager



The above process, specifications, and conditions are satisfactory and are hereby accepted. I understand payment terms to be net 30 days upon completion of this project.

Accepted by: _____

Date: _____

www.ciiservice.com

Charlottesville, Galax, Danville, Fredericksburg, Front Royal, Blacksburg, Lynchburg, Northern VA, Roanoke, Blacksburg, Staunton, Waynesboro, and Charlottesville, Virginia
Martinsburg, Greensboro, Raleigh and Winston-Salem, North Carolina



AHIP
Charlottesville Critical Repair Program
CAHF Application Form
February 2022

Applicant Information

Total Amount of CAHF funds requested: \$ 250,000

Check Tier Applying For	Amount of CAHF Funds Requested by Tier	Level of Funding	Typical Amount of Funding Available	Households Served
✓	\$100,000	Tier 1	\$375,000	serving households with incomes up to 30% of Area Median Income (AMI)
✓	\$100,000	Tier 2	\$225,000	serving households with incomes up to 60% of Area Median Income (AMI)
✓	\$50,000	Tier 3	\$150,000	serving households with incomes up to 80% of Area Median Income (AMI)

Organization name: **Albemarle Housing Improvement Program (AHIP)**

Contact name: **Jen Jacobs**

Title: **Executive Director**

Organization Address: **2127 Berkmar Drive, Charlottesville, VA 22901**

Phone: **434-989-5282**

Email: **jjacobs@ahipva.org**

Project Information

Project Name: Charlottesville Critical Repair Program

Project Location: City of Charlottesville

Purpose of requested funding: (check all that apply)

- New Construction
- Acquisition
- Rehabilitation
- Rent Subsidy
- Operating/Administration
- Other: _____

Project type: (check all that apply)

- Multi-family
- Single family (detached)
- Single family (attached)
- Rehabilitation
- New Construction
- Acquisition
- Other: _____

Income restrictions on project (indicate number of units meeting each AMI category):

17 units	Incomes less than 30% AMI
6 units	Incomes between 30% and 40% AMI
8 units	Incomes between 40% and 50% AMI
2 units	Incomes between 50% and 60% AMI
5 units	Incomes between 60% and 80% AMI
0 units	Unrestricted units (>80% AMI)
38 units	Total Units

Term of Affordability (indicate number of units meeting each affordability term):

21 units	less than 2 years
13 units	2 - 5 years
4 units	5 - 10 years
0 units	10 - 15 years
0 units	15 - 20 years
0 units	20 - 30 years
0 units	more than 30 years
38	Total Units*

*Note that because project costs average \$5-10,000 per job, we estimate completing 25-50 projects. For completing the projections above, we used a mid-point of 38 units to calculate the metrics.



AHIP
Charlottesville Critical Repair Program
Project Proposal
Section 1: Project Description
February 2022

1. PROJECT DESCRIPTION

► Executive Summary

Everyone should be safe at home, and no one should have to worry about losing their home. AHIP is an independent, nonprofit Class A contractor that works year-round to deliver critical home repairs and rehabs to low-income Charlottesville residents.

- AHIP is requesting \$250,000 from the Charlottesville Affordable Housing Fund
- Funds will provide for critical home repairs for low-income homeowners in the City of Charlottesville
- Funds will enable AHIP to serve 25 to 50 Charlottesville households (with an anticipated investment of \$5,000 to \$10,000 in CAHF funds per project)
- Funds will enable AHIP to promptly respond to emergencies and serve more city residents who call us for assistance. We will also be able to move program participants through our program more quickly and efficiently
- The purpose of this work is to keep household members safe, healthier, and more secure through improving, modernizing, and preserving their home

Critical repair services—which encompass emergency home repairs, energy-efficiency upgrade tasks, accessibility modifications, and critical maintenance tasks—keep city residents safe, increase their health and well-being, protect their wealth, support neighborhood investment, prevent involuntary displacement, and preserve the city’s existing affordable housing. In a time when housing and other costs are continuing to rise, incomes are failing to keep up, and there is continued and increasing pressure on Charlottesville’s historically racially and economically diverse neighborhoods, preserving the affordable housing we have—the homes where people live right now and want to stay in—is essential.

► What is Critical Repair?

The Charlottesville Critical Repair Program delivers emergency home repairs, energy-efficiency upgrade tasks, accessibility modifications, and critical maintenance repair tasks to low-income owner-occupied households throughout the City of Charlottesville. AHIP operates this program year-round and, as long as there are available funds, the program rolls from year to year without stopping.

Examples of **home repair emergencies** include:

- a septic line has ruptured and there is waste backing up into the house
- a roof that has been leaking for years finally gives out, and part of the roof collapses into the home, taking the kitchen ceiling with it
- a furnace dies in the middle of winter and there is no heat in the house

Examples of **energy-efficiency upgrade tasks** include:

- installing attic and wall insulation
- replacing original windows with new high-efficiency windows
- replacing an old and inefficient water heater with an on-demand water heater

Examples of **accessibility modifications** include:

- installing a handicap shower unit to prevent tripping and falling over a bathtub
- installing a chairlift
- building a wheelchair ramp to allow safe entry and exit

Examples of **critical maintenance repair tasks** include:

- replacing a 30-year-old oven and range
- replacing outdated electrical receptacles and upgrading the panel box
- replacing a home's siding that is deteriorating and letting moisture in

The people who carry out this initiative include AHIP program and construction staff, local subcontractors, local partner organizations, and skilled in-kind contributors and volunteers.

For energy-efficiency upgrade projects, AHIP partners with LEAP. LEAP staff conducts energy audits and pre- and post-project inspections, helps our estimators develop scopes of work, and leverages funds. Where LEAP is not involved, AHIP's estimators plan any energy-related project components to LEAP standards, ensuring high-efficiency/EnergyStar-rated windows, doors, HVAC units, water heaters, and appliances.

► **Program Goals**

Short-term goals include:

- eliminating dangerous deficiencies
- stabilizing and modernizing substandard conditions
- increasing home health and comfort
- preventing further and more expensive damage that would occur from an unaddressed issue
- reducing energy bills and increasing heating and cooling comfort
- relieving family stress over unaddressed safety hazards and housing repair and maintenance needs

Long-term goals include:

- preserving existing homes

- eliminating involuntary displacement due to home repair needs
- allowing senior homeowners to age safely in place
- reducing Charlottesville’s carbon footprint by increasing the energy efficiency of our housing stock
- reducing parental stress and increasing the well-being of kids
- protecting homeownership in Charlottesville
- protecting and increasing the wealth of low-income and Black homeowners

Service goals include:

- Serve 25 to 50 households with critical repair projects
- Invest an approximate average of \$5,000 (and no more than \$10,000) into each project
 - ↳ Program staff are ongoingly identifying and prioritizing who we will serve next and what we can do for them based on funding availability, urgency and magnitude of need, general demand for our services, risk to vulnerable household members (i.e., frail elderly residents or young kids in the house), and crew and subcontractor scheduling constraints.
 - ↳ Since we field calls and intake new clients on a rolling basis throughout the year, and since this program is set up to be a rapid-response program, we cannot pinpoint at this writing precisely how many projects we will complete or the exact project cost amount that will be expended. We address the spectrum of housing repair needs and don’t yet know what each new client will need from us—it could be a minor but urgent plumbing leak fix (\$200) or a collapsed roof (\$8,000).
 - ↳ In order to serve as many households as possible with these funds, we aim to keep the average CAHF investment at approximately \$5,000 per project and will not exceed \$10,000 for any given project.
 - ↳ We will layer private fundraising and in-kind support into this initiative to support direct program delivery and program management costs and direct construction costs.

► Program participants to be served

Given our rolling intake and the fact that we will not begin planning projects before any potential CAHF funds are awarded and in hand, we do not yet know who our clients will be and therefore do not have firm demographic data. However, there are certain eligibility constraints and program guidelines that are firm:

1. This program will serve owner-occupied households in the City of Charlottesville
2. This program will serve households that fall within the following income tiers:
 - 10 to 20 households up to 30 percent of AMI (\$100,000 of funding for this tier)
 - 10 to 20 households up to 60 percent of AMI (\$100,000 of funding for this tier)
 - 5 to 10 households up to 80 percent of AMI (\$50,000 of funding for this tier)
3. This program will prioritize:
 - households with lower incomes or those experiencing financial or other hardship
 - households with senior citizens, children, and/or people with disabilities or special health needs

The demographics of our city clients stay relatively consistent from year to year. Here is a snapshot of our city Critical Repair Program participants for both FY21 and FY22 (year-to-date), which will provide a good illustration of what we can expect for next fiscal year:

FY21 (July 1, 2020 – June 30, 2021):

- 48 people in 25 households
- 24% of households were home to kids under 18 (8 kids total)
- 64% of households were home to senior citizens (17 seniors total)
- 52% of households were home to family members with disabilities (15 individuals total)
- 17 of 25 households were Black (68%)
- 2 of 25 households were Hispanic (8%)
- Our clients' annual household incomes averaged 42% of the area median (just under \$32,000)

So far in FY22 (July 1, 2021 – February 18, 2022):

- 37 people in 20 households
- 30% of households are home to kids under 18 (7 kids so far)
- 70% of households are home to senior citizens (17 seniors so far)
- 27% of households are home to family members with disabilities (10 individuals so far)
- 16 of 20 households are Black (80%)
- So far, our clients' annual household incomes average 35% of the area median (just under \$25,000)

► **IRL: Case study of a Charlottesville homeowner and Critical Repair Program client**

Last July, Charlottesville's Director of Human Services connected us with a city property inspector who had fielded complaints from Rose Hill neighbors about a worsening sewage issue. The homeowner, Ms. J., knew her sewer line had failed and that the situation would only get worse, but being on a very low fixed income, she knew she could never cover the cost of fixing it. But AHIP could help.

We quickly reached out, verified her eligibility, and sent one of our rehab specialists to inspect. Twelve inches of sewage had backed up in the crawlspace from the broken sewer line and a damaged plumbing system that required immediate attention. We hired a subcontractor to pump it out and repair the plumbing. Phase 2 will involve additional important but not as urgent work: putting down lime and ground cover, cleaning joists, and installing brand-new insulation since everything had to be torn out and removed during clean-up. The Phase 2 work is on hold, awaiting new pending grant money. The cost of the fix amounted to what would be *double* her annual income.

There are countless stories like Ms. J's. We see firsthand how a family home confers stability on generations of occupants, and how easily this can be lost, especially as pressure increases on city neighborhoods. We believe that helping families preserve their homes through critical repair and rehab is one of the best and most tangible approaches we know: a cost-effective means of improving a family's health and well-being today while preserving their home for the future and serving as protection against involuntary displacement.

And we believe that something as humble as home repair plays an important role in making sure the people of Charlottesville can preserve their histories and continue their legacies in the homes they want to—and deserve to—stay in.



AHIP
Charlottesville Critical Repair Program
Project Proposal
Section 2: Demonstration of Need
February 2022

2. DEMONSTRATION OF NEED

AHIP fields calls year-round from prospective clients seeking assistance and also maintains a waiting list of homeowners who have called AHIP for help with a critical repair or set of repairs. As of this writing, there are 275 people in 97 low-income City households currently awaiting assistance. The number is always increasing as new calls come in.

Without assistance, or while they wait, families work around the issues. They make stopgap fixes and triage their emergencies, putting buckets down when it rains or using space heaters to stay warm. In the most severe and stressful cases, they find themselves with no choice but to leave.

Housing affordability in Charlottesville and the region continues to worsen, with median sale prices staying steadily high and beyond the affordability threshold for most city residents. In the fourth quarter of 2021, the median home sale price in the city reached \$399,000. Meanwhile, inventory is plummeting: by the end of the second quarter, there were only 35 active listings, which is down 38 percent from last year's level. Inventory in the region is currently among the lowest it has been in three decades.

All of this pushes prices even higher, speeding up gentrification of already-gentrifying neighborhoods, widening the homeownership and wealth gap between affluent and low-income and between white and Black, and homogenizing the City. The City neighborhoods where our clients live are relentlessly targeted by "postcard investors" who prey on stressed homeowners in lower-income neighborhoods, urging them to sell quickly for fast cash. But once these houses are gone from families and from the affordable housing stock, they are gone forever.

Local strategies and solutions to increase housing supply, increase affordability, strengthen household financial stability, and ensure access to capital are paramount. Preservation—ensuring that households are able to hold onto their homes and their wealth while keeping family members safe and healthy in their homes—is an essential part of this continuum.

► City of Charlottesville's Housing Goals

Rehabilitation and preservation of Charlottesville's affordable housing stock fits within Charlottesville's goals and policies:

1. 2025 Goals for Affordable Housing: Supported Affordable Units

AHIP's work helps the city reach its 15 percent goal by preserving existing affordable units—and our work not only ensures that homeowners and their families can stay in their homes but often helps them live more affordably by reducing their energy bills.

For the proposed CAHF-funded Critical Repair Program, AHIP will secure projects with a promissory note (for projects that come in under \$1,000) or a deed of trust (for projects over \$1,000), with a term of one to five years. Through this mechanism, supported units are tracked and a portion of the invested funds return to the city should a homeowner sell or pass away with no heirs during the term.

2. Comprehensive Plan 2021 Housing Goals

AHIP's work supports the following goals:

- Goal 2: "Maintain and improve the City's existing housing stock for residents of all income levels." This is AHIP's core work, but we strictly focus on low-income residents.
- Goal 2.5: "Preserve and improve the quality and quantity of the existing housing stock through the renovation, rehabilitation, and/or expansion of existing units as a means of enhancing neighborhood stability." AHIP focuses on renovation and rehabilitation rather than expansion.

3. Charlottesville Strategic Plan Affordable Housing and Related Goals

AHIP's work supports the following goals:

- Goal 1.4: "Enhance financial health of residents." AHIP helps families reduce operating costs immediately, removes long-term burdens of costly stop-gap measures; and prevents more costly fixes of unchecked problems down the road.
- Goal 2.1: "Reduce adverse impact from sudden injury and illness and the effects of chronic disease." AHIP's work increases occupants' health and safety by addressing dangerous deficiencies and increasing building health. AHIP's work decreases occupants' stress and improves mental health.
- Goal 2.3: "Improve community health and safety outcomes by connecting residents with effective resources." AHIP delivers a critical resource to homeowners that allows them to improve the health and safety of their homes and families.



AHIP
Charlottesville Critical Repair Program
Project Proposal
Section 3: Demonstration of Equity
February 2022

3. DEMONSTRATION OF EQUITY

AHIP's strategic objective is to maximize and balance impact (how much we do for each household), reach (how many households we help), and capacity (what resources are available to support delivery of high-quality services) with dignity, empathy, and equity as guiding values. The majority of our clients and their relatives have been profoundly impacted by past and present discriminatory and harmful housing practices, buying a home—or living in a home that their parents or grandparents bought or built—against all odds. Part of our duty in our work is to honor that legacy and support them in preserving their health, protecting their wealth, and taking care of their biggest financial asset.

Programmatically, AHIP has sought to remedy the impacts of a hostile system—one that has widened income inequality, shredded the social safety net, and sustained generational poverty and deep racial disparities—by serving a diverse clientele and prioritizing the most vulnerable and impacted. Last year, Black households made up 67% of AHIP's served households in the City. All households were below 80 percent of the area median, with the average hovering around 42 percent.

Externally, AHIP advocates for resources that fund preservation as well as other housing affordability efforts along the local housing continuum. For us, promoting equity means keeping the community's investment focused on housing as a foundation. Equity will never truly exist if there continues to be an enormous gap in homeownership rates, housing stability, and cost burden between white and non-white and between affluent and non-affluent.

Internally, from the makeup and the involvement of our Board of Directors to how our organization in general and staff members specifically deliver our services into the community, the work to align our whole organization with sound equity and inclusion principles and our values of dignity, empathy, and respect is underway.

We have hired an outside consultant to help us assess our internal culture; facilitate learning sessions; set diversity, equity, and inclusion commitments and accountability measures; and identify strategies to get us there. For us, our stated guiding principles and values will only matter if our service delivery—how we treat people, whom we serve, how we communicate and manage conflict—genuinely embodies the words we use. And when it is time to recruit new staff members and new Board members, this work will ensure that we recruit equitably and create an inclusive and thriving workplace and boardroom.



AHIP
Charlottesville Critical Repair Program
Project Proposal
Section 4: Project Readiness
February 2022

4. PROJECT READINESS

AHIP's program is ongoing, and our internal structure and workflow are set up to move clients through our program pipeline from throughout the year and from year to year. We field intake calls continuously, and our two rehab specialists are simultaneously working in every stage: program enrollment and eligibility verification, conducting inspections, sending out bids, and developing scopes of work and estimates. Likewise, our construction manager is simultaneously in various phases of rehab and repair projects from scheduling to construction to closeout.

We are currently staffed—on the program management, program delivery, and construction fronts—to fold the proposed projects into our client pipeline and achieve the goals detailed in this proposal. As always, local subcontractors supplement our construction capacity when we need more hands or when we're seeking specialty work such as HVAC or insulation installation.

AHIP's home improvement work varies in terms of neighborhood, project size, funding constraints, and project scope, but this is the only work that we do and have done for more than 45 years. If awarded, this CAHF grant would allow us to seamlessly and immediately begin putting this funding to work, allowing us to help more City residents more efficiently and converting every dollar into critical home repairs for City homeowners.

► Process

Below is an outline of our Critical Repair Program process. Each program client would move through the following steps:

STEP 1: INTAKE

- **Preliminary screening**
 - Takes place via phone or in person and involves questions about housing conditions, repair emergencies, and household makeup
 - Clients self-refer and are also referred by neighbors, family members, city staff, social services providers, and other housing providers.
- **Entry into our database/waitlist or enrollment (depending on urgency, severity, and funding availability)**

STEP 2: ENROLLMENT

- **Eligibility verification and data collection**
 - Clients are assigned to one of AHIP's two Rehab Specialists, who verify income (through third-party verification) and other eligibility measures and get clients enrolled. Homeowners must be current on their real estate taxes (or have a payment plan in place) and have clear title to their homes. Residents who hold a life estate are eligible. AHIP will often work with the client, their family members, and community resources such as Legal Aid to help clients clear up tax or ownership issues.
- **Initial home inspection**
 - The Rehab Specialist meets with the clients to talk about their home and the issue(s) of concern and to conduct an initial walk-through.

STEP 3: PROJECT PLANNING

- **Inspections**
 - Depending on the types of repairs needed, the Rehab Specialist schedules general and/or specialty inspections. Other third-party specialty inspections may include LEAP, pest, chimney, and electrical.
- **Scope of work and estimate**
 - The Rehab Specialist finalizes a scope of work and estimate for each project and reviews it with the homeowners. We focus on health and safety issues and must follow the city's scope of work requirements but do our best to work with homeowners to cover items that are important to them. If there is an energy upgrade included, LEAP may help with developing the scope of work.
- **Contract signing**
 - AHIP's Construction Program Manager meets with each client to review project scope, costs, process, policies, and the contract. Once the contract is signed, AHIP schedules the work.

STEP 5: CONSTRUCTION

- **Project work**
 - AHIP crews, local subcontractors, and/or volunteers carry out the rehab and repair tasks.
- **Oversight, compliance, and quality assurance**
 - AHIP's Construction Supervisor and/or subcontractors secure proper work permits when required and our Crew Leaders and Construction Supervisor monitor each project as it proceeds.
 - All construction activities are subject to local, state, and federal laws and regulations, including the building code, contracting regulations, and HUD and OSHA rules. We follow city rules for liability insurance, adhere to industry standards on workers' compensation, and are subject to audits by NDS staff, HUD inspectors, DPOR inspectors, and OSHA inspectors.
 - All client-facing staff are currently required to mask while working indoors or meeting with clients in their homes.

- AHIP's Construction Program Manager is the point of contact for every client, reviewing progress during the project and addressing any concerns or questions.
- When the project is nearing completion, AHIP conducts a final walk-through with the client. The Construction Supervisor will create a punch list for any items that need to be addressed following the walk-through. Specialty inspectors will have their final inspections, and a final general inspection report verifies that all repairs and upgrades have been completed and are satisfactory.
- **Qualifications**
 - AHIP holds a Class A Contractor's license and is an EPA- and state-certified Lead Abatement Contractor. AHIP partners with Building Performance Institute (BPI)-certified building analysts at LEAP and WeatherSeal on all our energy-efficiency upgrade projects from pre-testing to closeout.
 - AHIP's programs meet a variety of industry standards, including HUD health and safety inspection guidelines; local property maintenance and building codes (based on state and national standards); and the BPI standards for best practices in energy efficiency. AHIP's third-party inspectors (plumbing, electrical, energy auditors, chimney, pest, etc.) or third-party building officials use HUD guidelines and/or building code or BPI standards to scope and evaluate our work.
- **Closeout and warranty**
 - With construction complete, AHIP's Construction Program Manager holds a meeting with the client to close out the project and sign all required documentation.
 - Client surveys provide feedback on the project, what impact it had on the household, and what could have been done to improve the process or the project outcomes.
 - All of AHIP's work is warrantied for one year, so if something goes wrong, AHIP staff will return to make it right at no additional cost to the client. And our staff are always available to answer past clients' questions, even outside of the official warranty window.



AHIP
 Charlottesville Critical Repair Program
 Project Narrative
 Section 5: Project Budget
 February 2022

5. PROJECT BUDGET

EXPENSES

Program delivery - staff costs (direct) 105,525

Intake, database management, eligibility verification/enrollment, inspections, estimating and scope of work development, bidding and procurement, construction management (planning, scheduling, supervision, quality control), client service, invoicing, cost tracking and reporting

Program delivery - construction costs (direct) 200,000

Hard costs: AHIP labor, subcontractors, materials
 Soft costs: permits, 3rd-party inspections, recording fees, rentals, fuel, disposal, etc.

Program management - staff (direct) 22,636

Oversight, support, troubleshooting, recordkeeping, invoicing, payables and receivables, funding source allocations and tracking, program payroll management/cost allocations, project budget and impact reporting, invoicing, lien waiver/subcontractor coordination, program evaluation

Total direct program expenses 328,161

INCOME

City of Charlottesville - CAHF 250,000

Private foundation grants 25,000

Dominion Energy via LEAP 10,000

Safe at Home Campaign/Annual Fund 43,161

Total income 328,161



AHIP
Charlottesville Critical Repair Program
Project Proposal
Section 6: Project Schedule
February 2022

6. PROJECT SCHEDULE

If funded, the targeted time frame for this project would begin in April 2022 and run for approximately 12 months. Unlike construction of a discrete multifamily development, this effort comprises multiple construction projects in various stages of development—intake to estimating to construction—that run concurrently and consecutively throughout the year.

Critical repairs may take as little as a week from intake to completion, or could take longer depending on complexity of the issue and how many issues need to be addressed. Other current challenges that are slowing AHIP's pace down include labor shortage woes, permitting delays, extreme supply chain disruptions and delays, and highly scheduled local subcontractors (who are grappling with these very same issues themselves).



AHIP
Charlottesville Critical Repair Program
Project Proposal
Section 7: Experience
February 2022

7. EXPERIENCE

AHIP is an independent 501(c)(3) nonprofit organization that began working locally in 1976 and that began working in the City of Charlottesville in 1995. (Our sister organization, Charlottesville Housing Improvement Program, or CHIP, closed in 1995.)

From 1995 to 2008, AHIP utilized the city's federal HOME and CDBG funds to complete major rehabs for city households. In 2009, Neighborhood Development Services and City Council recognized a need to do more, and we began using newly dedicated housing funds to pilot an emergency and accessibility repair program. From there, more funding became available to expand the small repair program and begin completing more comprehensive rehab projects.

In 2011, we began partnering with LEAP to bring energy-efficiency upgrades to city clients and began planning for our first Block-by-Block Charlottesville effort, which rehabbed 40 homes in the 10th & Page neighborhood and won a Virginia Housing Award. From that point forward, we have worked closely with city staff and leaders to carry out a thriving effort that balances small repairs, energy upgrades, scattered-site projects, and target-area projects—bringing together city resources, private funds, partner organizations, and volunteers—to make sure that people can stay in their homes and stay safe in their homes.

AHIP is a state-licensed Class A Contractor and an EPA-certified lead abatement contractor. With more than 150 years of construction experience among our rehab program staff and more than 45 years of experience serving our community, AHIP has the expertise to continue to deliver critical rehabs and repairs to city homeowners. This is our mission and our reason for being.

► Key Staff

- **Cory Demchak, Director of Programs**, is responsible for day-to-day oversight of AHIP's rehab department, managing construction staff, program partnerships, subcontractors, project financing, financial oversight and compliance, and recordkeeping. Mr. Demchak joined AHIP in September of 2018.
- **Laurie Jensen, Intake Manager**, manages the intake, client database/waitlist, data collection, and client assignment process. She also manages special projects and works on target-area project planning. Ms. Jensen joined AHIP in 2015.
- **Len Wishart and Lee Miller, Rehab Specialists**, are in charge of conducting initial inspections, scheduling specialty and city inspections, estimating projects, and writing up scopes of work. They

also work with LEAP to estimate energy-efficiency tasks, folding them into the rehab estimating process and LEAP compliance processes (including pre- and post-testing coordination). Mr. Miller holds AHIP's plumbing and electrical license and Mr. Wishart manages AHIP's safety and lead training programs. Together, they bring more than 60 years of construction experience to the community.

- **George Herring, Construction Supervisor**, is responsible for scheduling crews and subcontractors, managing workflow and budgets, arranging final inspections, and overseeing the quality of all work completed. He works closely with the crew leaders and the rehab program staff.



AHIP
Charlottesville Critical Repair Program
Project Proposal
Section 8: Capacity
February 2022

8. CAPACITY

As mentioned, the project budget shows specific sources and uses of funds, average and projected costs per unit, and other public funds and private resources that will be leveraged to make this effort a success. Additionally, we are currently staffed—on the programmatic, planning, and the construction fronts—to carry out the goals of this effort.

Focusing on emergency repairs with any awarded CAHF funding also allows us to complete projects more quickly than rehab projects and ideally reach more neighbors in need of critical home repairs. As always, local subcontractors supplement our construction capacity.

Lastly, AHIP's impact and reach depend on strong and creative collaboration with a range of local partners. We would not be able to do this work on our own and are actively working with LEAP, CAAR, BRHBA, local businesses, and referring entities to make the program a success.



AHIP
Charlottesville Critical Repair Program
Project Proposal
Section 9: Metrics
February 2022

9. METRICS

Beyond our service goal of 25 to 50 households, we measure satisfactory completion of each project (as determined by our own quality control measures, independent inspection, and homeowner satisfaction) and the overall satisfaction and increase in well-being of the homeowner (as measured through a post-project survey). The level of inspection detail is commensurate with the complexity of the project.

In addition to regular inspections and contact with the client throughout the project, AHIP staff conducts a thorough post-project inspection and walk-through with the client to make sure all tasks are completed to the satisfaction of the homeowner and our construction supervisor. All parties—client, staff, subcontractor (if needed), and third-party inspectors (when applicable)—can see, evaluate, and document the work that was done to address outstanding health and safety issues and improve the home.

Generally, steps in the process include:

1. Initial conversations with the homeowner to understand their repair needs and goals, followed by inspections by AHIP staff, a city inspector (as required by the building code), LEAP technicians (for energy upgrades), and independent inspectors (if applicable)
2. Approval of the proposed scope of work by city Neighborhood Development Services (NDS) staff and the homeowner
3. Periodic inspections, reviews of the work, and check-ins with the client by AHIP staff throughout the project while checking in with the client. The city's building inspector also conducts periodic inspections as part of the permitting process
4. Final walk-through and inspection by AHIP staff and the client at the close of the project, to review all tasks and ensure that all work has been done properly. Any outstanding items or fixes are added to a punch list for follow-up. Final inspections also conducted by city and independent inspectors as needed. Final test-out by LEAP staff for all energy upgrades assesses efficiency gain
5. Sign-off by the homeowner that all work, and any punch list items, have been completed satisfactorily
6. Post-project questionnaire delivered to client assessing satisfaction, experience, critiques, and impact of the work. Client feedback may identify needed follow-up tasks and helps guides process and program improvements

7. Warranty period that lasts one year following completion of the project. Depending on the scope of work and the funding source(s), AHIP's work must meet the federal HUD Housing Quality Standards, the City of Charlottesville maintenance and building code, and/or LEAP standards. Additionally, AHIP follows the regulations set forth by the city's Housing Assistance Program Policies, Procedures, Protocols & Rehabilitation Standards Manual.

This year, AHIP is working on all of our client processes, including how to best communicate with clients throughout the process and measure satisfaction during and after the project is completed, and one of our key goals is to strengthen our evaluation tools and effectiveness.

Authorization:

Organization Name: Albemarle Housing Improvement Program (AHIP)

Project Title: Charlottesville Emergency Repair Program

I, Jennifer Jacobs, certify that I am authorized to (Authorized Organization Official) apply for funding from the City of Charlottesville. I certify that all information contained herein is accurate to the best of my knowledge.

 _____ Date 2/18/2022

City of Charlottesville
 Affordable Housing Fund (CAHF) Application
 (all items must be completed)

Applicant Information

Total Amount of CAHF funds requested: \$ 3,000,000

Check Tier Applying For	Amount of CAHF funds requested by Tier	Level of Funding	Typical Amount of Funding Available	Households Served
x	\$1,650,000	Tier 1	\$375,000	serving households with incomes up to 30% of Area Median Income (AMI)
x	\$1,350,000	Tier 2	\$225,000	serving households with incomes up to 60% of Area Median Income (AMI)
	\$0	Tier 3	\$150,000	serving households with incomes up to 80% of Area Median Income (AMI)

Organization name: Piedmont Housing Alliance

Contact name: Lindsay C. Chamberlain

Title: Development and Communications Manager

Organization Address: 682 Berkmar Dr

Phone: 434.422.4866

Email: lchamberlain@piedmonthousing.org

Project Information

Project Name: MACAA Development

Project Location: Macaa Dr.

Purpose of requested funding: (check all that apply)

New Construction

Acquisition

Rehabilitation

Rent Subsidy

Operating/Administration

Other: _____

Project type:(check all that apply)

- Multi-family
- Single family (detached)
- Single family (attached)
- Rehabilitation
- New Construction
- Acquisition
- Other: _____

Income restrictions on project (indicate number of units meeting each Area Median Income (AMI) category):

- 30 _____ Incomes less than 30% AMI
- _____ Incomes between 30% and 40% AMI
- 6 _____ Incomes between 40% and 50% AMI
- 30 _____ Incomes between 50% and 60% AMI
- _____ Incomes between 60% and 80% AMI
- _____ Unrestricted units (>80% AMI)
- 66 _____ Total Units

Term of Affordability (indicate number of units meeting each affordability term):

- _____ less than 2 years
- _____ 2-5 years
- _____ 5-10 years
- _____ 10-15 years
- _____ 15-20 years
- _____ 20-30 years
- 66 _____ more than 30 years
- 66 _____ Total Units

Project Proposal:

Please provide following information as separate attachments to the application:

1. Project Description—Provide a description of the proposed project. Include: project type and location, short and long-term goals, the population(s) to be served. Discuss plans for accessibility/adaptability, energy conservation and/or any green building components.

This project provides a diversity of affordable housing options for people experiencing low incomes within a high-opportunity neighborhood just one mile from a local job center in downtown Charlottesville and meets a critical need for affordable housing in the Charlottesville area. The project responds to the context of Locust Grove's tree-lined local streets with single-family dwellings by extending this neighborhood fabric into the site. The development plan addresses the primary goals of the Charlottesville Comprehensive Plan with particular respect to housing, community facilities, land use, and the environment. This project addresses the need for greater affordability within our community by infilling in an area where no affordable housing currently exists.

The proposal reflects a partnership between four organizations, all of which focus efforts on the support of people experiencing low-incomes as a central part of their mission. The four organizations are partnering on the redevelopment of the MACAA location to pursue an integrated spectrum of affordable rental housing, affordable homeownership opportunities, and a new modern early childhood center. . Piedmont Housing Alliance is acting as the lead developer overall as well as the lead developer of the affordable rental homes, aiming to partner with the Charlottesville Redevelopment and Housing Authority (CRHA) to dedicate a mixture of public housing units and project-based vouchers integrated within the rental buildings. MACAA, the current owner of the property, will develop classrooms in which to operate its Head Start program onsite. Habitat for Humanity of Charlottesville will build townhomes and duplexes on the site to provide affordable homeownership opportunities.

The redevelopment of the MACAA property on a prominent site between the North Downtown and Locust Grove neighborhoods provides a unique opportunity to address the City's affordable housing needs while taking advantage of the unique character of the grounds and sloping landscape on the site. This property will become an active and integrated extension of the adjacent neighborhoods while providing bike and pedestrian links to the broader community amenities by emphasizing connectivity and shared open spaces.

RENTAL HOUSING

The affordable rental portion of the project, for which this funding application would specifically apply, will include 66 rental homes, serving families between 30 and 60% AMI. The mix of 1-, 2-, and 3-bedroom apartment homes will be managed by the Piedmont Housing Alliance (PHA) through the Low Income Housing Tax Credit (LIHTC) program. Through a unique partnership proposal between Piedmont Housing Alliance and the CRHA, up to 45% of those rental homes would be targeted to families making at or below 30% AMI. This would be accomplished through the inclusion of Project Based Vouchers and integrated Public Housing units within the project and would far exceed the number of deeply affordable units in a typical LIHTC project. More critically, these units would address a significant area of need for a vulnerable portion of the Charlottesville community.

Regarding accessibility/adaptability for the affordable rental units, the code minimum number of fully accessible Section 504 units for the 66-unit MACAA development is *four (4)* units. Instead, the site will have *seven (7)* 504 units for residents with physical impairments and *two (2)* accessible units for residents with sensory impairments. The remaining rental homes are targeted to meet or exceed Universal Design standards – the gold standard for adaptability.

Regarding energy efficiency and sustainability, the rental homes will not only be certified under Enterprise Green Communities, the national standard for green-built affordable housing, but also will be aiming for DOE Zero Energy Ready Homes (ZERH) certification and Passive House certification under the PHIUS Multifamily protocol, an extremely stringent design, construction, and verification practice that ensures durability, excellent moisture management, and significant energy reductions through passive strategies, including increased insulation, robust air-sealing, thoughtful mechanical specifications, and attention to detail. Designing to these standards will provide

a higher quality building envelope and operational efficiencies that directly benefit residents through increased durability and reduced utility bills.

Piedmont Housing will also be pursuing funding for a solar panel installation on all roofs to further project sustainability goals and reduce utility costs for residents.

HOMEOWNERSHIP

By pursuing a variety of financing models and unit types, the project intends to meet the needs of a range of household incomes. Partner Habitat for Humanity of Greater Charlottesville's funding for the townhome and duplex portion of this project is separate from the rental housing development. And, yet, affordable homeownership will need parallel City funding to come to fruition. The Habitat funding application will come in a future CAHF round.

The homes will be sold to families experiencing low-income using a low- to no-interest mortgage and a repayment schedule appropriate to that family's income. Habitat typically serves families between 30-60% AMI, and Habitat for Humanity of Greater Charlottesville has helped families with an average AMI of 34% over the last three years.

2. Demonstration of Need -- Describe how the project contributes to the City of Charlottesville's housing goals.

The project provides housing choices that are not readily available within Charlottesville, namely affordable rental and homeownership opportunities. The project has been developed holistically, aiming to meet goals around affordability, sustainability, walkability, bikeability, and support of historical and natural landscapes. The project provides ranges of multifamily dwellings, townhouses, and duplexes, providing a variety of typologies along with a diversity of rental and ownership models. The homes provided are within a short distance from downtown and will have convenient access to a system of green spaces and other public amenities. The development will be constructed to a high level of quality -- the standards for Low Income Housing Tax Credit-funded developments such as the rental portion of the project far exceed market-rate building standards, and our partner in the project, Greater Charlottesville Habitat for Humanity, has a proven track record of constructing quality homes throughout the region.

3. Demonstration of Equity -- Describe how this project demonstrates and promotes equitable housing needs and economic opportunity for low-income residents in the City of Charlottesville.

In the last two years, both the City of Charlottesville and the Thomas Jefferson Planning District Commission have commissioned housing needs assessments. The resulting data are dire. Regionally, over 11,000+ households are housing-cost burdened, with the large majority living in the urban center of Charlottesville and Albemarle County. Of this number, over 2,000 households in the urban core are severely cost burdened, paying more than 50% of their incomes towards housing costs. This burden falls disproportionately on households with incomes below 50% AMI.

Designated by the city as a revitalization area, the MACAA site is in a part of Charlottesville where no current affordable housing exists. This project provides a spectrum of housing types for residents with a variety of family sizes and incomes and accommodates an integrated range of affordable rental and homeownership choices. The project also contributes to the City's larger housing affordability goals by contributing to the housing stock for people experiencing low income, one of the critical areas where more supply is most needed. The project creates a diversity of affordable housing options for families at a range of income levels from 30 to 60% of area median income, including affordable rental and affordable homeownership.

Given MACAA's organizational mission, the desire to include early childhood education as a priority in the neighborhood re-design has been part of the conversation. As a result, this project includes onsite childcare to integrate services that support working families. Registration for families will follow the model of the current Head

Start program that MACAA operates with prioritization given to residents in the site. Parents may confidently pursue educational and career opportunities knowing their children are thriving.

4. Project Readiness--Provide evidence of: organizational experience and capacity to manage the project; pursue and acquire land, site control, required zoning variance and permitting (if applicable); financial commitments for the projects; community engagement plan (if applicable); resident relocation plan (if applicable); plans for preparation and coordination of necessary public meetings (if applicable).

The coordinated planning process for the MACAA redevelopment has included residents, local governments, and strategic partners. Strong financial and community support, an experienced team, and a realistic project timeline will ensure completion in a timely manner. This project has passed through a successful rezoning process which included public meetings. These public meetings were held multiple times in the process of approving the rezoning. The land acquisition process will be finalized by Q2 2022.

Piedmont Housing Alliance's commitment to building strong financial and community support and developing realistic financial projections has been demonstrated in other projects, such as Friendship Court and Southwood Apartments. MACAA homes will benefit from this substantial experience, a similar community engaged design process, and a coordinated campaign for political support of regional affordable housing efforts.

As is the case with many publicly-approved and welcomed affordable housing developments, the city funding acts as a catalyst that unlocks the other sources. The funding sources listed in the budget hinge on the approval of funding from the City.

5. Project Budget—Provide a detailed description of the proposed project budget showing sources and uses and amounts of additional funding.

The budget below, and the CAHF request here, refer to the rental housing development (66 units) that Piedmont Housing Alliance is undertaking. However, the full project, including the homeownership units to be developed in partnership with Habitat for Humanity of Greater Charlottesville, will require additional subsidy to support Habitat's units. The CAHF application for Habitat's units will take place in a future CAHF cycle. After speaking with City staff, we decided to separate the applications over time because they have different time constraints. The rental housing, which needs LIHTC to bring to fruition, is constrained by the annual LIHTC application cycle – applications are due in March of every year. Habitat's sources are not constrained by the same application cycle.

MACAA - 66U - Combined Sources and Uses

Permanent Sources	COMBINED	
	66 Units	
	Sources	Avg. P U
Tax Credit Equity	\$12,717,791	\$192,694
First Mortgage	\$6,318,644	\$95,737
City of Charlottesville Funds	\$3,000,000	\$45,455
ASNH (VHTF, NHTF,HOME)	\$1,800,000	\$27,273
Other Loan	\$1,320,000	\$20,000
Seller Note	\$560,000	\$8,485
FHLB AHP	\$500,000	\$7,576
Deferred Developer Fee	\$64,790	\$982
Total Permanent	\$26,281,226	\$398,200
Summarized Uses	Uses	Avg. P U
Acquisition Costs	\$1,880,000	\$28,485
Construction Costs	\$19,993,050	\$302,925
Architecture and Engineering	\$708,750	\$10,739
Owner's Construction Costs	\$332,430	\$5,037
Professional Services	\$186,585	\$2,827
Financing Costs	\$1,280,230	\$19,397
Partnership Costs	\$70,350	\$1,066
Operating and Carrying Costs	\$73,500	\$1,114
Reserves and Escrows	\$456,331	\$6,914
Developer's Fee	\$1,300,000	\$19,697
Total Uses	\$26,281,226	\$398,200

6. Project Schedule—Indicate the proposed project schedule; timing of completed SAUs; pre-development, anticipated pursuit and acquisition timeline ,site control, zoning approval, financing and construction milestones (if applicable) to project completion.

The schedule below reflects our best estimation of timing based on known funding requirements driven by Virginia Housing and the Department of Housing and Community Development. Their closing processes constrain the gap in timing between LIHTC allocation and start of construction. More information can be provided if desired.

MACAA PSA finalized	May 2022
Site Plan Submission	Apr 2022
Site Plan Approval	Feb 2023
LIHTC Application Submitted to VH	Mar 2023
LIHTC Final Rankings Announced	Jun 2023
LIHTC Reservation Documents Executed	Jul 2023
Building Permit submitted	Jul 2023
Building Permit Issued	Oct 2023
Closing process/ Construction Start	Dec 2024
Construction Complete	May 2026
Lease Up Complete	Sep 2026

7. Experience—Provide a summary of similar activities completed by the organization and project team.

Piedmont Housing Alliance has been a leader throughout the Charlottesville region since 1983 in developing and managing affordable housing and offering pathways for struggling renters and aspiring homebuyers. Our work is guided by the core values of equity, opportunity, home, community and respect. Our continuum of services and resources has: assisted more than 1,000 low-income households purchase a home; supported thousands more through financial counseling services; backed the financing and construction of 100+ affordable single-family homes; financed the preservation, construction, and rehabilitation of nearly 1,000 affordable rental homes; and we currently manage over 600 affordable rental homes.

From 2014-2021, Piedmont Housing successfully leveraged \$18 million for new rental housing development and the rehabilitation of existing units; \$21 million for mortgage financing for low-income homeowners; and \$376,638 for economic development projects. In total, \$40 million has been deployed and leveraged for affordable housing in the region, serving thousands of low-income households.

Piedmont Housing Alliance has been a certified Community Housing Development Organization (CHDO) since 1997. In 2015, we provided \$1,079,029 for the rehabilitation of 30 rental units of affordable housing, reserved for seniors experiencing low-income, in the rural community of Crozet. In 2016, we provided \$950,000 as a development partner on a \$10.7 million housing project that created 54 units for seniors experiencing low-income. Piedmont Housing acted as a primary conduit for project financing for land acquisition as a CHDO and nonprofit partner to enable LIHTC financing. In 2017, \$6,273,332 was leveraged for the acquisition and rehabilitation costs for an additional 97 homes in Albemarle County. In total, 181 homes have been developed or rehabilitated in the past six years.

Since 2016, Piedmont Housing Alliance has also led the redevelopment planning for Friendship Court, deploying over \$800,000 for architectural and engineering design work, a facilitated master planning process, and preliminary site assessments. Plans detail a redevelopment strategy committed to zero displacement by building new units on available and open green space, transitioning 150 current households through a phased approach. The first phase of the redevelopment successfully secured a 9% tax credit award in 2019 and began construction last month. As a seasoned CDFI with experience as an affordable housing developer, Piedmont Housing has the track record and resources to successfully complete these projects. Further, the capacity to fulfill on this work is bolstered by the development experience of key personnel and the demonstrated experience of senior staff in leveraging the funding, resources, partnerships, and relationships necessary to bring projects to fruition.

KEY PERSONNEL

SUNSHINE MATHON, EXECUTIVE DIRECTOR: Sunshine joined Piedmont Housing Alliance as Executive Director in 2017 and leads the Real Estate Development team. He has 14 years of experience in affordable housing development including planning, leveraging resources, underwriting, pipeline development, relationship-building, and partnership management. Sunshine was specifically hired to oversee the Friendship Court redevelopment and to develop a strong pipeline of future projects, including finding public and private funding sources, and developing strong partnerships with elected officials, partner agency nonprofits, and planning agencies to successfully structure a complex, community-responsive, economically viable strategy for redevelopment. Prior to joining Piedmont Housing, Sunshine was Director of Real Estate Development for Foundation Communities in Austin, Texas. During his 10-year term, he oversaw of \$200 million in sustainable, affordable housing development including over 1,000 units. He is well-versed in gathering and supervising integrated teams of staff, architects, engineers, contractors, and consultants through all phases of development, and his management of contractors includes adherence to strict funding driven construction schedules and budget. Sunshine's experience also includes an inclusive community focus, as well as the development of services such as an early childhood center for affordable housing residents. He holds a Master of Architecture from the University of Texas, Austin.

ANDY MILLER, DIRECTOR OF REAL ESTATE DEVELOPMENT: Andy was hired in 2019 as part of Piedmont Housing Alliance's significant expansion in real estate development, bringing 16 years of affordable housing design and

development experience. Andy has primary oversight of project development: identifying and evaluating properties for future development; facilitating the planning process, including pre-development work such as architectural and engineering specifications, design schematics and pricing, design development, commercial construction bidding processes, and construction oversight; and managing the full range of the development process for complex affordable multi-family projects. Prior to joining Piedmont Housing Alliance, Andy was Senior Development Manager for Laurel Street, an affordable housing development firm in Charlotte, North Carolina. In that role, he managed over \$100 million in affordable and workforce housing development and oversaw the delivery of over 800 units. Past projects have ranged from new construction master planned communities to acquisition/rehab projects with financing from various sources including 4% tax credits, 9% tax credits, HUD Section 221(d)(4) loans, private equity funds, and various state and local resources. He has been responsible for day-to-day management of mixed income developments from initial concept through project stabilization, including project planning, finance structuring, pro forma analysis, due diligence, market analysis, negotiation and closing on financing, design team management, entitlements, construction review, marketing and lease-up. He holds a Master of Architecture from UC Berkeley and a Master of Science in Real Estate from UNC Charlotte.

MANDY BURBAGE, REAL ESTATE DEVELOPMENT MANAGER: Mandy joined Piedmont Housing in 2020 with 13 years of planning and development experience in the Charlottesville area. Mandy most recently managed land development and entitlement activities for Habitat for Humanity of Greater Charlottesville, including the successful rezoning of Southwood Mobile Home Park, a resident-led, master planned trailer park redevelopment with a commitment to resident non-displacement. Prior to Habitat, Mandy worked in the public sector as a senior land use planner gaining valuable insight into the community's long range planning goals and an understanding of the entitlement process. Mandy currently oversees due diligence, entitlement, design coordination, and permitting efforts on multiple projects.

8. Capacity –Provide a detailed description to demonstrate the applicant's ability to complete this project within 24 months.

Piedmont Housing's previously completed projects include leveraging \$7,344,361 in project costs for the rehabilitation of two affordable housing communities in Albemarle County: in 2015, Crozet Meadows, a 30-unit senior apartment building in Crozet, underwent a \$1,071,029 rehabilitation; and in 2017, Wood's Edge senior apartments underwent a \$6,273,322 acquisition and renovation of 97 homes.

Piedmont Housing Alliance recently broke ground on Phase I of the redevelopment of Friendship Court Apartments, a Project-Based Section 8 subsidized apartment complex serving 150 families in Charlottesville, Virginia. Phase I of redevelopment includes one-for-one replacement of 46 of the existing Project-Based Section 8 homes, as well as 60 additional new homes serving households ranging from 30-80% AMI. A LIHTC allocation and DHCD ASNH funding has been awarded for Phase I, which will complete construction in 2023. By the end of all four phases in 2027, all 150 existing Section 8 subsidized units will be replaced and an additional ~300 new units will be added to create a tiered-income community model serving households from below 30% AMI up to 80% AMI. All units will be protected with long-term affordability restrictions.

In March 2021, Piedmont Housing submitted a 9% LIHTC application for the development of a 71-unit affordable housing community, Southwood Apartments, and was successfully allocated credits in June. This is the first phase of a two-phase project that will include a total of 121 affordable units. The design is targeted to achieve Passive House and Enterprise Green Community certifications. The project is located in the larger Southwood Community redevelopment area, a community led redevelopment of a trailer park south of Charlottesville, which is being master planned and developed by Habitat for Humanity Charlottesville. Based on a successful LIHTC award, Southwood Apartments is anticipated to start construction in late 2022.

Also in March 2021, Piedmont Housing Alliance purchased the Red Carpet Inn. As part of the first phase of the Premier Circle redevelopment, in which the motel is functioning as non-congregate emergency shelter for people

experiencing homelessness, Piedmont Housing has overseen renovations for 94 homes. Phase II will consist of an 80-unit supportive housing project being developed by Virginia Supportive Housing. Piedmont Housing Alliance will develop Phase III of the redevelopment, Premier Apartments (final name TBD), consisting of approximately 60 affordable apartments for family and senior households with 30%-80% AMI incomes. Premier Apartments will be designed to Enterprise Green Communities and Passive House standards. The building(s) will provide direct benefits to residents through increased durability, healthy interiors, and reduced utility bills.

Piedmont Housing Alliance and Habitat for Humanity each demonstrate track records of successful development, combined they form an explosive combination. Once initiated, construction will be completed within 18 months, in May 2026. Construction can begin in 2024 once the site plan is approved, building permits are issued, and the Low Income Tax Housing Credit rankings are released in 2023.

9. Metrics –Provide a detailed description of the metrics used to measure success.

We will know the redevelopment of the MACAA property has been successful upon construction completion in partnership with Habitat for Humanity and Greater Charlottesville. We will know we have succeeded in providing 96 affordable homes, reactivating the underutilized space and integrating it as a Charlottesville neighborhood reserved for cost-burdened residents.

Our metrics for success will include delivering on seven fully accessible homes, and 59 homes targeted to meet or exceed Universal Design standards – the gold standard for adaptability, and building rental homes that will not only be certified under Enterprise Green Communities, the national standard for green-built affordable housing, but also DOE Zero Energy Ready Homes (ZERH) certification and Passive House certification under the PHIUS Multifamily protocol.


Authorization:

Organization Name: Piedmont Housing Alliance

Project Title: MACAA redevelopment

I, Lindsay C. Chamberlain certify that I am authorized to
(Authorized Organization Official)

apply for funding from the City of Charlottesville. I certify that all information contained herein is accurate to the best of my knowledge.


Signature

02/18/2022
Date

Lindsay C. Chamberlain
Print Name

Development and
Communications Manager
Title

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 12, 2022 (1 st Reading) April 18, 2022 (2 nd Reading)
Action Required:	Approval of Meals Tax Ordinance
Presenter:	Michael C. Rogers, Interim City Manager
Staff Contacts:	Krisy Hammill, Sr. Budget and Management Analyst
Title:	Amendment to City Code Sec. 30-451, Meals Tax Ordinance Change

Background:

The City currently levies a 6% meals tax on the purchaser of every meal sold in the city by a restaurant or caterer. The current rate has been in place since fiscal year 2020. As part of the FY 2022 budget, an increase of 0.5% is proposed, raising the tax rate to 6.5%. The City estimates that this change will bring in an additional \$1.25 million in revenue for FY 2023.

Discussion:

The meals tax is paid by consumers of prepared hot foods sold for immediate consumption on and off a premises including restaurant and grocery store food bars. This tax does not apply to foods purchased for home consumption and preparation, which are taxed at 2.5%. Meals tax revenue continues to grow. Originally budgeted at \$12.8 million in FY 2022, meals tax revenue is projected at \$15.4 million for FY 2023 before the proposed increase to 6.5%.

Community Engagement:

There are several opportunities for the community to provide input into the budget with several public hearings on the budget and a few minutes reserved at the end of each budget worksession for public comment and input, along with the Community Budget Forum. In addition, this ordinance change has already been advertised to the public, via a legal ad in the Daily Progress, and a public hearing was conducted by City Council on the proposed increase on March 23, 2022.

Alignment with City Council's Vision and Strategic Plan:

The new revenue supports several initiatives that are included in the City's Strategic Plan including strong emphasis on affordable house, education, and supporting our employees. More information on the City's Strategic Plan can be found at <http://www.charlottesville.org/strategicplan>.

Budgetary Impact:

Staff estimates that the rate change will generate an additional \$1.25 million in FY 2023 revenue and is included in the in the revenue totals presented as part of the FY 2023 Budget Ordinance being considered by Council for approval on April 12, 2022.

Alternatives:

Council could elect not to raise the meals tax rate at this time, or approve a different rate increase. If that's the case, staff will have to identify additional revenue or expenditure reductions in order to balance the budget.

Recommendation:

Staff recommends approval of the ordinance change, increasing the rate from 6% to 6.5%.

Suggested motion: "I move to approve the ORDINANCE amending and reenacting City Code Section 30-283, to increase the meals tax rate from 6 percent to 6-and-one-half percent"

Attachments:

Ordinance

ORDINANCE

**Amending, reenacting and reordaining Chapter 30 of the City Code, Section 30-283,
to increase the meals tax**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, that Chapter 30 (Taxation) Article X (Meals Tax), Section 30-283 of the Code of the City of Charlottesville (1990), as amended, is hereby amended, reenacted and reordained, as follows:

Sec. 30-283. Levied.

(1) In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of every meal sold in the city by a restaurant or caterer. The rate of this tax shall be ~~six (6)~~ *six and one-half* percent *(6.5%)* of the amount paid for the meal. There shall be no tax if the total amount paid is less than thirteen cents (\$0.13); on larger amounts a fractional cent of ~~tax due~~ shall be rounded to the next higher cent.

.....

BE IT FURTHER ORDAINED that the meals tax increase effectuated by this Ordinance shall be effective **July 1, 2022**.

CITY OF CHARLOTTESVILLE, VIRGINIA
REPORT TO CITY COUNCIL



Date Submitted: March 24, 2022 (Via email to Clerk of Council)

Contacts: Jessica Harris, Chair, Human Rights Commission
Todd Niemeier, Director, Human Rights Commission

Title: CY2020 Annual Report – Human Rights Commission & Office of Human Rights

Introduction

The Charlottesville Human Rights Commission, in partnership with the Office of Human Rights, acts as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.

The Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville), outlines the roles, duties, and responsibilities of the Human Rights Commission (HRC) and the Office of Human Rights (OHR). Per Sec. 2-433 of the Charlottesville Human Rights Ordinance, prior to the passage of the amended Ordinance on February 1, 2021, it is the role of the HRC and OHR to:

- (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.
- (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.
- (c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.
- (d) Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.

As required by Sec. 2-441 of the Charlottesville Human Rights Ordinance, the following report provides an overview of the work of the HRC and OHR during calendar year 2020.

CY2020: Report Summary

2020 was a year of many changes for the Human Rights Commission (HRC) and the Office of Human Rights (OHR). HRC Director and OHR Manager Charlene Green stepped down at the end of February, after many years of dedicated leadership and service. During the remainder of 2020, the OHR was staffed by only one person.

COVID-19 pandemic effects include:

- Closing of the physical office of the OHR from March 16 through the end of the year
- No meetings of the HRC from March-June, until virtual public meetings were made possible
- Very little change in public demand for OHR services

Despite these changes, the HRC, under the leadership of HRC Chair Shantell Bingham, was able to push forward the following ambitious projects:

- The HRC made recommendations to City Council, including ideas for:
 - Building positive relationships between the HRC, the Police Civilian Review Board, and the proposed Office of Racial Equity, Diversity, and Inclusion
 - Revising the Charlottesville Human Rights Ordinance to mirror changes in state law and to clarify the enforcement process of the OHR
 - Updating the HRC Director and OHR Manager job description and hiring process
 - Developing a closer working relationship between the HRC and City Council.
- The HRC communicated with UVA President Jim Ryan about COVID-19 precautions related to student and community safety.

Despite being physically closed for more than nine months, the OHR continued to serve the community through outreach and individual services. While in-person outreach activities were limited due to the pandemic and a one-person office, the OHR:

- Engaged in collaboration and leadership work within 14 different initiatives with many governmental, non-profit, and community partners
- Documented 2,083 incoming and out-going individual service-related contacts (1,160 incoming)
 - 201 contacts involved counseling and guidance
 - 167 involved guidance related to housing
- Assisted the Human Services Department's COVID-19 relief efforts through 415 calls (over 200 were with Spanish-speaking residents)

The OHR received 63 new inquiries and 2 new complaints:

- 34 related to housing
- 17 to employment
- 3 to public accommodation
- 9 to activities not protected by the Charlottesville Human Rights Ordinance

The report that follows provides a detailed account of the work done by the HRC and OHR in 2020. City Council and members of the public are encouraged to contact OHR staff with any questions about the contents of the report or for more information about the services provided by the HRC and OHR.

Staff contact: Todd Niemeier, Director, Human Rights Commission

Phone: 434-970-3023

Email: humanrights@charlottesville.gov

OHR Webpage: www.charlottesville.gov/665/Human-Rights

HRC Webpage: www.charlottesville.gov/963/Human-Rights-Commission

CY2020: HRC Detailed Overview

CY2020 was a year of transition and growth for the HRC. With the departure of long-time HRC Director and OHR Manager Charlene Green at the end of February, the HRC, under the leadership of Chair Shantell Bingham, was tasked with thinking about the future of the HRC under new direction and within the context of the proposed Police Civilian Review Board (PCRB) and Office of Racial Equity, Diversity, and Inclusion (REDI). In March, the COVID-19 pandemic closed City offices and halted all City Boards and Commissions meetings until June. When it reconvened via virtual meetings in June, the HRC focused on implementing the goals it identified at its retreat in February and on preparing for a work session with City Council to discuss the future of the OHR. While the work session with City Council never took place, the Commission presented a CY2019 annual report detailing recommendations for the future of the OHR.

During the HRC's annual retreat on February 3, 2020, Commissioners identified the following areas of focus for 2020:

1. Letters of Support
 - a. Continue to write letters of support coupled with a better understanding of the supported groups
 - b. Grounded in the background work of the HRC
2. Motivate City Council and the City Manager to support the HRC
3. Pursue FEPA status
4. Advocate for response and action the City when providing recommendations
5. Increased public awareness
6. Improved HRC member attendance at meetings
7. Have clear priority City policy issue areas
 - a. ADA access for deaf and hard of hearing at City Council
 - b. LGBTQ+ employee rights and benefits
 - c. Equitable policing
 - i. Explore relationship with to the Civilian Review Board
 - ii. Explore collaboration with the People's Coalition
 - iii. Explore HRC's role in community/police relations
 - d. Housing
 - i. Potential advocacy around HB6 and HB357
 - ii. Explore relationship with the Charlottesville Low-income Housing Coalition
 - iii. Explore relationship with the Housing Advisory Committee

The table below summarizes the specific actions taken by the HRC in CY2020, aligned with the roles defined by Sec. 2-433 and the duties and responsibilities defined by Sec. 2-434 and Sec. 2-435 of the Charlottesville Human Rights Ordinance.

Date	Roles (Sec. 433)	Duties and Responsibilities	Action	Notes
8/20/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	Recommendations to Council	As part of a proposed work session and CY2019 annual report to City Council, the HRC prepared a draft chart outlining the potential flow of work and dialogue between the HRC, PCRB, and the proposed Office of REDI. (Attachment 1)
8/20/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	Recommendations to Council	As part of the above referenced proposed work session and CY2019 annual report to City Council, prepared a draft revised job description for the vacant HRC Director/OHR Manager position that included some considerations recommended by local social justice groups. (Attachment 2)
8/24/2020	Sec. 2-433. (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.	Sec. 2-434 Community dialogue and engagement.	Letter of Position	The HRC wrote a letter to UVA President Jim Ryan advocating for community safety regarding COVID-19 and students returning to campus. (Attachment 3)

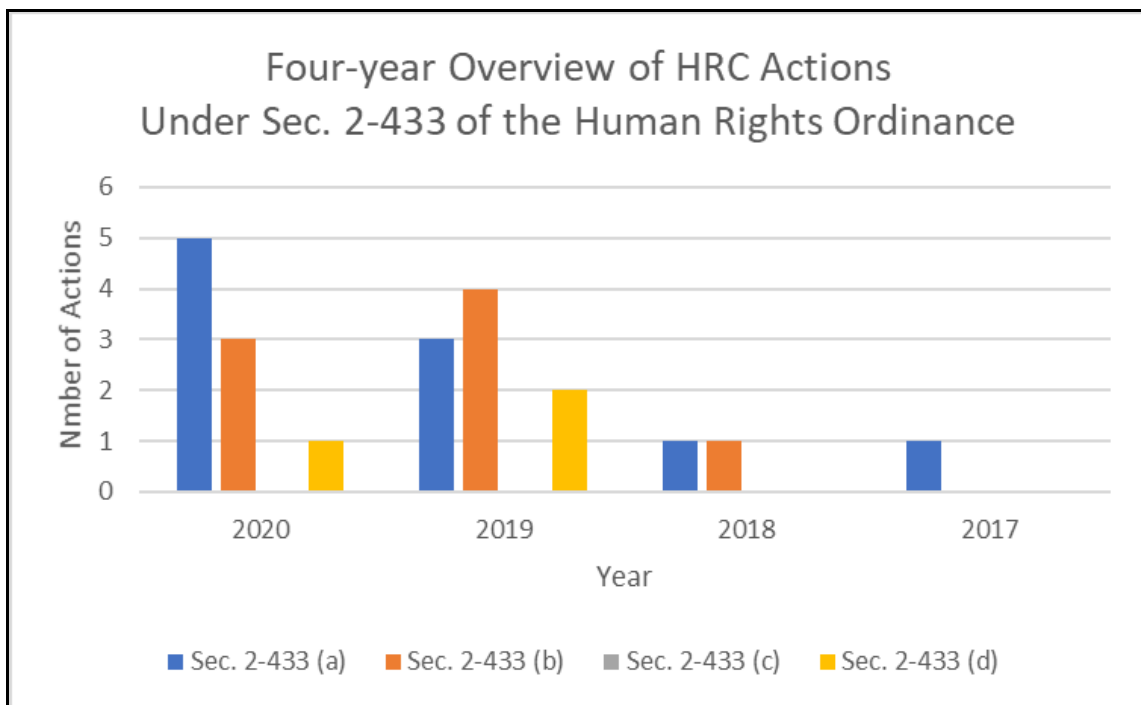
Date	Roles (Sec. 433)	Duties and Responsibilities	Action	Notes
9/7/2020	Sec. 2-433. (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.	Sec. 2-434 Community dialogue and engagement.	Letter of Response	The HRC wrote a letter in response to UVA President Jim Ryan's reply to the HRC previous letter. The HRC encouraged specific actions that UVA could take to ensure community safety during the COVID-19 pandemic. (Attachment 4)
9/17/2020	Sec. 2-433. (d) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.	Sec. 2-435 Systemic issues	Legislative Recommendations	The HRC adopted the attached legislative recommendations to City Council for the 2021 session of the Virginia General Assembly. (Attachment 5)
9/18/2020	Sec. 2-433. (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.	Sec. 2-434 Community dialogue and engagement.	Letter of Response	The HRC wrote a letter to several social justice groups after reviewing their list of recommended changes to the Charlottesville Human Rights Ordinance. (Attachment 6)

Date	Roles (Sec. 433)	Duties and Responsibilities	Action	Notes
10/30/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	HRC Resolution	The HRC adopted Resolution HR20-1 requesting that City Council take all available action within their legal authority to promote a continued moratorium on evictions resulting from the detrimental impacts of COVID-19 on the local economy. (Attachment 7)
12/17/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	HRC Resolution	The HRC adopted Resolution HR20-2 outlining the process by which the HRC would recommend to Council that a Commissioner be removed for good cause for engaging in activities that are harmful to the Commission and undermine public trust in the Commission and its duties and responsibilities. (Attachment 8)
12/17/2020	Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.	Sec. 2-435 Systemic issues	Policy Review & Recommendations	Following the Virginia General Assembly's passage of amendments to state laws, including the Virginia Human Rights Act (Va. Code Title 2.2, Chapter 39) and the Virginia Fair Housing Law (Va. Code Title 36, Chapter 5.1), the HRC held a series of work sessions to draft proposed amendments to the Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville) in order to bring the local ordinance in line with state law and to refine elements of both the HRC's and OHR's duties and responsibilities. The HRC voted to adopt the attached memo and proposed amendments to the Human Rights Ordinance for recommendation to City Council. (Attachment 9)

CY2020 Summary and Analysis of HRC Work

Roles	Duties and Responsibilities	Summary and Analysis
<p>Sec. 2-433. (a) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues.</p>	<p>Sec. 2-435 Systemic issues</p>	<p>Summary The HRC put a strong focus on planning for the future of the HRC and OHR regarding human rights enforcement, the relationship of the HRC and OHR to other equity-centered City offices and boards, and human rights issues related to the COVID-19 pandemic.</p> <p>Analysis The HRC faced barriers to sharing its policy recommendations to with City Department Directors and City Council due to reduction in public meetings caused by the COVID-19 pandemic and the turnover of City leadership, including the loss of the Director of the Human Rights Commission. The HRC prepared materials for a City Council work session to discuss the future of the HRC and OHR within the context of the new PCRB and Office of Equity, Diversity, and Inclusion but was unable to meet with Council in 2020.</p>
<p>Sec. 2-433. (b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide.</p>	<p>Sec. 2-434 Community dialogue and engagement.</p>	<p>Summary The HRC’s community engagement centered around the human rights impacts of the COVID-19 pandemic, specifically the impact to the community of students returning to the UVA campus and the effect of COVID-19 on housing and evictions. The HRC also dedicated multiple meetings and work sessions with staff to consider and respond to proposals made by community members regarding changes to the Human Rights Ordinance.</p> <p>Analysis Despite the restrictions on public meetings, the HRC made efforts to stay engaged with the public through virtual public comment and be being responsive to community inquiries. The HRC has expressed a desire to explore more ways to hear from and engage with the public both in virtual and in-person forums.</p>

Roles	Duties and Responsibilities	Summary and Analysis
<p>Sec. 2-433. (c) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.</p>	<p>Sec. 2-439.1 Enforcement authority</p>	<p>Summary The HRC has not been called upon to fulfill this role in the last four years.</p> <p>Analysis Limitations to enforcement authority may contribute to the lack of discrimination complaints that rise to the level of appeals or public hearings. This could change if Council adopts changes to the Human Rights Ordinance that expand the enforcement authority of the Office of Human Rights to mirror recent changes in state law. While during the annual retreat the HRC expressed as desire to pursue a Fair Employment Practices Agency (FEPA) workshare with the Equal Employment Opportunity Commission (EEOC), the loss of staff and inability to hold a work session with City Council limited forward progress on this objective.</p>
<p>Sec. 2-433. (d) Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.</p>	<p>Sec. 2-435 Systemic issues</p>	<p>Summary The HRC continued to complete this responsibility with a set of general recommendations</p> <p>Analysis The HRC has expressed a desire for more robust action in this role. Better synchronization with the City fiscal and State legislative calendar could increase engagement.</p>



CY2020: OHR Detailed Overview

In CY2020, the OHR staff included Charlene Green, OHR Manager/HRC Director (through the end of February 2020) and Todd Niemeier, Community Outreach & Investigation Specialist. On March 16, 2020, the Office of Human Rights closed to in-office appointments due to the COVID-19 pandemic, and staff worked remotely for the remainder of 2020, with limited in-person engagement outside the office, as required for individual service work.

The following section provides an in-depth look at the specific work the OHR conducted in 2020. Within the Human Rights Ordinance, the OHR's roles, as well as its duties and responsibilities, are not separated from those of the HRC. The OHR supports the HRC in its work to fulfill its roles as defined by Sec. 2-433 of the Human Rights Ordinance. The OHR is however the primary body that upholds **Sec. 2-434. Duties and responsibilities – Community dialogue and engagement** and **Sec. 2-437. Duties and Responsibilities – Investigation of individual complaints and issuance of findings**. The following detailed overview summarizes the work of the OHR in these two areas during CY2020.

Community Outreach (As aligned with Sec. 2-434 of the Human Rights Ordinance)

Community outreach is one of the primary tools used by the OHR to both encourage citizens to report allegations of discrimination and to prevent discrimination from happening in the first place. Systemic change requires major shifts in how society operates. Societal shifts start with individual awareness, education, and a willingness to make change.

The OHR categorizes outreach in three ways:

- 1. Service Provision**
- 2. Education & Awareness**
- 3. Collaboration & Leadership**

Under the leadership of Charlene Green, community outreach was one of the primary strengths of the OHR. Ms. Green's departure, coupled with the COVID-19 pandemic, led to a dramatic decrease in community outreach activity in 2020. The following table provides an overview of the limited community outreach work the OHR was able to complete in 2020. Most outreach activity centered around Collaboration & Leadership, as requested by community groups seeking OHR guidance on issues related to human rights or equity, diversity, and inclusion.

The chart below summarizes the community outreach activities of the Office of Human Rights in 2020.

Collaborative Initiatives	Meetings	Outcomes
Charlottesville Albemarle Convention and Visitors Bureau	1	OHR staff met with Executive Director Courtney Cacatian to discuss ideas around the expansion of equity, diversity, and inclusion within the work of the Bureau.
Charlottesville Climate Action Initiative	2	OHR staff met with City staff leading the Charlottesville Climate Action Initiative to offer feedback regarding engaging marginalized populations in future outreach.
Charlottesville Food Justice Network (Large Group)	4	As a member of the planning team, OHR staff helped lead portions of large group meetings of food-focused non-profits and City staff. These meetings mostly focused on the Charlottesville Food Equity Initiative and proposed revisions to City’s comprehensive plan to include food equity language.
Charlottesville Food Justice Network (Planning Team)	3	OHR staff served as a member of the planning team and assisted with the group’s work to plan the above-mentioned large group meetings and with food justice advocacy in Charlottesville.
Charlottesville Police Foundation	1	OHR staff was invited to hear the Foundation’s vision for improving relationships between community members and police and to offer perspectives from the standpoint of human rights.
Code for Charlottesville	8	OHR staff collaborated with staff from People and Congregations Engaged in Ministry (PACEM) to launch a project with Code for Charlottesville to build a web-based, affordable housing navigation tool for local housing navigators to use when assisting individuals in their housing search. OHR staff provided feedback throughout the software development process and connected Code for Charlottesville to housing navigators to vet the product.
Community Based Recovery & Support Advisory Group	9	OHR staff regularly attended these meetings to plan community outreach activities in public and subsidized housing neighborhoods. While direct community outreach was put on hold due to the COVID-19 pandemic, we continued to meet to share cross-organizational updates and information in preparation for future outreach and to update the individual community members whom each organization supports.

Collaborative Initiatives	Meetings	Outcomes
Community Climate Collaborative (C3)	1	C3 staff met with OHR staff to discuss community outreach and engagement strategies focused on climate issues. OHR staff shared several community connections with C3 staff and helped make introductions for relationship-building.
CRHA Relocation Committee	1	OHR staff was invited to provide feedback on the CRHA relocation planning for Crescent Halls.
Housing Advisory Committee	1	OHR staff met with a sub-committee of this group to discuss strategies around landlord outreach and relationship-building to improve access to affordable housing.
Housing Hub Discussion Group	2	OHR staff organized a group of local non-profits and government agencies working in the realm of affordable housing to discuss potential ways to develop a centralized housing navigation hub. This effort dovetailed with the work of Code for Charlottesville to create a web-based housing navigation tool.
Public Housing Association of Residents (PHAR) Community Research Review Board Advisory Group	6	OHR staff served on the Community Research Review Board Advisory Group. OHR staff worked with PHAR staff, PHAR Board members, and community members to develop the initial framework for the Community Research Review Board. The intent of this initiative was to create a community-member led body to review graduate level research proposals before research is executed in low-wealth communities. The focus of the work this year was to develop an MOU with UVA and prepare job descriptions and hiring plans for a program coordinator and resident reviewers.
Rivanna Technical Committee	1	This committee contacted OHR staff for input on planning community outreach to inform the future improvements along the Rivanna River corridor. OHR staff shared various community contacts and made recommendations for groups to contact.
Virginia Association of Human Rights (VAHR)	1	OHR staff and one HRC Commissioner remained in contact with VAHR. The VAHR is an organization with representatives from all HRCs and OHRs in Virginia who convene with the purpose of sharing information and practices as relate to the protection of human rights in Virginia. VAHR meetings were limited this year due to the pandemic.
Welcoming Greater Charlottesville (WGC) Task Force	9	OHR staff remains on the WGC Task Force as a liaison with the City and to provide input on ideas for outreach and programming to support refugees and immigrants in Charlottesville.

Individual Assistance

(As aligned with Sec. 2-437 of the Human Rights Ordinance)

Individual service provision continued throughout 2020 despite the physical closure of the office from March 16 through the end of the year. OHR staff continued to receive individual inquiries and complaints by phone, email, and text throughout the year while primarily working remotely to help prevent the spread of COVID-19. As needed to assist with individual inquiries and complaints, OHR staff continued to meet individual members in the community to deliver documents, gather signatures, and facilitate communication, using CDC-recommended precautions to protect community member health.

Additionally, in the early months of the pandemic, the Charlottesville Department of Human Services approached OHR staff for assistance with answering and responding to calls to the Community Resource Hotline. The Hotline was tasked with providing emergency rent and utility relief, along with other pandemic-related services, in partnership with United Way, the Charlottesville Area Community Foundation, and later the state-funded Rent and Mortgage Relief Program. OHR staff assisted with answering and returning calls, primarily for people who spoke only Spanish. This work accounts for most of the 231 incoming and outgoing contacts conducted in Spanish in 2020.

The following section presents an overview the types of services provided to individuals who contact the OHR for assistance. The OHR Data Dictionary (Attachment 10) defines the terms used in the following data summaries. The OHR 2020 Individual Service Data table (Attachment 11) provides detailed individual service data by month. The following key terms from the data dictionary have been included below for clarity when interpreting the data that follows.

Contact: All walk-ins, appointments, phone calls, text messages, and emails with individuals.

Incoming Contact: Any walk-in, appointment, phone call, text message, or email from an individual seeking assistance from the Office of Human Rights.

Outgoing Contact: All service-related contacts initiated by OHR staff.

Complaint: An incoming contact in which an individual wishes to pursue action regarding an allegation of discrimination that falls within the jurisdiction of the OHR, as defined by the Charlottesville Human Rights Ordinance.

Inquiry: An incoming contact involving services provided to an individual by the Office of Human Rights *and/or* an individual allegation of discrimination that falls outside the jurisdiction of the office, as defined by the Charlottesville Human Rights Ordinance.

Client Follow-up: An incoming contact from an individual who has an open inquiry or complaint.

Staff Follow-up: An outgoing contact in which staff communicates with an individual who has previously contacted the office.

Third-party Incoming: An incoming contact with a person who is a third party to an individual directly involved with an inquiry or complaint.

Third-party Outgoing: An outgoing contact with a person who is a third party to an individual directed involved with an inquiry or complaint. The person directly involved must give verbal or written consent for staff to initiate a third-party outgoing contact.

General Contact: An incoming contact that involves outreach coordination, event planning, volunteer coordination, or general information.

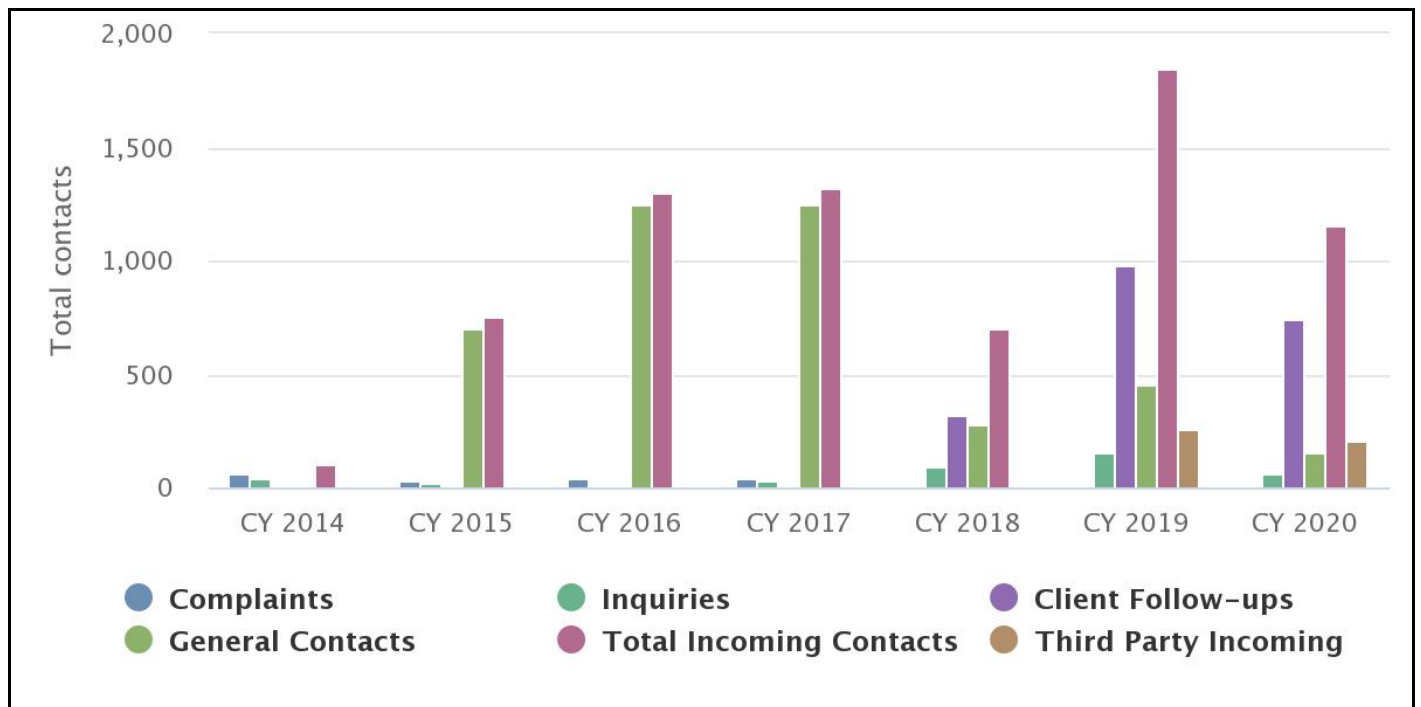
The data presented below can also be found on the Office of Human Rights Department Scorecard. The Department Scorecard is an online reporting platform imbedded in the City website, which displays departmental performance as related to goals within the City’s Strategic Plan.

Total Incoming Contacts

During CY2020, the OHR received the following incoming contacts.

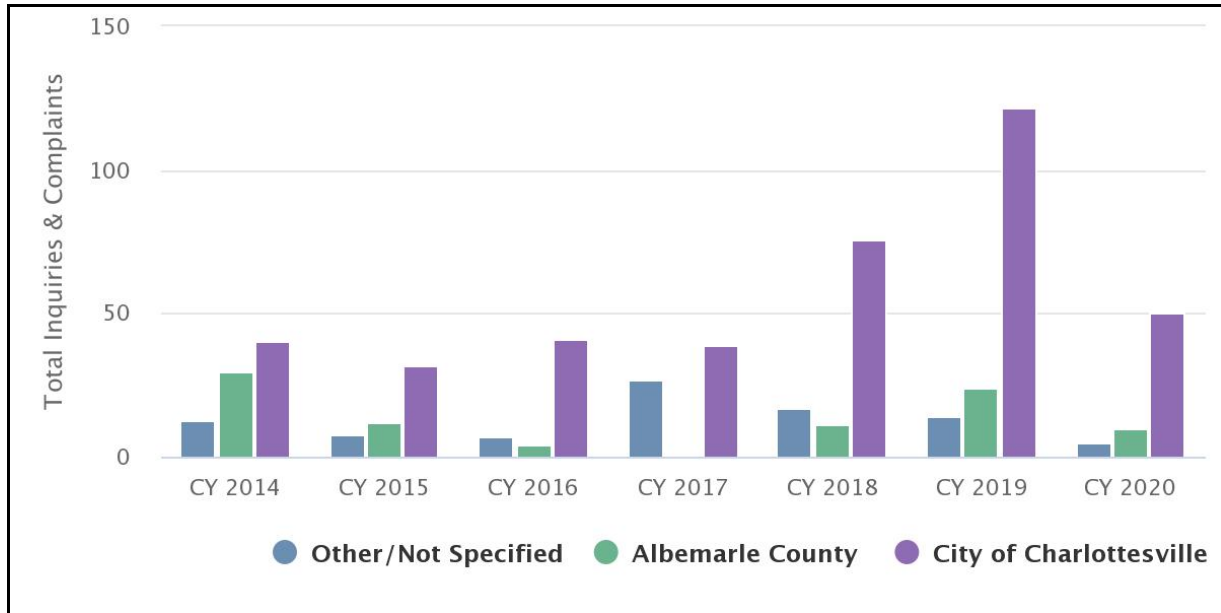
Contact Type	Total Number
Total Incoming Contacts	1,160
New Complaints	2
New Inquiries	63
Client follow-ups	739
General Contacts	154
Third Party Incoming	202

The bar chart below shows the CY2020 contact data in relation to that of previous years. Data from prior to CY2018 was reanalyzed and redistributed into the contact categories listed above, for ease of comparison. The data pertaining to CY2014 Complaints was reviewed by jurisdiction and those contacts listed as Complaints that fell outside the jurisdiction of the OHR were reclassified as Inquiries. While contacts decreased overall between CY2019 and CY2020, it is notable that the total incoming contacts in CY2020 was only 690 fewer, despite the office being physically closed for nine and a half months of the year. This data corresponds to Measure 1.1 in the Department Scorecard.



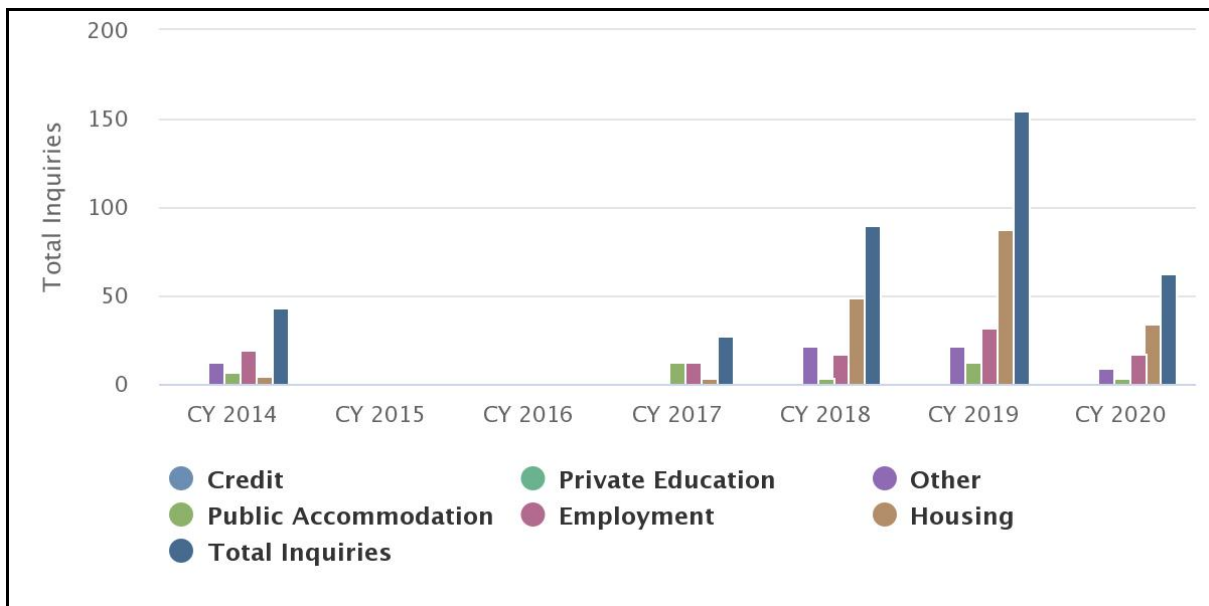
Total Inquiries and Complaints by Location

The OHR received a combined total of 65 new inquiries and complaints in CY2020. Of the 65 inquiries and complaints received, 50 originated in the City of Charlottesville, 10 in Albemarle County, and 5 in other localities or localities not specified. Of the 65 inquiries and complaints, 11 involved allegations of discrimination. This data corresponds with Measure 1.2 in the Department Scorecard.



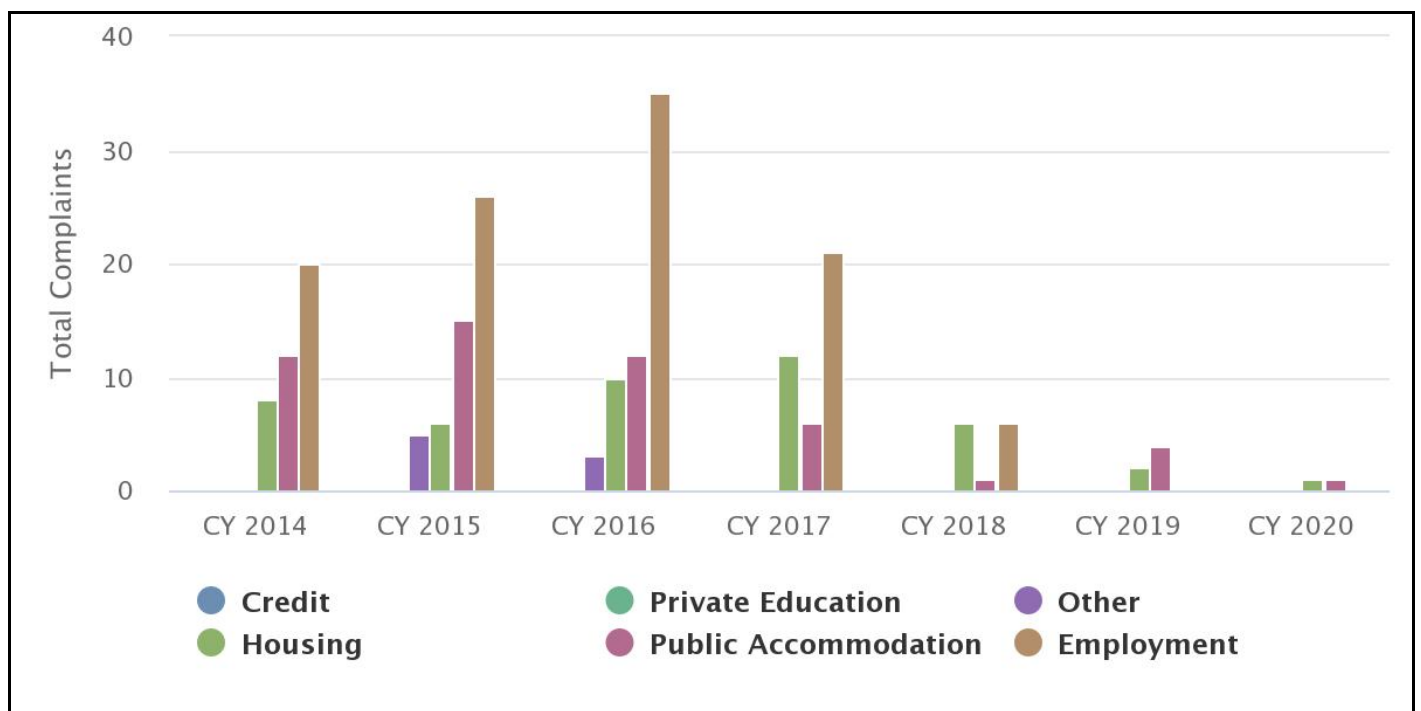
Total Inquiries by Protected Activity

Of the 65 combined new inquiries and complaints received by the OHR in CY2020, 63 were inquiries and 2 were complaints. Of the 63 inquiries, 34 related to the protected activity of housing, 17 to employment, 3 to public accommodation, and 9 to activities not protected by the Charlottesville Human Rights Ordinance. To date, the OHR has not received an inquiry regarding credit or private education. This data corresponds with Measure 1.3 in the Department Scorecard.



Total Complaints by Protected Activity

In CY2020, the OHR received 2 complaints: 1 within housing and 1 within public accommodation. This is a markedly lower number of contacts defined as “complaints” compared the reports from previous years. Starting in 2018, the definition of a complaint was refined to capture only those allegations of discrimination, which fall within the OHR’s jurisdiction. The other key factor that determines the number of contacts logged as complaints, is the individual’s interest in pursuing further action. If the individual does not choose to pursue further action, the contact is logged as an inquiry accompanied by an allegation of discrimination. Limits to the OHR’s jurisdiction often lead to referrals to other service providers that are better equipped to assist the individual. The chart below displays complaints by protected activity since 2014. The table below the chart provides summaries of the 2 complaints received in 2020. This data corresponds with Measure 1.4 in the Department Scorecard.



Protected Activity	Protected Class(es)	Status	Additional Information
Housing	Race	Open	This case was still under investigation at the end of 2020.
Public Accommodation	Disability	Closed	This case was resolved through informal conciliation. Note that this case was initially received in 2019, but the complainant decided to take formal action in 2020.

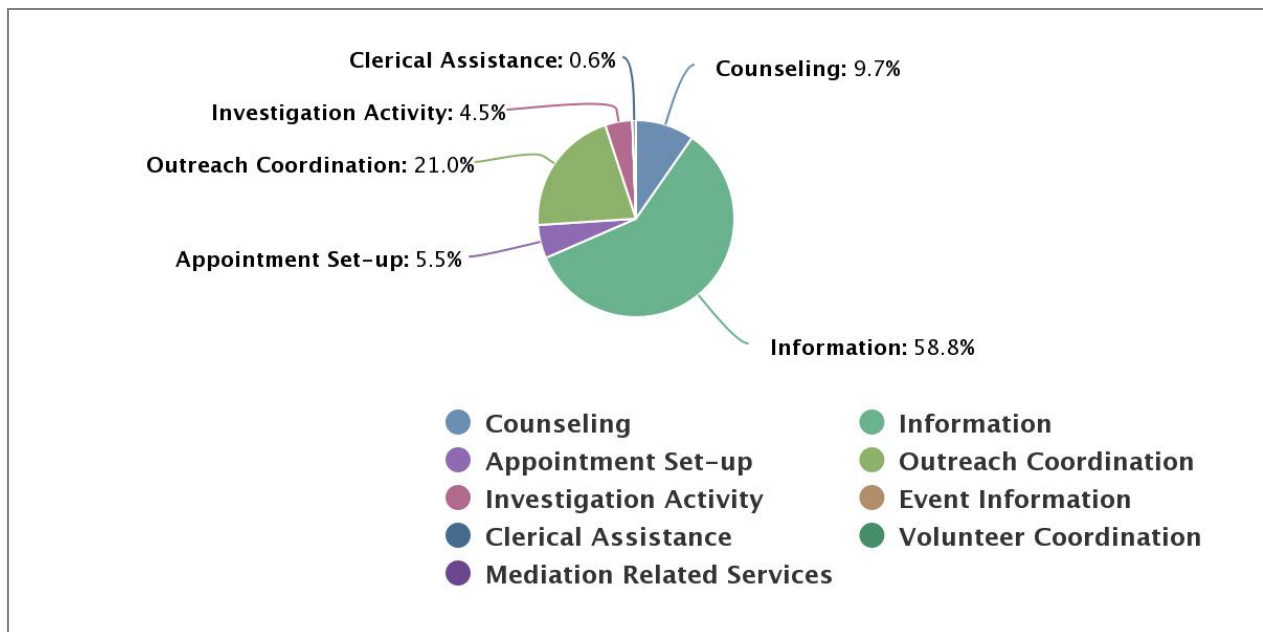
Total Combined Inquiries and Complaints by Protected Class

This data displays the self-identified protected class or classes associated with the 65 inquiries and complaints received by the OHR in CY2020. The OHR does not log protected class data unless the individual self-identifies the protected class during counseling or intake discussions. The table below shows the classification of all 65 combined inquiries and complaints received in CY2020. Note that the total number of identified protected classes can be greater than the total number of inquiries and complaints, as some individuals identify more than one protected class associated with a particular inquiry or complaint. The list of protected classes below is expanded to include the protected classes contained within the proposed amendments to the Human Rights Ordinance to be considered by City Council. The list of protected classes mirrors those protected by Virginia state law. This data corresponds with Measure 1.5 in the Department Scorecard.

Protected Class	Total associated inquires and complaints
Age	1
Childbirth or Related Medical Conditions	0
Color	4
Disability	8
Gender Identity	0
Marital Status	0
National Origin	1
Pregnancy	0
Race	5
Religion	0
Sex	4
Sexual Orientation	0
Source of Funds	2
Veteran Status	0
Not Specified	39
Other (non-protected)	4

Services Provided to Individual Contacts

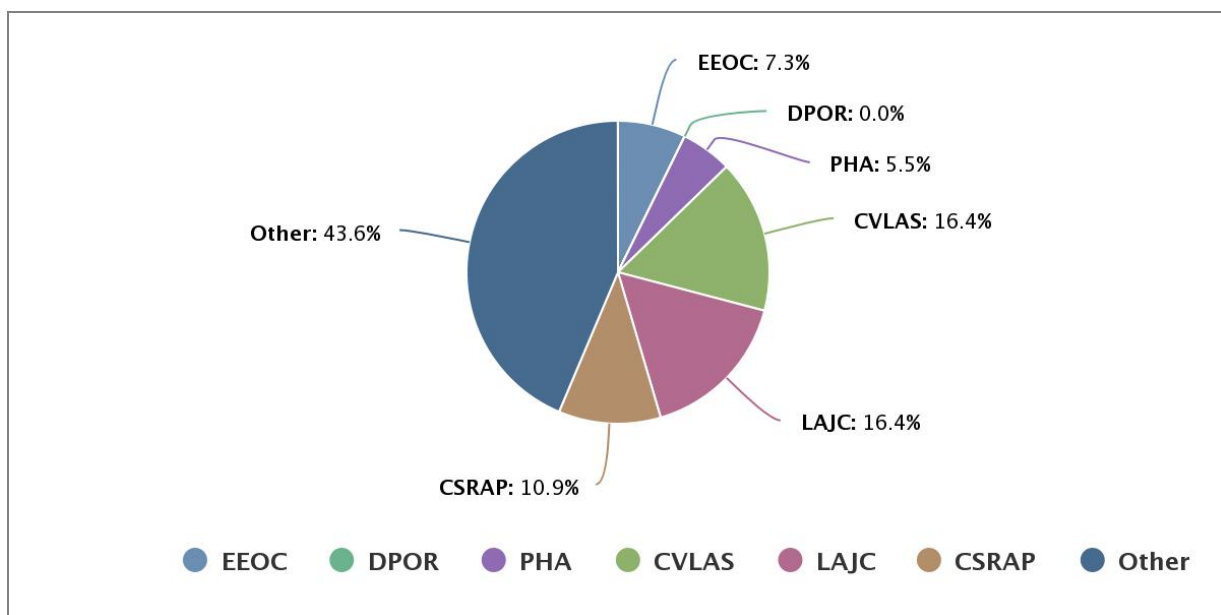
To better quantify the types of services provided to people who seek assistance, the OHR has developed a classification system to define service types. The pie chart below shows the percentage breakdown of service types for all 2,083 incoming and outgoing contacts in 2020. Referrals are not counted in this breakdown, as they are counted separately and are often a secondary service provided in addition to the services displayed below. Most service provision entailed providing information. This exchange could involve information related to an inquiry or complaint presented previously, or it could have been more general in nature. Services provided in partnership with the Charlottesville Department of Human Services for emergency response to the COVID-19 pandemic were categorized as Outreach Coordination. This work included 415 incoming and outgoing contacts, resulting in an unusually high percentage in the Outreach Coordination service area for 2020. Counseling was the third most often provided service. Counseling is only related to contacts classified as inquiries or complaints and involves providing guidance regarding potential options for resolution of a concern. This data corresponds with Measure 1.10 in the Department Scorecard.



Referrals to Other Services

A total of 44 contacts resulted in referrals to other service providers. In some cases, a single contact resulted in multiple referrals, depending on the nature of the concern. The list below shows the primary agencies to which the OHR refers individuals. The pie chart below the list of agencies displays the percentage breakdown of referrals by agency. Below the chart is a list of the agencies that represent the “Other: 43.6%” of referrals. This data corresponds with Measure 1.11 in the Department Scorecard.

- **EEOC (Equal Employment Opportunity Commission):** Individuals are referred to the EEOC for employment discrimination cases that are outside the jurisdiction of the Office of Human Rights, as defined by state and federal law and the Charlottesville Human Rights Ordinance.
- **DPOR (Department of Professional and Occupational Regulation):** This is a state government department that houses the Virginia Fair Housing Office. Clients are referred to DPOR for formal fair housing discrimination investigations.
- **PHA (Piedmont Housing Alliance):** Individuals were previously referred to PHA for counseling regarding landlord tenant disputes and preliminary counseling regarding fair housing discrimination allegations, prior to referral to DPOR. In 2018, PHA staff trained Office of Human Rights staff to conduct fair housing counseling work, which diminished referrals to PHA.
- **CVLAS (Central Virginia Legal Aid Society):** Individuals are referred to CVLAS for assistance with a variety of legal issues raised during intake, often pertaining to the protected activities identified in the Charlottesville Human Rights Ordinance. In some cases, clients will have simultaneous cases with CVLAS and the Office of Human Rights.
- **LAJC (Legal Aid Justice Center):** Individuals are referred to LAJC for assistance with a variety of legal issues raised during intake, often pertaining to the protected activities identified in the Charlottesville Human Rights Ordinance. In some cases, clients will have simultaneous cases with LAJC and the Office of Human Rights.
- **CSRAP (Charlottesville Supplemental Rental Assistance Program):** This is a City funded program administered by the Charlottesville Redevelopment and Housing Authority (CRHA) that offers a portable subsidy for people in need of affordable housing. Individuals are referred to the CSRAP when they come to the office in search of affordable housing assistance.
- **Other:** Individuals are also referred to a wide variety of other agencies and offices depending on the particular concerns they present. A list of these agencies is included below the pie chart.



Below is the list of agencies that fell into the "Other" referral category, 46.3% of referrals. These agencies are tangentially related to the direct work of the OHR but were determined by staff to be a viable option for some people seeking assistance. Note that some individuals were referred to several of these organizations following a single contact with the OHR. The data collection system does not count the individual times a person was referred to a specific agency when referrals to multiple agencies are aggregated under a single "Other" referral. Therefore, this is merely an alphabetical list of the "Other" organizations that received one or more referrals.

- American Civil Liberties Union (ACLU)
- Charlottesville Department of Human Services Community Resource Hotline
- Charlottesville Department of Social Services – Benefits Division
- Cruz Law, PLC
- Jeff Fogel (local attorney)
- Network 2 Work
- PACEM – Secure Seniors Program
- Prince William County Office of Human Rights
- Region Ten Permanent Supportive Housing
- Sin Barreras
- Southern Poverty Law Center
- U.S. Department of Justice Office of Civil Rights
- UVA Innocence Project
- UVA Maxine Platzer Lynn Women’s Center Free Legal Clinic
- UVA Office for Equal Opportunity and Civil Rights
- Virginia Lawyer Referral Service
- Virginia Rent and Mortgage Relief Program (RMRP)

Key Takeaways from Individual Service Provision Data from CY2020

What the data says...	What this means in practice...
<p>The OHR received 1,160 incoming contacts, for an average of 5 incoming contacts per day.</p> <ul style="list-style-type: none"> • 595 of these incoming contacts were received while the OHR was physically open in January through March. <ul style="list-style-type: none"> ○ This is an average of 198 contacts per month • 565 of these incoming contacts were received while the OHR was physically closed in April through December. <ul style="list-style-type: none"> ○ This is an average of 63 contacts per month. 	<ul style="list-style-type: none"> • The number of incoming contacts was three times higher during the months the office was physically open. • For most the year, the OHR was staffed by a single person, meaning only one community member could be served at a time. • In addition to incoming contacts, OHR staff conducted 668 follow-up contacts with individuals who contacted the office and 255 third-party contacts for the purpose of referral and/or service coordination, for a combined total of 2,083 incoming and outgoing contacts.
<p>The OHR received 11 incoming contacts that involved an allegation of discrimination.</p> <ul style="list-style-type: none"> • 3 allegations of employment discrimination within the City of Charlottesville: <ul style="list-style-type: none"> ➢ 1 was referred to the EEOC. ➢ 2 were pending receipt of a formal complaint at the end of 2020. • 2 allegations of housing discrimination within the City of Charlottesville: <ul style="list-style-type: none"> ➢ 1 resulted in a formal investigation that was ongoing at the end of 2020. ➢ 1 was closed because it was non-jurisdictional but referred for legal assistance. • 1 public accommodation allegations within the City of Charlottesville: <ul style="list-style-type: none"> ➢ 1 resulted in a formal investigation that was resolved through informal conciliation. • The remaining 5 allegations occurred outside the City of Charlottesville or involved unprotected activities. 	<ul style="list-style-type: none"> • Allegations of employment discrimination were the primary type of discrimination claim received by the OHR in 2020. <ul style="list-style-type: none"> ○ While the HRC has expressed interest in pursuing a Fair Employment Practices Agency (FEPA) workshare agreement with the Equal Employment Opportunity Commission (EEOC), the OHR had insufficient staffing in 2020 to handle the potential caseload. ○ Given the changes to the Virginia Human Rights Act in 2020 and the proposed amendments to the Charlottesville Human Rights Ordinance, the OHR could expand its jurisdiction over employment complaints without entering into a FEPA agreement initially. (Attachment 11) • Allegations of housing discrimination were the second most common complaint. <ul style="list-style-type: none"> ○ The proposed amendments to the Charlottesville Human Rights Ordinance would ensure that the OHR has express authority to investigate jurisdictional complaints of housing discrimination. • With the absence of a Director of the HRC, OHR staff can only conduct intake and pursue investigations under the oversight of the City Manager, and the City Manager becomes the default authority that renders determinations on complaints.
<p>Of the 2,083 documented incoming and outgoing contacts, 201 involved counseling services. Of those 201, 167 concerned housing.</p>	<ul style="list-style-type: none"> • This points to the significant number of contacts related to housing concerns, and specifically navigating the affordable housing market. • Anecdotal evidence suggests this is due to an overwhelming unmet demand for affordable housing navigation services in Charlottesville, coupled with a lack of supply of affordable housing for people earning below 30% AMI.
<p>Of the 63 new inquiries and 2 new complaints received, individuals identified the following protected classes associated with their concern:</p> <ul style="list-style-type: none"> • 9 identified disability • 5 identified race • 4 identified skin color • 4 identified sex • 2 identified source of funds • 1 identified age • 1 identified national origin 	<ul style="list-style-type: none"> • While allegations of discrimination attached to a specific protected activity and class made up a small proportion of the total incoming contacts, disability and race and/or skin color were the two most often identified reasons for discrimination cited by the individuals who came to the OHR.

Analysis of OHR Community Outreach and Individual Assistance for CY2020

Analysis	Community Outreach	Individual Services
Successes	<ul style="list-style-type: none"> • Despite the many closures and restrictions due to the COVID-19 and the resignation of the Director of the HRC, OHR staff maintained connections to both organizational partners and members of the public. 	<ul style="list-style-type: none"> • Despite the physical closure of the OHR in March, the OHR received only 690 fewer incoming contacts than in 2019. In 2019, the OHR saw the highest number of incoming contacts in the history of its existence.
Challenges	<ul style="list-style-type: none"> • The COVID-19 pandemic was an obvious barrier to in-person outreach and events. • Had there been no pandemic, reduced staffing would have been the primary barrier to outreach. • One OHR staff person is insufficient to develop and execute effective community outreach and still handle all intake, investigatory, and administrative duties for the OHR and HRC. 	<ul style="list-style-type: none"> • Had there been no pandemic resulting in the physical closure of the office, it is presumed that incoming contacts would have remained at levels similar to those in 2019, which would have been wholly unsustainable for a single staff person and would likely have resulted in poor service to the community. • Soliciting and collecting satisfaction data from individuals who have received services in the past is difficult to execute with a single staff person, as individuals may be reluctant to disclose information to the same staff person that provided the services.
Opportunities	<ul style="list-style-type: none"> • When it is safe to resume in-person outreach: <ul style="list-style-type: none"> ○ Additional staff could assist with outreach planning and execution, as well as data collection during large outreach events. ○ Volunteers and interns could assist with data collection during events to free staff to facilitate the events. 	<ul style="list-style-type: none"> • With support from City Council and the City Attorney’s Office, the OHR could pursue expanded enforcement and conciliation authority. • Volunteers and interns could assist with satisfaction data collection and data entry while hiring is on hold. • Additional staff could improve responsiveness to community members and enhance the quality of service provision.

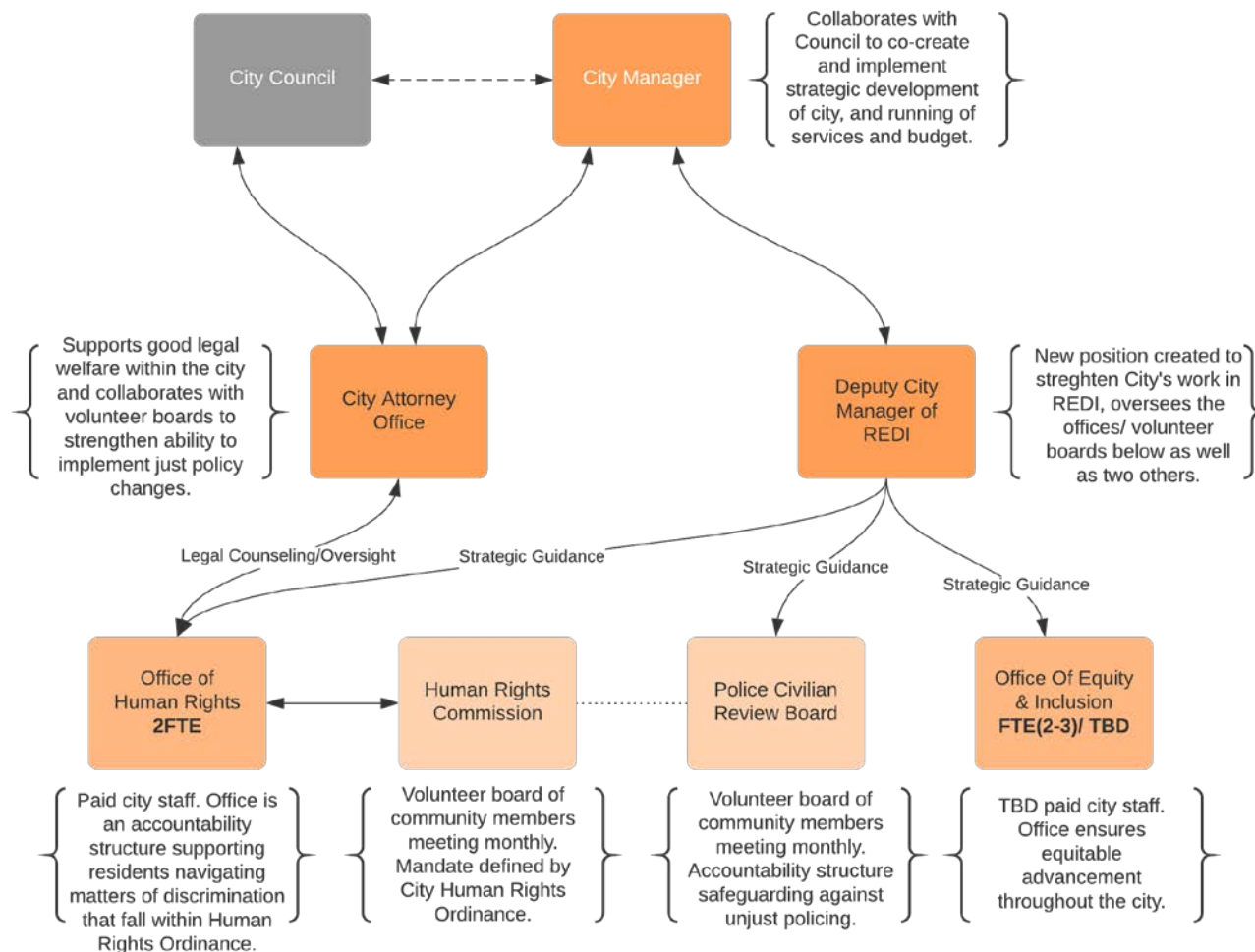
CY2020 HRC & OHR Annual Report Attachment Index

<u>Attachment</u>	<u>Description</u>	<u>Reference Page in Report</u>
1	City Department and Commissions relationship chart	3
2	HRC Director/OHR Manager revised job description	3
3	HRC Position Letter to UVA President, Jim Ryan	3
4	HRC Response Letter to UVA President, Jim Ryan	3
5	HRC Legislative Recommendations for 2021	4
6	HRC Response Letter to local social justice groups	4
7	HRC Resolution HR20-1	5
8	HRC Resolution HR20-2	5
9	Charlottesville Human Rights Ordinance – Proposed changes	5
10	OHR CY2020 Data Dictionary	11
11	OHR CY2020 Service Data	11
12	Summary of expanded employment enforcement	19

Attachment 1

Understanding Working Relationships between Key City Departments & Commissions

The City is working towards developing an Office of Equity & Inclusion, launching the Civilian Police Review Board (already launched), as well as hiring a new Deputy City Director position. The Office of Human Rights and Human Rights Commission supports the creation and launch of all bodies. We also feel it is critical for the City to clearly understand the working relationship and productive crossover (without core duplication) of these departments and commissioner boards. In the joint work session, we hope to discuss draft frameworks/recommendations for the collective action each developing body will put forth. The core goal will be to develop better understanding for how each entity can productively work together/support one another. The diagram to the right is a draft visual to start the conversation.



Attachment 2

Charlottesville Human Rights Commission

Office of Human Rights Manager Job Description

Draft Human Rights Commission Recommendations

Working document_ July 16, 2020

Office of Human Rights Director

GENERAL SUMMARY:

Works at an advanced professional, leadership, and managerial level in strategy, planning, organizing, and coordinating the Human Rights Office and program activities within the City Manager's direct chain of command and authority. The Director provides overall strategic direction for the Office of Human Rights; Provides staff support for the Human Rights Commission; Coordinates and on occasion conducts investigations into allegations of discrimination on the basis of race, color, sex, religion, national origin, marital status, handicap, gender identity, sexual orientation, and/or age as prohibited by local ordinance in the areas of private sector employment for employers employing 6 to 14 employees, private education, credit and public accommodations; Assigns and evaluates the work of office staff; Provides technical guidance and training; Negotiates with respondents, complainants and their representatives; Speaks to various civic, faith and private business groups; and Performs special projects as assigned. Primarily and most frequently the work is performed independently, with diverse functional areas and more specialization and ability to train others.

This position reports to the City Manager who holds day-to-day operational oversight.

ESSENTIAL RESPONSIBILITIES AND DUTIES:

- **Provides strategic leadership and planning for the Office of Human Rights to promote equity and ensure human rights alignment within and across the City of Charlottesville.**
- Administers and coordinates activities of the Human Rights program.
- Stays in regular communication with the City Council Liaison to the Office of Human Rights and the Human Rights Commission.
- Trains staff on new or revised policies and procedures.
- Supervises, coordinates, assigns, and evaluates the work of office staff and subordinate personnel
- Develops partnerships that identify and address issues of discrimination on the basis of race, color, sex, religion, national origin, marital status, handicap, gender identity, sexual orientation, and/or age. This may include workshare agreements such as FEPA agreements with Equal Employment Opportunity Commission (EEOC) and FHAP agreements with the Department of Housing and Urban Development (HUD).
- Receives and reviews initial complaints; conducts intake conferences; conducts.
- Directs and coordinates efforts of OHR staff to investigate, mediate, and reconcile allegations of discrimination.
- Provides staff support for the Human Rights Commission:
 - Responds to Human Rights Commission and community inquiries regarding

- issues, policies, and complaints.
- Helps to conceptualize, develop, and carry our research projects for the Commission.
- Provides preliminary data and research for the Commission to evaluate feasibility and strategy of possible projects.
- Works with the Commission to develop a strategy when moving forward with a given issue.
- Recommends to the Commission amendments and additions to the Charlottesville Human Rights Ordinance.
- Administers and implements programs including discrimination prevention, education, voluntary compliance and outreach efforts to citizens, and community and business groups.
- Develops and disseminates human rights literature, reports, correspondence and memoranda to advance equity and human rights in our community.
- Interprets policy/procedures, and provides technical assistance and guidance to staff and volunteers; recommends alternative solutions to difficult negotiations.
- Researches and designs program evaluation criteria and methods; collects and reports performance measures for the Human Rights Office's programs.
- Prepares reports, correspondence, and memoranda including bi-annual reports to City Council.
- Conducts research on human rights issues and disseminates information to advance equity.
- Prepares and manages the Office's annual budget.
- Performs related tasks as required.

Primarily and most frequently the work is performed independently, with diverse functional areas and more specialization and ability to train others.

EDUCATION, EXPERIENCE AND SKILLS:

Education: Any combination of education and experience equivalent to a Master’s degree from an accredited college with major work in Public Administration, Personnel Administration, Sociology, Psychology, Law, Law Enforcement, Mediation Training, Employment Investigation Training or related field. A Law degree is not required but preference will be given to applicants with work experience, training and/or education in the legal field.

Experience: A minimum of five years' experience in civil/human rights compliance, education, housing, employment, investigation, administration or other related field.

Skills: Commitment to racial, social, and economic equity with proven track record of community engagement and thought leadership in human rights issues. Ability to read and comprehend complex legal materials. Ability to interpret policy/procedures, and provide technical assistance and guidance to staff and volunteers; to recommend alternative solutions to difficult negotiations. Ability to supervise the work of others including assigning and reviewing investigations performed by staff. Ability to compose and edit reports, research, proposals, procedures, policies, recommendations, etc. Ability to develop and disseminate human rights research and literature. Ability to organize major studies of systemic discrimination including conducting research, enabling expert panels, conducting hearings and townhalls, and producing policy recommendations. Interpersonal skills of facilitation, conflict

resolution, restorative justice and other methods to resolve complaints, maintain liaison, and speak in public. Ability to negotiate fairly and effectively with involved parties and/or their representatives to resolve complaints; and recommend further action. Ability to define problems and collect relevant information to recommend policy solutions. Thorough knowledge of federal guidelines and regulations pertaining to human rights issues.

ORGANIZATION COMPETENCIES:

Interpersonal Effectiveness/Communication: Reviews documents for professional, technical, and content errors, and may be called on to review and revise more complex documents. Often acts as a formal or informal team leader or project leader. Provides communication support or consultation.

Service/Support Orientation: Assists others to find answers to the more difficult and complex questions.

Forms professional working relationships with individuals in other departments and organizations to resolve issues. Coaches or trains others to reach positive service and support outcomes. In addition to applying city and agency guidelines, provides consultation to others in more diverse and complex situations.

Multi-tasking/Problem Solving: Independently balances multiple complex tasks. Trains, coaches or mentors others to develop skills in multi-tasking and problem solving. Trains, coaches or mentors others to develop project management skills.

Organization: Sets and adjusts priorities to accomplish objectives. Advises others in matters of standard or routine technical assistance, interpretation and consultation. Provides professional support to other workers. Assists in resolving schedule conflicts within the team. Assists team members in managing appointments and assignments. Trains, mentors or coaches others in matters of organization skill and knowledge.

JOB FAMILY COMPETENCIES:

Performance Management: Demonstrates skill and proficiency in integrating the performance management of several functional or operational areas. Manages the performance of others who have responsibility for supervising others, for complex decision-making, and the coordination of various functions and interaction with professional and technical specialists.

Teamwork and Cooperation: Brings multiple units or departments together to pool resources in support of goal accomplishment. Creates cross-function teams in a variety of specialized operational and programmatic areas. Builds and implements the framework for team accountability and performance in multiple functional areas to reduce the negative impact of functional barriers imposed by hierarchical structure and department boundaries. Explores best practices of how the work of teams and units within the department or division can contribute to the goals and objectives of city government.

Coordination, Planning, and Decision-Making: Uses a wider variety of inter- and intradepartmental resources to address problems and to carry-out decisions. Uses integrated project management to coordinate several different complex projects and deploys work break-down structures for identifying work, assigning resources, and estimating. Evaluates

performance metrics, process design, and output of several differing functional areas to determine needed improvements and creates plans to meet identified needs. Applies systematic multi-factor analysis, trend analysis, and other forms of data analysis and assessment to a diversity of operations and programs for the purpose of planning and managing resources.

Technical and Content Knowledge: Serves as a subject matter expert or resource person in specialty areas of services, operations or programs, policy, finances, planning, or other areas of professional or administrative expertise. Demonstrates understanding of the purpose, processes, procedures, methods, technologies, tools, equipment, terminology, standards, performance measures, and outcomes of work teams, units, and specialty areas of multiple functional areas of multiple functional areas and units.

PHYSICAL CONDITIONS & WORK CONTACTS:

Standard work environment.

FLSA Status: Exempt

Attachment 3



City of Charlottesville Human Rights Commission

August 24th, 2020

Commissioners

Dear President Ryan,

Shantell Bingham
Chair

Sue W. Lewis
Vice Chair

Jeanette Abi- Nader

Pheobe Brown

Ernest Chambers

Jessica Harris

Laura J.W.
Keppley

Kathryn Laughon

Andrew Orban

Lyndele von
Schill

Robert Woodside

Melvin Grady

Olivia Gabbay

Ann J. Smith

We write you as collective residents of the Charlottesville community representing diverse backgrounds, livelihoods, and experiences as members of the Human Rights Commission. This letter comes to you at the height of decision making during a pandemic that has spared some lives but has also cost our community many more. **Therefore, we ask in our capacity as neighbors and advocates of human rights that you do not bring the bulk of undergraduate students back to the University of Virginia for the Fall semester.**

We recognize that you are balancing many difficult and competing demands in making this decision. We applaud the efforts that you have undertaken to require testing, request that students quarantine, and create a culture that supports public health guidance. We understand that you have delayed their return until early September and have promised to make a final decision by August 28. Our mission is to protect the human rights of our community, however. The right to health is paramount, and we center the most vulnerable. We are concerned that bringing thousands of students back to our community will endanger the lives of the staff, especially low wage staff working frontline jobs, the students, the faculty, and the larger community.

We have already seen a disparate impact of COVID-19 by race. The population of the Thomas Jefferson Health District is just under 14% African American,¹ yet Black residents compose almost 19% of cases, over 39% of hospitalizations and over 24% of fatalities. The Latinx community is just under 5% of the TJHD population², yet accounts for almost 27% of cases and almost 17% of hospitalizations. These numbers do not account for the loss of income due to illness or the long-term disability that many of those who recover will face.³ While, we do not have access to information about other groups that fall within our purview, such as those living with disabilities, but commonsense would suggest that they are also uniquely vulnerable.

Indeed, the disproportionality of this pandemic has demonstrated to us that health is a matter of human rights, and now more than ever, we all have the moral obligation to play our parts to the fullest of our ability and in collaboration with others. Many local school system actors are stepping up to the plate, implementing innovative and forthcoming virtual learning.⁴ They're not only following the lead of experts across the globe⁵ that caution against in-person learning for large universities⁶, but they're also responding to the needs of their staff while also weighing the cost of their decisions for the community at large

President Ryan, the steps you take send a message to us all. Given the overwhelming disappointment of national leadership to protect us, it is up to local leaders to act quickly and strategically to protect lives. We add our voices to those requesting that the University of Virginia suspend the return of undergraduate students to Grounds and ask that they not return to their off-Grounds lodgings. *We ask that the University not stand apart from us, but with us as we manage this pandemic together.*

In pursuit of justice, we serve,



Shantell Bingham, Chair
Human Rights Commission
106 5th St NE, Charlottesville, VA 22902
shantellbingham@gmail.com

¹ <https://www.vdh.virginia.gov/data/demographics/>

² <https://www.vdh.virginia.gov/content/uploads/sites/91/2019/08/2019-MAPP2Health-Report.pdf>

³ <https://www.theatlantic.com/health/archive/2020/06/covid-19-coronavirus-longterm-symptoms-months/612679/>

⁴ Charlottesville City Schools goes virtual: <http://charlottesvilleschools.org/coronavirus/> Albemarle County Public Schools goes nearly all virtual: <https://www.k12albemarle.org/our-division/return-to-school>

⁵ <https://www.who.int/westernpacific/news/speeches/detail/virtual-press-conference-on-covid-19-in-the-western-pacific>

⁶ <https://www.theatlantic.com/ideas/archive/2020/07/colleges-are-getting-ready-blame-their-students/614410/>

Attachment 4



City of Charlottesville Human Rights Commission

September 7th, 2020

Commissioners

Dear President Ryan,

Shantell Bingham
Chair

Sue W. Lewis
Vice Chair

Jeanette Abi-
Nader

Pheobe Brown

Ernest Chambers

Jessica Harris

Laura J.W.
Keppley

Kathryn Laughon

Andrew Orban

Lyndelee von
Schill

Robert Woodside

Melvin Grady

Olivia Gabbay

Ann J. Smith

We appreciate your thoughtful correspondence. We understand the difficult choices that have been weighed and the University's final decision to allow students' return. While we do not agree with the University's final decision, we all depend upon your success. In some ways, the burden of responsibility for our community's well-being throughout the pandemic response has been shared. We write to emphasize steps that have been taken, concrete actions that need continued support and potentially additional resources to ensure minimal impacts from UVA's plan.

Sustain Regular Community COVID Testing

Throughout the summer, UVA Health has worked with a number of community partners to administer community testing events as well as provide avenues for daily COVID testing. These community testing events have targeted predominantly Black and Brown, low-wealth neighborhoods that have faced the biggest brunt of COVID. Dr. Amy Salerno has collaborated with many community stakeholder groups (Sin Barreras, Mount Zion First African Baptist Church, Westhaven Nursing Clinic/CRHA etc.) to spearhead these efforts with her colleagues Dr. Cameron Webb, Dr. Max Luna, and Dr. Mohan Nadkarni. We appreciate UVA's efforts and stress that they continue to sustain regular community COVID testing as well as daily tests without delays or decrease in frequency.¹

At each community test event, UVA Health provides 250 COVID tests. In addition to organized community events, UVA Health also provides up to 100 daily COVID tests during the hours of 2pm-4pm for community members. Especially with students' return to grounds, we expect these numbers to *at least* stay the same and plans for weekly recurring UVA community testing events to continue throughout the pandemic response. We urge you to commit additional staffing and resources to ensure these efforts are lasting and sustainable.

Increase Community Resources for PPE

In addition to testing, UVA Health has worked with community partners to ensure our most vulnerable COVID positive cases have what they need to safely shelter in place during their recovery. While other partners have sourced prepared meals, shelf-stable food, filling prescriptions, temporary re-housing needs and more, UVA has played a vital role by sourcing PPE. This has included equipping households with face masks & shields, bottles of hand sanitizer, disinfectant spray and wipes. In addition to direct support for COVID positive cases, UVA Health has also provided PPE during community testing (both weekly and daily events). Now more than ever, it's critical that we retain UVA's commitment as the PPE sourcing partner of the COVID Care wrap around support.

To date, the model has supported 44 cases totaling more than 130 individuals in our area. These residents may be low-wage workers without paid sick leave or healthcare, and more than 90% of them are Black or Hispanic. Due to the success of the model, Thomas Jefferson Health District, the City of Charlottesville, Albemarle County, as well as stakeholders at UVA Health and Sentara Hospital, have collaborated to formally scale the model. Therefore, we ask the University to remain committed to its role in sourcing PPE (during testing events & with follow-

up cases) as well as meet the potential increase in demand as part of the COVID Care district wide scale up.

Provide COVID-Related Support for *All* Employees at UVA (Contract Workers, Wage Workers, and Salaried)

When UVA provides avenues to support our community through testing as well as sourcing PPE, we're able to strengthen our relationship and directly heal past and present harms committed by the University. While the combined impact of COVID testing and PPE should help safeguard our community's health, many frontline workers at the University are still at increased risk from students' return to grounds. These workers are our neighbors, family and friends. Many of them are members of highly impacted communities that may lose significant income and face eviction should they catch COVID.

Therefore if the University has not done so, our final request is for UVA to offer COVID-related paid sick-leave and health care for *all* employees and/or contractors at UVA - that are at risk of increased exposure from their jobs² (e.g. Dining hall staff that come down with COVID from working long shifts indoors serving hundreds of students; dormitory cleaning staff that must clean spaces indoors among students where mask wearing is not required.). In addition to this, we urge the University to encourage all Fraternity and Sorority Governing Councils to implement actions to protect their housing and nutrition staff, and cover COVID related costs should workers fall sick. Put simply, no one should have to lose their life or fall critically ill from serving the University either from cleaning after their students or nourishing them.

President Ryan, we hope these asks do not come as surprises to you. As previously mentioned, many of the requests are work UVA has already been doing. We write to stress that UVA's role in our community has been critical already, and with the return of students' we expect no less from the University and in some areas, such as PPE or sick-leave, we have requested a doubling down or additional resources to ensure our community remains safe and healthy.

As the semester continues, we encourage UVA to continue their work with Charlottesville City Council and the Albemarle County Board of Supervisors to reach regional solutions for our broader community, essential workforce, University staff, and students (Residential Advisors).

Thank you for your time and we look forward to hearing back from the University about these commitments.

In pursuit of justice, we serve,



Shantell Bingham, Chair
Human Rights Commission
106 5th St NE, Charlottesville, VA 22902
shantellbingham@gmail.com



Sue Lewis, Vice- Chair
Human Rights Commission
106 5th St NE, Charlottesville, VA 22902
swlcville@gmail.com

Human Rights Commission
Charlottesville Office of Human Rights
106 5th St NE, Charlottesville, VA 22902

¹ Note: We understand the potential for increased staffing demands for inpatient care that might strain personnel resources for staffing testing events and conducting outreach in the community. We'd like to emphasize that the Health Department's efforts focusing their testing outreach in the surrounding counties has allowed UVA to focus more on Charlottesville and Albemarle and its critical to sustain this collaborative focus. <https://newsroom.uvahealth.com/2020/08/07/free-covid-19-community-testing-charlottesville/>

² Note: While we don't have access to the details, we acknowledge your steps to protecting frontline workers as indicated on your HR website, and encourage the University to communicate clearly and directly with all staff and the public the resources available to support them through this time. <https://hr.virginia.edu/covid-19>

Human Rights Commission
Charlottesville Office of Human Rights
106 5th St NE, Charlottesville, VA 22902

Attachment 5

Human Rights Commission
Legislative Recommendations to City Council
2021 Legislative Session

Pursuant to Sec. 2-433. (d) of the Charlottesville Human Rights Ordinance, it is the role of the Human Rights Commission to “make recommendations regarding the City’s annual legislative programs and policies that will address discrimination.” On September 17, 2020, the Human Rights Commission voted to adopt the following recommendations for consideration by City Council as it prepares its statement of legislative positions for the 2021 General Assembly session.

Affordable Housing; Regulation of Development; Local Authority over Local Real Estate

- Support state legislation that permits municipalities within the Commonwealth to enact, at their discretion, ordinances mandating that all property owners within the municipality register their rental properties with the local government for the purpose of ensuring access to safe, healthy, and affordable housing for city residents.
- Support state legislation that allows for long-term payback plans for tenants who are behind on rent, once the eviction moratorium ends.

Criminal Justice Reform

- Support state legislation to remove qualified immunity.
- Support state legislation for expungement of criminal records once a person is found guilty.

Prosperity, Health, and Well-Being

- Support state legislation that expands mental health resources and care.

Attachment 6



Human Rights Commission

Human Rights Commission Response to Letter Submitted on March 9, 2020 by Legal Aid Justice Center, Public Housing Association or Residents, Virginia Organizing, Charlottesville Low-Income Housing Coalition, Black Lives Matter-Charlottesville, Standing Up for Racial Justice-Charlottesville & People's Coalition on Criminal Justice Reform

September 18, 2020

The Human Rights Commission invested time reviewing the letter, endorsed by the above organizations and groups, at several meetings including: June 11th ad hoc committee meeting, June 18th Human Rights Commission Meeting, July 2nd ad hoc committee meeting, July 16th Human Rights Commission Meeting, and August 20th Human Right Commission Meeting. The purpose of the two ad hoc committee meetings was to draft an agenda for a joint work session with City Council and the Human Right Commission, which we anticipated would occur on July 28th. A key focus for that meeting was to discuss the job description and hiring protocol for the Office of Human Rights (OHR) Manager/Human Rights Commission (HRC) Director. We also met with Assistant City Attorney, Allyson Davies for legal advice on our recommended changes to the position description and potential revisions to the Human Rights Ordinance.

1. Hiring a Manager of the OHR/Director of the HRC who has legal and civil rights credentials and significant experience with human rights compliance;

This suggestion was discussed and included in the proposed Office of Human Rights Director position description as follows:

[EXCERPT]

Education: Any combination of education and experience equivalent to a Master's degree from an accredited college with major work in Public Administration, Personnel Administration, Sociology, Psychology, Law, Law Enforcement, Mediation Training, Employment Investigation Training or related field. A Law degree is not required but preference will be given to applicants with work experience, training and/or education in the legal field.

Experience: A minimum of five years' experience in civil/human rights compliance, education, housing, employment, investigation, administration or other related field.

- 2. Revising the position description for the position of Manager/Director to include the skills necessary to direct, supervise and manage the mandated HRC task of conducting one major study of systemic discrimination per year and producing substantive policy recommendations to Council (We attach the original position description with some suggested modifications);**

This suggestion was discussed and included in the proposed Office of Human Rights Director position description as follows:

[EXCERPT]

ESSENTIAL RESPONSIBILITIES AND DUTIES:

- Provides strategic leadership and planning for the Office of Human Rights to promote equity and ensure human rights alignment within and across the City of Charlottesville.
- Administers and implements programs including discrimination prevention, education, voluntary compliance and outreach efforts to citizens, and community and business groups.
- Develops and disseminates human rights literature, reports, correspondence and memoranda to advance equity and human rights in our community.
- Interprets policy/procedures, and provides technical assistance and guidance to staff and volunteers; recommends alternative solutions to difficult negotiations.
- Researches and designs program evaluation criteria and methods; collects and reports performance measures for the Human Rights Office's programs.
- Prepares reports, correspondence, and memoranda including bi-annual reports to City Council.
- Conducts research on human rights issues and disseminates information to advance equity.

- 3. Changing the ordinance to direct the new Director of the OHR to work with the HRC to establish agreements with EEOC and HUD for workshare agreements (FEPA and FHAP) in order for the HRC/OHR to expand complaint investigations in housing and employment;**

This suggestion was discussed and included in the proposed Office of Human Rights Director position description as follows:

[EXCERPT]

ESSENTIAL RESPONSIBILITIES AND DUTIES:

- Develops partnerships that identify and address issues of discrimination on the basis of race, color, sex, religion, national origin, marital status, handicap, gender identity, sexual orientation, and/or age. This may include workshare agreements such as FEPA agreements with Equal Employment Opportunity Commission (EEOC) and FHAP agreements with the Department of Housing and Urban Development (HUD).

Regarding amendments to the Human Rights Ordinance:

- The HRC/OHR can enter into workshare agreements without any stipulations made to this effect in the Human Rights Ordinance.
- Amending the ordinance to specify into which agreements the HRC/OHR must enter is not legally advisable, as it binds the HRC/OHR to these particular agreements to the exclusion of others, thereby potentially limiting the HRC/OHR's enforcement authority,

should any changes occur that make these agreements unworkable or no longer the ideal enforcement mechanism.

- Furthermore, the HRC/OHR cannot enter into any workshare agreements without sufficient staff, or the budget to contract with such staff, to fulfill the obligations of intake counseling, investigation, determination, administration, and enforcement.
- Additionally, the Mayor has indicated that the hiring of a Deputy City Manager to oversee the HRC/OHR, the Office of Equity, Diversity, and Inclusion, the Police Civilian Review Board, the Department of Human Services, and the Department of Social Services is a pre-requisite to hiring an HRC Director/OHR Manager. This new Deputy City Manager will have the authority to oversee the hire of OHR staff and to guide the future path of the HRC/OHR.

4. Reduce the HRC membership back to 7 or 9 by using a first in, first out format for reducing its size for effective deliberation and action;

As a Commission we discussed the recommendation on a few occasions. As a starting point, we agreed to check in with current Commission members with sporadic attendance to determine if they are able to maintain an active presence on the Commission.

The conversation highlighted the importance of maintaining a robust and active commission and to continue to utilize ad hoc committees for specific areas that needed focused attention.

On September 17, 2020, the HRC voted to adopt a proposed revision to the Human Rights Ordinance setting an upper limit of 15 members. This is proposed revision will be reviewed by the City Attorney's Office along with a host of other proposed revisions before being taken to Council for consideration.

5. Requiring that 4 HRC commissioners have subject-matter expertise in housing, health, employment, education and that at least 2 commissioners be from organizations representing citizens from historically marginalized communities affected by housing and employment discrimination;

We discussed this recommendation but did not come to a vote or consensus. Currently, the recommendation is to highlight specific areas of expertise that are needed on the Commission in the application process, but not to specify a particular seat. Each of the areas recommended received support for consideration and representation.

6. Moving the OHR Director/HRC functions related to discrimination complaint compliance and major systemic studies of discrimination into the City Attorney's Office with direct oversight by Council;

We explored this recommendation. While the HRC was in favor of the idea to separate the Human Rights Commission from reporting directly to the City Manager for potential conflict of interest reasons, we learned through Allyson Davies that we are not permitted to make this change.

An Ordinance ad hoc committee was formed to review the ordinance and make recommendations regarding the proposed inclusion of major systemic studies of discrimination and other suggestions.

7. Designating a Council liaison to the HRC;

The Commission discussed this recommendation and was in favor of its implementation. We discussed this with Councilor McGill and this issue is being addressed by the Ordinance ad hoc committee.

8. Modifying the ordinance to mandate the chair of the HRC report directly to Council every quarter on progress related to systematic studies of discrimination;

The Commission discussed this recommendation and overall was in favor of its implementation. This issue is being explored further by the Ordinance ad hoc committee.

9. Modifying the current ordinance and bylaws of the OHR/HRC to reflect the changes specified above.

As noted above, the Commission formed an Ordinance ad hoc committee that is charged with exploring changes with the City Attorney's office and returning to the full committee with recommendations.

Attachment 7

RESOLUTION TO ADVOCATE FOR A LOCAL MORATORIUM ON EVICTIONS
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION
RESOLUTION #: HR20-1

WHEREAS, the Charlottesville Human Rights Commission, hereinafter “the Commission,” acts as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

WHEREAS, the Charlottesville Human Rights Ordinance identifies housing as a protected activity (City code Article XV. Sec. 2-431a.); and

WHEREAS, the Charlottesville Human Rights Ordinance identifies age, disability, marital status, national origin, pregnancy/childbirth, race/skin color, religion, and sex as protected classes (City code Article XV. Sec. 2-431a.); and

WHEREAS, people with disabilities are disproportionately more likely to live in poverty, and people aged 65 or older make up the largest percentage of the disabled population (Thomas Jefferson Area Planning District Commission Draft Analysis to Impediments to Fair Housing Choice, January 17, 2019); and

WHEREAS, low-income African American and Hispanic households bear a disproportionate share of the cost burden of the lack of affordable housing (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, the average cost of rental housing in the City of Charlottesville is \$1,384 (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, for a family of three at 30 percent of AMI (roughly \$20,700) affordable rent would be \$520 per month, including utilities (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, Charlottesville is home to an estimated 811 extremely low-income (less than 30 percent AMI) non-student renter households, 115 individuals in emergency shelters, and 23 unsheltered individuals (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this ordinance, this virus and the disease that it causes are referred to as “COVID-19”); and

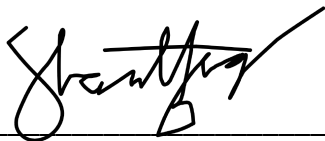
WHEREAS, City Manager and Director of Emergency Management, Dr. Tarron J. Richardson, declared the potential spread of COVID-19 an emergency on March 12, 2020 pursuant to a Resolution adopted by the Charlottesville City Council; and

WHEREAS, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One (“EO 51”) declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a “disaster” as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, on August 7, 2020, the Supreme Court of Virginia issued an amendment of the eighth order extending declaration of Judicial Emergency in response to COVID-19, specifying that, effective August 10, 2020, and through September 7, 2020, pursuant to Va. Code § 17.1-330, the issuance of writs of eviction pursuant to unlawful detainer actions is suspended and continued.

BE IT RESOLVED that the Commission hereby advocates and respectfully requests that City Council take all available action within their legal authority to promote a continued moratorium on evictions resulting from the detrimental impacts of COVID-19 on the local economy.

Dated this ___30___ of ___October___, 2020.



Shantell Bingham, Chair, Human Rights Commission

Attachment 8

**RESOLUTION TO REMOVE A COMMISSIONER FOR GOOD CAUSE
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION
RESOLUTION #: HR20-2**

WHEREAS, the role of the Charlottesville Human Rights Commission, hereinafter “the Commission,” is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

WHEREAS, the Charlottesville Human Rights Ordinance, hereinafter “the Ordinance,” prohibits discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability (City code Article XV. Sec. 2-431. (a)); and

WHEREAS, the term “discrimination on the basis of sex,” as used within the Ordinance, is defined to include, but not be limited to discrimination on the basis of gender identity, transgender status or sexual orientation (City Code Article XV. Sec. 2-431. (b)); and

WHEREAS, it is the duty and responsibility of the Human Rights Commission to promote mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community (City Code Article XV. Sec. 2-434. (b)); and

WHEREAS, it is harmful to and undermines public trust in the Commission, and is considered good cause for Commissioner removal, when an individual Commissioner engages in activities that promote intolerance of and/or unlawful discrimination against people who self-identify as members, or are perceived to be members, of the protected classes named in Sec. 2-431 of the Ordinance; and

WHEREAS, following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council as per Sec. 2-432. (a) of the Ordinance.

BE IT RESOLVED that in the event that a member of the Commission is believed by the Commission to be engaged in activities that are harmful to the Commission and undermine public trust in the Commission and its duties and responsibilities, the Commission will:

- (a) Conduct an immediate review into the alleged activities to determine the facts of the matter. This review may be guided by an ad-hoc committee of no fewer than 2 persons; and
- (b) Upon the order of a review, suspend the Commissioner’s participation in any further official actions of the Commission while the review is ongoing; and
- (c) Upon conclusion of the review, provide a written summary of the facts and a recommendation to City Council if the Commission believes there is need for further action, including whether there is good cause for removal or whether the individual will receive a reprimand from the Commission.

Dated this 29th of January, 2021.



Mary Bauer, Chair, Human Rights Commission

Attachment 9

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	City Council Meeting date at which Agenda Item will be considered
Action Required:	Review the recommended amendments to the Human Rights Ordinance Adopted by the Human Rights Commission and approve the amendments or provide feedback for further revision.
Presenter:	Shantell Bingham Chair Charlottesville Human Rights Commission
Staff Contacts:	Todd Niemeier Community Outreach and Investigation Specialist Interim Director, Human Rights Commission Interim Manager, Office of Human Rights
Title:	Human Rights Ordinance Recommended Amendments

Background:

City Council approved the current Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville) on May 20, 2013. The Charlottesville Human Rights Commission (HRC) has adopted several amendments to the Human Rights Ordinance (hereafter the Ordinance) for consideration and approval by City Council. The adopted amendments mirror recent changes in state statutes, provide clarification regarding the investigation and issuance of findings pertaining to individual complaints of discrimination, and ensure that the Ordinance is better aligned with City Council's Vision and Strategic Plan.

Discussion:

During regular publicly noticed meetings in 2019 and 2020, the HRC considered public feedback regarding the effectiveness of the HRC and the Office of Human Rights (OHR) in addressing individual complaints of discrimination and systemic issues of discrimination. At its regular meeting on July 16, 2020, the HRC Chair recommended the formation of an ad hoc committee to work with the City Attorney's Office and OHR staff to draft amendments to the Ordinance aimed at addressing some of the publicly raised concerns and recent changes in state law. The ad hoc committee met with the Assistant City Attorney and OHR staff on August 4, September 8, and October 6, 2020, to discuss and draft revised Ordinance language for presentation to the full HRC. This committee consisted of only two HRC Commissioners, and the meetings were not publicly-noticed, to conform with Council's order that Commissions hold no more than one publicly-noticed meeting per month. The Assistant City Attorney reviewed all draft Ordinance language for legality and alignment with state law, prior to presentation to the HRC for discussion. The ad hoc committee presented the draft Ordinance amendments to the HRC during the publicly noticed regular meetings on September 17, and October 15, 2020. During these meetings, the HRC discussed, and voted to adopt, the proposed amendments included in the attached copy of the Ordinance. OHR staff submitted the attached copy

of the Ordinance, containing the amendments adopted by the HRC, for final review by the City Attorney on October 30, 2020. If City Council approves the recommended revisions to the Ordinance, the HRC and OHR will develop a public outreach plan to raise awareness of the changes and how they might impact the local population.

Alignment with City Council’s Vision and Strategic Plan:

The Ordinance amendments, adopted by the HRC and recommended to City Council for approval, align with Council’s vision of the City as a leader in social justice and healthy race relations, and a City that is flexible and progressive in anticipating and responding to the needs of our citizens. Additionally, the adopted amendments align with the following Goals and Objectives within the Strategic Plan:

- Goal 1: Inclusive, Self-Sufficient Community
 - Objective 1.3: Increase affordable housing options
 - The amended Ordinance contains language that increases protections against housing discrimination, enabled by recent changes to the Virginia Fair Housing Law (Virginia Code Title 36, Chapter 5.1)
 - Relevant amended Ordinance sections
 - Sec. 2-431 (a)
 - Sec. 2-431 (b)
 - Sec. 2-431 (c)
 - Sec. 2-431 (d)
 - Sec. 2-437 (b)
 - Objective 1.5: Intentionally address issues of race and equity
 - The amended Ordinance contains language that increases protections against discrimination within all of the protected activities and protected classes, enabled by recent changes to the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965.
 - Relevant amended Ordinance sections
 - Sec. 2-431 (a)
 - Sec. 2-431 (b)
 - Sec. 2-431 (c)
 - Sec. 2-431 (d)
 - Sec. 2-437 (b)
- Goal 5: Responsive Organization
 - Objective 5.3: Provide responsive customer service
 - The amended Ordinance contains revisions that:
 - Allow more diversity and inclusiveness within the body of the HRC;
 - Sec. 2-432 (a)
 - Prioritize assistance to individuals who believe they are the victim of unlawful discrimination;
 - Sec. 2-433 (a)
 - Sec, 2-433 (c)
 - Maximize the jurisdiction of the OHR (concurrent with state and federal law);
 - Sec. 2-431 (a)
 - Sec. 2-431 (b)

- Sec. 2-431 (c)
- Sec. 2-431 (d)
- Sec. 2-437 (b)
- Clarify the process for investigation and issuance of findings regarding individual complaints of discrimination; and
 - Sec. 2-437 (b)
 - Sec. 2-437 (c)
 - Sec. 2-437 (d)
 - Sec. 2-437 (f)
- Adopt LGBTQ+ inclusive pronouns throughout the Ordinance.
 - Sec. 2-437 (c)
 - Sec. 2-439.1 (f)
 - Sec. 2-439.1 (g)

Community Engagement:

On March 9, 2020, the HRC received a copy of a letter sent to City Council and the City Manager from Mr. Walt Heinecke, and endorsed by several local social justice advocacy groups, outlining nine suggestions for the restructuring of the HRC and OHR. Mr. Heinecke also shared public comment regarding the letter of suggestions during HRC regular meetings on June 18, August 20, and September 17, 2020. As noted in the “Discussion” section, the HRC discussed feedback from the public relating to the Ordinance revisions at several of its regular meetings during 2019 and 2020. All regular meetings of the HRC are open to the public. OHR staff posts public notice of all regular meetings on the City website calendar. All of the agendas, agenda packets, and minutes are available to the public via the City website. A draft of the revised Ordinance, which includes all of the amendments adopted by the HRC, is included in the draft minutes of the HRC regular meeting on October 15, 2020, which are posted on the City website.

Budgetary Impact:

Council’s approval of the amended Ordinance has no immediate fiscal impacts. The FY20 Budget includes funding for the current vacant position of OHR Manager/HRC Director. This position, if filled, would better equip the OHR and HRC to handle individual complaints of discrimination.

Recommendation:

The HRC recommends approval of the adopted amendments to the Human Rights Ordinance. OHR staff concurs with the HRC recommendation.

Alternatives:

If Council chooses not to approve the amendments to the Ordinance adopted by the HRC, the enforcement authority of the OHR and HRC will be less robust than what is allowable under current state laws that address illegal discrimination. As a result, citizens seeking assistance with individual complaints of discrimination that would have been covered by the proposed amendments will necessarily be referred to other, potentially non-local, agencies.

The HRC respectfully requests a written response from Council detailing the reasons for the complete or partial disapproval of any of the proposed amendments so that it may attempt to revise the Ordinance language for future consideration by Council.

Attachments:

Attached please find a copy of the Charlottesville Human Rights Ordinance containing the amendments adopted by the HRC for recommendation to Council for approval.

KEY TO EDITS

Red strike-through: Text to be changed or removed.

Blue: New text.

(Note: some of the sub-heading labels may be red or blue, this may not reflect a change but rather the default formatting of Microsoft Word).

**AN ORDINANCE AMENDING AND REORDAINING CHAPTER 2
(ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990),
AS AMENDED, BY ADDING A NEW ARTICLE XV ENTITLED HUMAN RIGHTS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Chapter 2 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reordained by adding a new Article XV entitled Human Rights, which Article shall read as follows:

Article XV. Human Rights

Sec. 2-430. Short title.

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

Sec. 2-431. Unlawful discrimination prohibited.

(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in ~~housing,~~ employment, public accommodations, credit, and private education on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, ~~pregnancy, childbirth or related medical conditions, national origin, age, marital status,~~ status as a veteran, or disability.

(b) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

(c) ~~As used herein, the term “discrimination on the basis of sex” is defined to include, but not be limited to, discrimination on the basis of gender identity, transgender status or sexual orientation.~~ As used in herein, the term "gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.

(d) As used herein, the term “source of funds” means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

(e) As used herein, the term “unlawful discriminatory practice” includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.

Sec. 2-432. Human Rights Commission.

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) members appointed by the City Council. The Commission membership shall be broadly representative of the City’s ~~population~~ demographic composition, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups ~~within the City;~~ with priority given to City residents, as well as to applicants with demonstrable ties to the City. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

(b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate. The Commission may also adopt rules and procedures to govern the conduct of its affairs.

(c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City’s annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

(d) All meetings of the Commission shall be advertised in advance and in the manner required by law, and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. At the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council’s “Rules for Public Participation”.

(e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.

(f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. The Director will be responsible for and report to the Commission in the day-to-day operational conduct of the Commission’s activities. The Director shall report directly to the City Manager for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance.

(g) All City departments, boards and commissions shall cooperate with and provide assistance to the Commission, including the provision of information in response to reasonable requests from the Commission.

(h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council may authorize retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.

Sec. 2-433. Role of the Human Rights Commission.

The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

(a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City; ~~Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;~~

(b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;

(c) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues; ~~Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;~~

(d) Make recommendations regarding the City’s annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;

Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.

(a) The Commission will serve as a forum for the discussion of human rights issues, and be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City’s Dialogue on Race initiative.

(b) The Commission may conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

Sec. 2-435. Duties and responsibilities – Systemic issues.

(a) The Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that:

(1) May be unlawful discriminatory practices; or,

(2) May not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.

(b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.

(c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to

formulate recommendations and to propose concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices.

Sec. 2-436. Reserved.

Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings.

(a) The Director will develop and implement a central intake mechanism for receiving and processing individual complaints that allege an unlawful discriminatory practice in the City.

~~(b) In cases where investigation and remediation are already available in the City, such as employment discrimination complaints within the jurisdiction of the Equal Employment Opportunity Commission (“EEOC”) or fair housing complaints addressed by the Piedmont Housing Alliance, the complaint will be referred to that agency so that investigation and enforcement may be initiated by those bodies, which will offer services in the City and, to the extent allowed by law, report their findings to the Commission.~~ For complaints alleging an unlawful discriminatory practice within the enforcement jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in **Sec. 2-437 (c)**. For complaints alleging an unlawful discriminatory practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.

~~(c) For all other complaints alleging an~~ Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, ~~as defined herein within the corporate limits of the City,~~ the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine jurisdiction. ~~fact finding, mediation, conciliation, and, if necessary, full investigation of the complaint as he or she deems appropriate to ascertain the facts underlying the charge of discrimination, provided that the~~ The complaint may be dismissed by the Director without further action ~~investigation~~ if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. ~~If~~ Following the initial fact-finding inquiry, if the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director will serve a copy on each respondent named therein. Said copy shall specify the allegation, citing the evidence that supports further action, and indicating the action to be taken. Further action, as authorized by this ordinance, may include mediation, conciliation, and formal investigation of the complaint, as deemed appropriate by the Director. Upon completion of a formal ~~the initial~~ investigation, the Director shall render a written determination of whether there is probable cause to believe a violation of this ordinance has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(d) If the Director determines that further action is appropriate ~~that there is probable cause to believe a violation has occurred,~~ the Director will propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means. Nothing herein shall be interpreted as requiring any party to participate in mediation or any other conciliatory efforts. Materials used and communications made during a mediation or informal conciliation shall be confidential, and shall not be disclosed to the public by the Director, the Commission or its staff unless disclosure is authorized in writing by all parties to the dispute.

(e) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim, and does not constitute an admission by any party that the law has been violated. No further action on the initial complaint will be taken by the Commission or its staff once the agreement is executed.

(f) If mediation or conciliation is not successful, and the Complainant wishes to pursue further action, the Director or designee may conduct further a formal investigation for the purpose of rendering a written determination as to whether there is probable cause to believe a violation of this ordinance occurred, and the facts supporting such determination. ~~or~~, If further investigation is not warranted, the Director may either dismiss the complaint as not constituting a violation. ~~or~~ After a written determination has been served on both parties, the Director may either close the case or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(g) In order to fulfill the requirements of this section, the City Manager is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discriminatory conduct as prohibited in section 2-431, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is probable cause to believe a violation of this ordinance has occurred, conducting mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, mediation or conciliation of complaints.

Sec. 2-438. Reserved.

Sec. 2-439.1. Enforcement authority – The role of the Commission.

(a) If the Director determines that there is insufficient probable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the determination of the Director. On written petition of the complainant the Commission may review the Director's conclusion, and may either overrule or affirm the finding of no probable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that probable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.

(b) If the Director determines that probable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of probable cause is based, and shall recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.

(c) If a hearing is to be held, the Commission shall promptly notify the parties of the

time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.

(d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

(e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

- (1) To file written statements or arguments with the Commission prior to the hearing;
- (2) To be represented by privately retained counsel of his or her choice;
- (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
- (4) To submit rebuttal evidence; and
- (5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if ~~he or she~~ **they** deems it advisable in order to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall

provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.

(g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds ~~he or she~~ they would be but for respondent's violation(s) of this ordinance.

(h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

Sec. 2-439.2. Enforcement authority – Court enforcement.

(a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

(b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

Sec. 2-440. Confidentiality.

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

Sec. 2-441. Annual Report.

The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline

the Commission's work plan for the ensuing year, which shall be subject to approval or modification by City Council.

Sec. 2-442. Severability.

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

Sec. 2-443. Reserved.

~~Approved by Council
May 20, 2013~~

Clerk of Council

Attachment 10

2020 Charlottesville Office of Human Rights Data Dictionary
Revised 08/01/2020

Term	Definition
Appointment Set-up	A contact involving the scheduling of an appointment with the Office of Human Rights.
Clerical Assistance	Any activity involving creating documents or other materials on behalf or at the request of the client.
Client Follow-up	An incoming contact from an individual who has an open inquiry or complaint.
Closed Complaint	A complaint that is no longer being addressed by the Office of Human Rights. An inquiry may close due to the case being resolved to the client's satisfaction, the referral of the client to another agency that can better serve them, or because the client chooses not to pursue the case further.
Closed Inquiry	An inquiry that is no longer being addressed by the Office of Human Rights. An inquiry may close due to the case being resolved to the client's satisfaction, the referral of the client to another agency that can better serve them, or because the client chooses not to pursue the case further.
Complaint	An incoming contact in which an individual wishes to pursue action regarding an allegation of discrimination that falls within the jurisdiction of the Office of Human Rights, as defined by the Charlottesville Human Rights Ordinance.
Contact	All walk-ins, appointments, phone calls, text messages, and emails with individuals.
Counseling	Assistance provided to the client regarding available courses of action to address a concern.
Dismissed Complaint	A complaint that has been closed by staff due to the case being outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff.
Dismissed Inquiry	An inquiry that has been closed by staff due to the case being outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff.
General Contact	An incoming contact that involves outreach coordination, event planning, volunteer coordination, or general information.
Incoming Contact	Any walk-in, appointment, phone call, text message, or email from an individual seeking assistance from the Office of Human Rights.

Term	Definition
Information	A contact in which staff answers questions of a general nature or provides information regarding services, events, or programs.
Inquiry	An incoming contact involving services provided to an individual by the Office of Human Rights <i>and/or</i> an individual allegation of discrimination that falls outside the jurisdiction of the office, as defined by the Charlottesville Human Rights Ordinance.
Investigation Activity	Any activity associated with the formal investigation of a complaint.
Mediation Related Services	Any activity associated with the request for or coordination of mediation services, as provided by a licensed third party mediator, in conjunction with a complaint.
Open Complaint	A complaint that is still being addressed by the Office of Human Rights.
Open Inquiry	An inquiry that is still being addressed by the Office of Human Rights.
Outgoing Contact	All service-related contacts initiated by Office of Human Rights staff.
Outreach Coordination	Any service related to community outreach regarding service provision, education & awareness, or facilitation & leadership.
Protected Activity	An activity of daily life in which a person who identifies as a member of a protected class can participate without fear of discrimination. The Charlottesville Human Rights Ordinance lists the following activities as protected: housing, employment, public accommodations, credit, and education.
Protected Class	A group of people with a common characteristic who are protected from discrimination on the basis of the characteristic when participating in a protected activity. The Charlottesville Human Rights Ordinance lists the following classes as protected: race, color, religion, sex (to include, but not be limited to, gender identity, transgender status, or sexual orientation), pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.
Public Hearing	A service provided by the Human Rights Commission and coordinated by the Office of Human Rights, as specified by the Charlottesville Human Rights Ordinance, involving the recommendation of remedies related to a determination of probable cause resulting from the formal investigation of a complaint.

Term	Definition
Referral	A recommendation staff for the client to contact another agency in order to address a concern raised in an inquiry or complaint.
Staff Follow-up	An outgoing contact in which staff communicates with an individual who has previously contacted the office.
Third Party Incoming Contact	An incoming contact with a person who is a third party to an individual directed involved with an inquiry or complaint.
Third Party Outgoing Contact	An outgoing contact with a person who is a third party to an individual directed involved with an inquiry or complaint. The person directly involved must give verbal or written consent for staff to initiate a third party outgoing contact.

Attachment 11

CY2020 OHR Service Data

*The OHR was physically closed from March 16, 2020 through the end of the year due to the COVID-19 pandemic, but the “open office days” figure is included for reference to show the average number of incoming contacts per day had the office been open the typical number of days in a given month.

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Open office days in the month*</i>	22	20	21	22	23	20	22	22	20	23	19	18	252
<i>Total Incoming & Outgoing Contacts</i>	288	318	276	253	160	104	47	79	88	129	193	148	2083
<i>Total Incoming Contacts</i>	207	230	158	69	81	62	26	45	43	75	94	70	1160
<i>Average Incoming Contacts/Day</i>	9	12	8	3	4	3	1	2	2	3	5	4	5
<i>Referrals from Sin Barreras</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Contacts in Spanish</i>	0	3	9	106	58	29	10	0	0	2	9	5	231
<i>Total Staff Follow-ups (Outgoing)</i>	56	36	80	180	72	35	18	24	31	32	56	48	668
<i>Total Third-Party Contacts (Outgoing)</i>	25	52	38	4	7	7	3	10	14	22	43	30	255
<i>Total Client Follow-ups (Incoming)</i>	143	137	99	53	69	41	19	23	24	42	50	39	739
<i>Total Third-Party Contacts (Incoming)</i>	25	42	32	2	5	11	2	4	14	20	24	21	202
<i>Total General Contacts (Incoming)</i>	31	37	21	11	4	5	5	13	3	7	12	5	154
<i>Total New Inquiries (Incoming)</i>	8	14	6	3	3	4	0	5	2	6	7	5	63
<i>Total New Complaints (Incoming)</i>	0	0	0	0	0	1	0	0	0	0	1	0	2
<i>Total Allegations (Both I&C)</i>	0	2	0	2	0	0	0	2	1	0	3	1	11
<i>Total I&C: Locality - Cville</i>	7	12	5	0	3	4	0	2	2	5	6	4	50
<i>Total I&C: Locality - Albemarle</i>	1	0	1	3	0	0	0	3	0	1	1	0	10
<i>Total I&C: Locality - Other or Not Specified</i>	0	2	0	0	0	1	0	0	0	0	1	1	5
<i>Total Inquiries: P.A. - Employment</i>	1	4	3	3	0	0	0	3	1	0	1	1	17
<i>Total Inquiries: P.A. - Housing</i>	5	8	2	0	3	3	0	2	1	4	4	2	34
<i>Total Inquiries: P.A. - Public Accommodation</i>	1	0	0	0	0	0	0	0	0	1	1	0	3
<i>Total Inquiries: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Inquiries: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Inquiries: P.A. - Other (Unprotected)</i>	1	2	1	0	0	1	0	0	0	1	1	2	9
<i>Total Complaints: P.A. - Employment</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Housing</i>	0	0	0	0	0	0	0	0	0	0	1	0	1
<i>Total Complaints: P.A. - Public Accommodation</i>	0	0	0	0	0	1	0	0	0	0	0	0	1
<i>Total Complaints: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
Total employment discrimination allegations	0	2	0	2	0	0	0	1	1	0	1	0	7

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Employment allegations in Charlottesville</i>	0	1	0	0	0	0	0	0	1	0	1	0	3
<i>Employment allegations in Albemarle Co.</i>	0	0	0	2	0	0	0	1	0	0	0	0	3
<i>Emp. allegations in Cville referred to EEOC</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Emp. allegations in Alb. Co. ref. to EEOC</i>	0	0	0	1	0	0	0	0	0	0	0	0	1
Total housing discrimination allegations	0	0	0	0	0	0	0	1	0	0	1	1	3
<i>Housing allegations in Charlottesville</i>	0	0	0	0	0	0	0	0	0	0	1	1	2
<i>Housing allegations in Albemarle</i>	0	0	0	0	0	0	0	1	0	0	0	0	1
Total public accommodation discrimination allegations	0	0	0	0	0	0	0	0	0	0	1	0	1
<i>Public accommodation allegations in Cville</i>	0	0	0	0	0	0	0	0	0	0	1	0	1
Total Other (Unprotected) activity allegations	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	1	0	0	1
<i>Total I&C: P.C. - Disability</i>	2	2	1	0	0	1	0	0	0	2	1	0	9
<i>Total I&C: P.C. - Marital Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - National Origin</i>	0	0	0	1	0	0	0	0	0	0	0	0	1
<i>Total I&C: P.C. - Pregnancy</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Childbirth or Related Medical Conditions</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Race</i>	0	1	0	1	0	0	0	1	1	0	1	0	5
<i>Total I&C: P.C. - Color</i>	0	1	0	1	0	0	0	1	1	0	0	0	4
<i>Total I&C: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Sex</i>	0	1	0	1	0	0	0	1	0	0	1	0	4
<i>Total I&C: P.C. - Gender Identity</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Sexual Orientation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Source of Funds</i>	0	0	0	0	0	0	0	1	0	0	0	1	2
<i>Total I&C: P.C. - Not specified</i>	6	10	5	0	3	3	0	1	1	3	4	3	39
<i>Total I&C: P.C. - Other (Unprotected)</i>	0	0	0	0	0	1	0	1	0	0	1	1	4
Total Counseling Contacts	51	39	25	7	5	5	5	7	12	18	13	14	201
<i>Total Employment Counseling</i>	4	5	2	3	0	0	0	2	1	0	2	2	21
<i>Total Housing Counseling</i>	43	32	22	4	5	2	5	5	11	15	11	12	167
<i>Total Public Accommodation Counseling</i>	2	1	0	0	0	1	0	0	0	1	0	0	5
<i>Total Credit Counseling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Private Education Counseling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Other (Unprotected) Counseling</i>	2	1	1	0	0	2	0	0	0	2	0	0	8
Total Contacts resulting in Referrals	7	9	5	4	2	3	0	5	1	2	0	6	44
<i>Referrals to CSRAP</i>	2	1	0	0	2	1	0	0	0	0	0	0	6
<i>Referrals to LAJC</i>	1	1	1	0	0	1	0	4	1	0	0	0	9

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
Referrals to CVLAS	1	2	2	0	0	1	0	2	0	0	0	1	9
Referrals to PHA	0	0	1	0	0	1	0	0	0	0	0	1	3
Referrals to EEOC	0	1	0	3	0	0	0	0	0	0	0	0	4
Referrals to DPOR	0	0	0	0	0	0	0	0	0	0	0	0	0
Referrals to Other	4	4	2	2	0	3	0	2	1	2	0	4	24
Total Employment Complaints: P.C. - Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Marital Status	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Pregnancy	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Childbirth or R.M.C.	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Race	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Not specified	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Other (Unprotected)	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Marital Status	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Pregnancy	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Childbirth or R.M.C.	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Race	0	0	0	0	0	0	0	0	0	0	1	0	1
Total Housing Complaints: P.C. - Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Not specified	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Other (Unprotected)	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Disability	0	0	0	0	0	1	0	0	0	0	0	0	1

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
Total Pub. Accom. Comp.: P.C. - Marital Status	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Pregnancy	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Childbirth or R.M.C.	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Race	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Not specified	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Other (Unprotected)	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Open Inquiries													16
Total Closed Inquiries													47
Total Dismissed Inquiries													0
Total Open Complaints													1
Total Closed Complaints													1
Total Dismissed Complaints													0
Primary Service: Appointment Set-up	51	23	13	1	1	1	0	5	4	0	12	3	114
Primary Service: Clerical Assistance	0	8	0	0	2	0	1	0	1	0	0	0	12
Primary Service: Counseling	51	39	25	7	5	5	5	7	12	18	13	14	201
Primary Service: Event Information	1	1	1	0	0	0	0	0	0	0	0	2	5
Primary Service: Investigation Activity	11	11	5	3	1	0	1	9	10	19	10	13	93
Primary Service: Information	166	234	180	24	62	51	26	56	60	91	156	116	1222
Primary Service: Mediation Related Services	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Outreach Coordination	8	2	4	0	0	1	0	2	1	1	2	0	21
Primary Service: Public Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Volunteer Coordination	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Helpline - COVID Response	0	0	48	218	89	46	14	0	0	0	0	0	415
Total Formal Investigations: - Employment													0
Total Formal Investigations: - Housing													1
Total Formal Investigations: - Public Accommodation													1
Total Formal Investigations: - Credit													0
Total Formal Investigations: - Private Education													0

Attachment 12

Summary of Employment Discrimination Protections following the passing of the Values Act

With the passage of the Values Act by the General Assembly on July 1, 2020, the Virginia Human Rights Act (Va. Code Title 2.2, Chapter 39) definition of “Employer” as it relates to discrimination in employment in §2.2-3905 (A) was amended to read as follows:

“Employer” means a person employing 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person. However, (i) for purposes of unlawful discharge under subdivision B 1 on the basis of race, color, religion, national origin, status as a veteran, sex, sexual orientation, gender identity, marital status, pregnancy, or childbirth or related medical conditions including lactation, “employer” means any employer employing more than five persons and (ii) for purposes of unlawful discharge under subdivision B 1 on the basis of age, “employer” means any employer employing more than five but fewer than 20 persons.

The Values Act also repealed §2.2-3903 of the Virginia Human Rights Act, which included the following sub-section (B):

B. No employer employing more than five but less than 15 persons shall discharge any such employee on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, including lactation. No employer employing more than five but less than 20 persons shall discharge any such employee on the basis of age if the employee is 40 years of age or older. For the purposes of this section, “lactation” means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

The following chart shows the potential scope of OHR enforcement authority, regarding employment discrimination, following the passage of the Values Act:

Yes = OHR can enforce employment nondiscrimination	≤ 5 Employees	5 < Employees (If unlawful discharge)	5 < 15 Employees (If unlawful discharge)	5 < 20 Employees (If unlawful discharge)	15 ≤ Employees
Race	No	Yes	Yes	Yes	Yes
Color	No	Yes	Yes	Yes	Yes
Religion	No	Yes	Yes	Yes	Yes
National Origin	No	Yes	Yes	Yes	Yes
Status as a Veteran	No	Yes	Yes	Yes	Yes
Sex	No	Yes	Yes	Yes	Yes
Sexual Orientation	No	Yes	Yes	Yes	Yes
Gender Identity	No	Yes	Yes	Yes	Yes
Marital Status	No	Yes	Yes	Yes	Yes
Pregnancy	No	Yes	Yes	Yes	Yes
Childbirth	No	Yes	Yes	Yes	Yes
Age	No	No	Yes	Yes	Yes

The following chart shows the scope of OHR enforcement authority prior to the passage of the Values Act. The passing of the Values Act significantly expanded the OHR’s enforcement of employment discrimination. The differences are noted in red text for emphasis.

Yes = OHR can enforce employment nondiscrimination	≤ 5 Employees	5 < Employees (If unlawful discharge)	5 < 15 Employees (If unlawful discharge)	5 < 20 Employees (If unlawful discharge)	15 ≤ Employees
Race	No	Yes	Yes	No	No
Color	No	Yes	Yes	No	No
Religion	No	Yes	Yes	No	No
National Origin	No	Yes	Yes	No	No
Status as a Veteran	No	Yes	Yes	No	No
Sex	No	Yes	Yes	No	No
Sexual Orientation	No	No	No	No	No
Gender Identity	No	No	No	No	No
Marital Status	No	Yes	Yes	No	No
Pregnancy	No	Yes	Yes	No	No
Childbirth	No	Yes	Yes	No	No
Age	No	No	Yes	Yes	No

MEMORANDUM

TO: THE HONORABLE CHARLOTTESVILLE CITY COUNCIL

**FROM: BILL MAWYER, EXECUTIVE DIRECTOR
RIVANNA WATER & SEWER AUTHORITY
RIVANNA SOLID WASTE AUTHORITY**

SUBJECT: QUARTERLY UPDATE

DATE: APRIL 2022

This quarterly update is to provide general information on the drinking water supply and treatment, wastewater collection and treatment, and solid waste programs managed by the Rivanna Authorities for the benefit of the Charlottesville/Albemarle community, as follows:

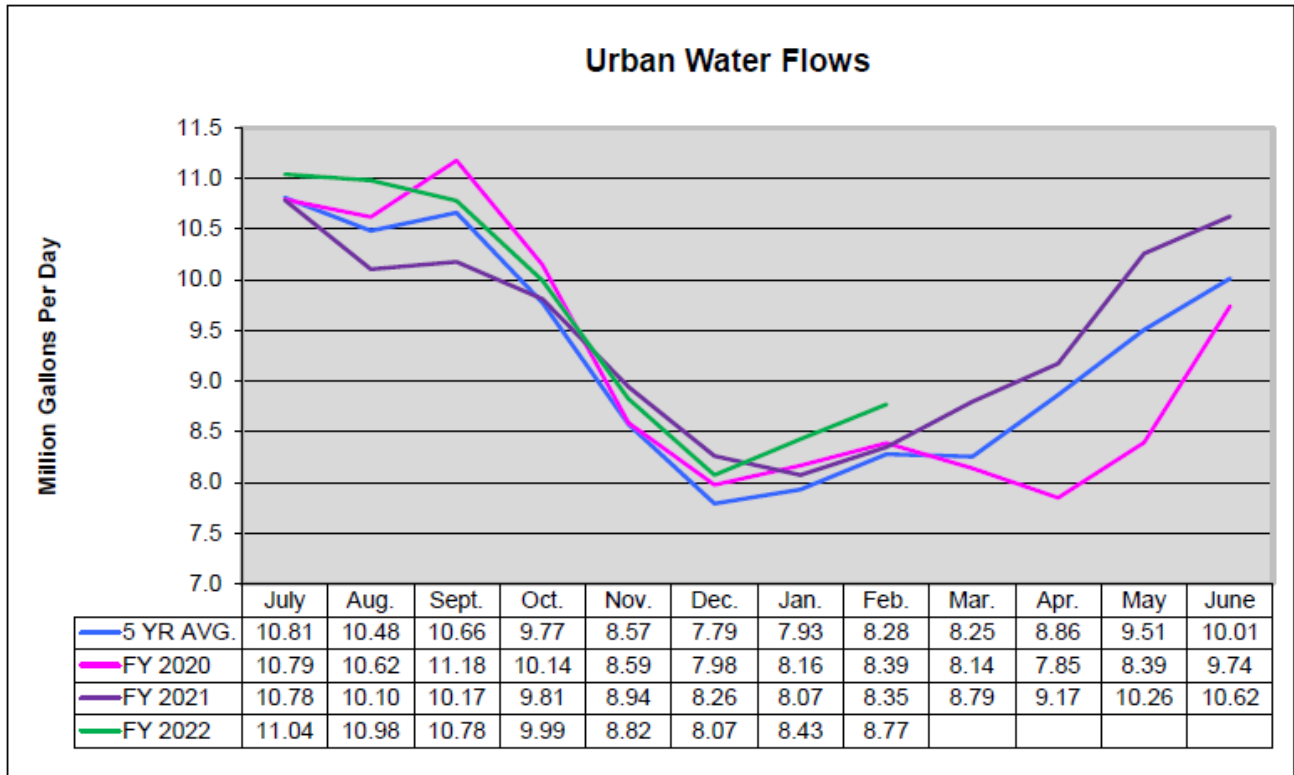
1. Drinking Water Supply and Drought Monitoring, as of April 7, 2022:
 - A. U.S. Drought Monitoring Report:
 - No drought phases have been initiated. Albemarle County is noted to be abnormally dry.
 - B. VDEQ Drought Status Report:
 - Our region is at a “Watch” level for low precipitation and groundwater.
 - C. Urban Reservoirs Status (Sugar Hollow, South Rivanna, Ragged Mountain):
 - 100% full.

Precipitation

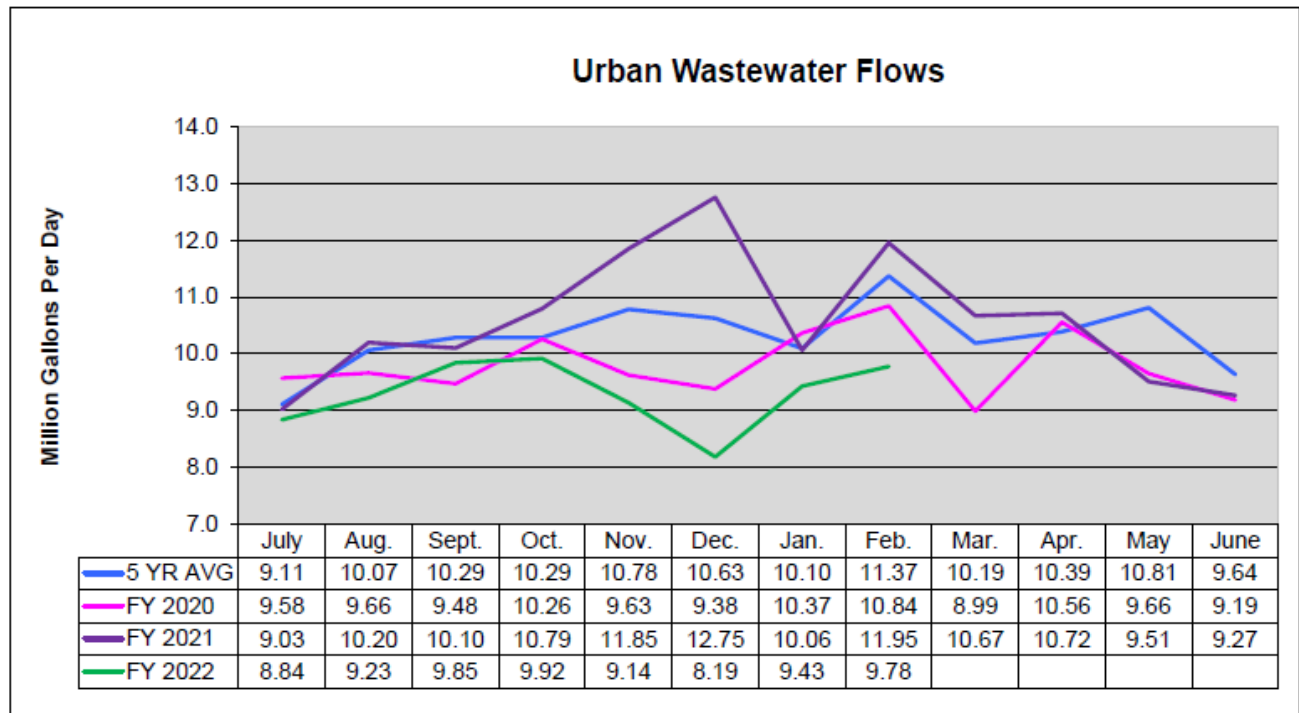
Charlottesville Precipitation				
Year	Month	Observed (in.)	Normal (in.)	Departure (in.)
2021	Total: Jan - Dec	33.82	41.61	-7.79
2022	January	3.79	2.96	0.83
	February	1.48	2.35	-0.87
	March	2.64	3.54	-0.9
	Total: Jan - Mar	7.91	8.85	-0.94

Source: National Weather Service, National Climatic Data Center.

2. The production of drinking water for the Urban area (Charlottesville and adjacent developed areas of Albemarle, not including Crozet) averaged 8.77 million gallons per day (MGD) in February 2022 (FY 2022), which was above the five-year average for February (8.28 MGD), as shown by the following graph:



3. Urban wastewater flow for February 2022 (9.78 MGD), including flows from Crozet, was below the five-year average for February (11.37 MGD), as shown by the following graph:



4. A general overview of significant current and future water and wastewater Capital Improvement Projects is provided below. Costs for these projects are typically shared between the Charlottesville Department of Utilities (48%) and the Albemarle County Service Authority (52%).
- A. Water Treatment Plant Renovations
 Scope: Replace equipment which has reached end-of-service life at the South Rivanna and Observatory Water Treatment Plants. Increase water treatment capacity from 7.7 to 10 million gallons per day at the Observatory Water Treatment Plant.
 Completion: May 2020 - May 2023
 Cost: \$43 million
 - B. Crozet Flow Equalization Tank
 Scope: Provide a one-million-gallon wastewater tank to store wet weather infiltration of the sewer system and prevent sewer system overflows. Wastewater from Crozet is piped and pumped to the Moores Creek Treatment Plant.
 Completion: October 2020 – June 2022
 Cost: \$5.4 million
 - C. Exterior Lighting Replacement, Moores Creek Wastewater Treatment Facility
 Scope: Replace exterior lighting fixtures and poles on the 80-acre facility to improve safety and compliance with Albemarle County lighting requirements.
 Completion: April 2021 - May 2022
 Cost: \$0.6 million
 - D. Electrical System Replacement, Moores Creek Wastewater Treatment Facility
 Scope: Replace major electrical cabling and equipment installed around 1980 which have reached the end of their service lives.
 Completion: May 2022 – June 2024
 Cost: \$5 million
 - E. Water Pipe and Pump Stations Replacement, Ragged Mountain Reservoir to Observatory Water Treatment Plant
 Scope: Replace water pipes and two pump stations which convey untreated water and have reached the end of their service lives or will require significant upgrades to adequately support the increased treatment capacity of the upgraded Observatory Water Treatment Plant.
 Completion: 2025 - 2028
 Cost: \$30 million
 - F. Urban Area “Central Water Line”
 Scope: Piping improvements to more efficiently convey drinking water, increase redundancy, and generally strengthen the Urban Area Drinking Water System for the benefit of the City and the County. This five-mile-long piping project will extend from the Stadium Road area to the Long Street / E. High Street bridge. Informational meetings have been completed with the Belmont-Carlton, Fifeville, Fry’s Spring, Johnson Village, Martha Jefferson, Little High, and Woolen Mills neighborhood associations. We have also mailed about 480 letters and a “Project Fact Sheet” to all properties located directly along the entire proposed alignment. In addition, we have reached out to Mount Zion Baptist Church, First Steps Infant Development, and Charlottesville Day School, as well as to the Piedmont Housing Alliance, Public Housing Area Residents, and the Charlottesville Redevelopment and Housing Authority.
 Completion: 2024 - 2028
 Cost: \$31 M

G. Upper Schenks Branch Wastewater Piping Replacement, Phase II

Scope: Replace sewer piping installed in the mid 1950's in conjunction with the City's sewer upgrade program to increase system capacity. The new piping will be located along McIntire Road between the McIntire Recycling Center and Preston Avenue.

Completion: TBD
Cost: \$5 million: 100% City

H. South Rivanna Reservoir to Ragged Mountain Reservoir Pipe

Scope: Acquire easements and construct a pipe to transfer untreated water between the South Rivanna and Ragged Mountain reservoirs, as required by the Community Water Supply plan completed in 2012. A short section will be constructed from Birdwood to Old Garth Road in 2022 – 2023.

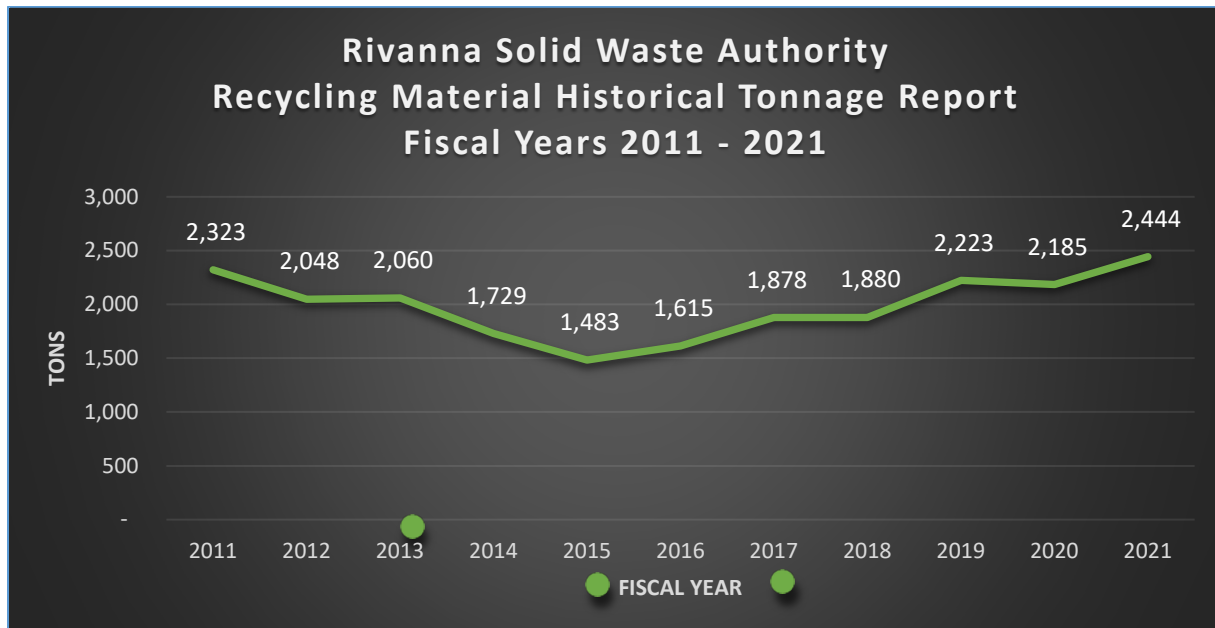
Completion: 2027 - 2033
Cost: \$80 million: 80% ACSA / 20% City

I. Keene Convenience Center

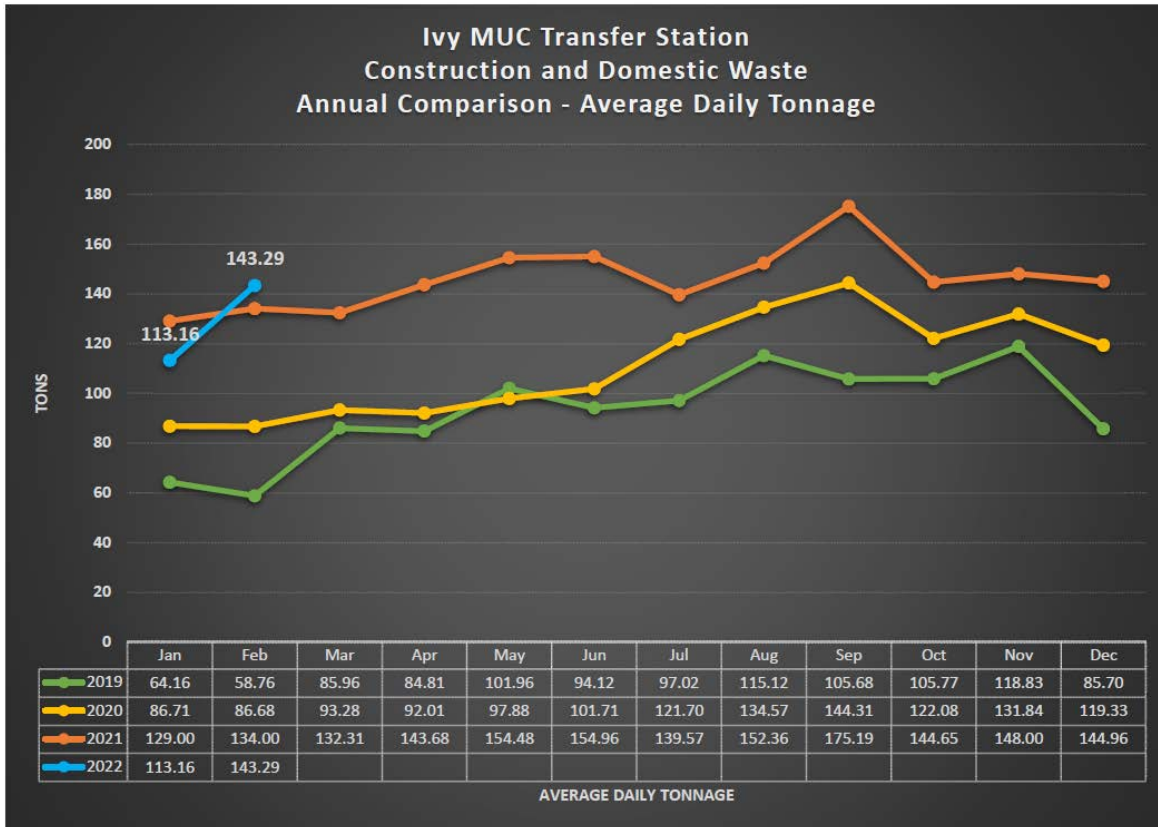
Design is underway for a recycling and bagged residential refuse collection center to be constructed in southern Albemarle County.

Completion: July - December 2022
Cost: \$1.1 million: 100% Albemarle County

5. The recycling program at the McIntire Recycling Center and the Paper Sort baling facility continues to be a very popular service for our community. Tonnage from mixed paper, cardboard (including pizza boxes), glass, plastics, metals, compostable food waste and cooking oil continues to increase, as shown below:



6. By increasing the number of days/week the Transfer Station is open, and by lowering the disposal fee from \$66/ton to \$52/ton, average daily refuse volume at the Ivy Transfer Station has increased from 58.76 tons per day in February 2019 to 143.29 tons per day in February 2022, as shown below:



Please let me know if you have any questions.

cc: RSWA Board of Directors
RWSA Board of Directors

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 18, 2022
Action Required:	Consider modification to the Community Development Block Grant and HOME Taskforce (1 reading, public hearing required)
Presenter:	Erin Atak, Grants Coordinator
Staff Contacts:	Erin Atak, Grants Coordinator Alex Ikefuna, Interim Director Office of Community Solutions
Title:	CDBG and HOME Citizen Participation Plan Amendment

Background:

As an “Entitlement Community, the City receives the Community Development Block Grant (CDBG) and the HOME Investment Partnership funds each year to benefit low-moderate-income persons. The City is required to meet national objectives as defined by the United States Department of Housing and Urban Development (HUD). Funds may be spent for any activities permitted by the Housing and Community Development Act of 1974, as amended, and applicable federal regulations.

The CDBG/HOME Taskforce was established to make funding recommendations to the Planning Commission and City Council for funding housing, community development, economic development, and public service needs based on the Consolidated Plan and the CDBG priorities as established by the City Council annually. The CDBG/HOME Taskforce and its subcommittees evaluate CDBG and HOME programs to ensure consistence with the Consolidated Plan goals and to ensure that funding recommendations and evaluations are forwarded to City Council in accordance with the procedures set forth in code section 2-416, 2-417, 2-418, 2-419, and 2-420.

Discussion:

On January 14, 2021, the City of Charlottesville was issued a second timeliness infraction by HUD. The City of Charlottesville and its CDBG/HOME programs were found to be non-compliant and unable to carry out contractual obligations within HUD expenditure requirements set forth in 24 CFR 570.902. The City had several minor and substantial action plan amendments made within the FY2020-2021 to account for timeliness along with several contract obligations that did not meet CDBG/HOME requirements.

Many of these funded CDBG and HOME contracts and projects that faced reprogramming or recapture did not meet the initial HUD contractual obligations or staff recommendations when being reviewed by the CDBG/HOME Taskforce and subcommittees. Staff provided the Taskforce with background summary on all organizations with audit history, balances on open accounts, and concerns with timeliness for each applicant, however those considerations were not included during the review process which led to recapture and reprogramming of funds. Currently, staff is not able to provide input on the planning process of the CDBG and HOME budget within the City of Charlottesville to help prevent timeliness violation. Moving forward, it is recommended that the role of the CDBG/HOME Taskforce change to advisory of the CDBG/HOME funds and allow for City staff to have input in the funding recommendation process.

Community Engagement:

Members of the public were given the opportunity to voice their opinions during the 30-day public comment period held March 8, 2022, through April 8, 2022. A virtual public hearing was held during City Council meeting on April 18, 2022.

Alignment with City Council’s Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council’s vision for Charlottesville to have **Economic Sustainability, Quality Housing Opportunities for All, and A Connected Community**. It contributes to variety of Strategic Plan Goals and Objectives including: Goal 1: Inclusive, Self-sufficient Community; Goal 3: Beautiful Environment; Goal 4: Strong, Diversified Economy; and Goal 5: Responsive Organization.

Budgetary Impact: None

Alternatives: Council may elect not to approve the recommendations.

Recommendation:

Staff recommends approval of the proposed Ordinance and the Proposed Amendment to the Citizen Participation Plan.

Attachments:

- Proposed Ordinance
Suggested motion: “I move the ORDINANCE to amend and re-enact Sections 2-417, 2-418 and 2-419 of the Code of the City of Charlottesville to establish a new CDBG and HOME Taskforce”
- Proposed Amendments to the Citizen Participation Plan
Suggested motion: “I move to approve the proposed amendments to the 2016 Citizen Participation Plan for the City’s CDBG and HOME Investment Partnership Act programs, as recommended by staff”.

AN ORDINANCE

To amend and reenact Sections 2-417, 2-418 and 2-419 of the Code of the City of Charlottesville, to establish a new CDBG and HOME Taskforce

Be it Ordained by the Council for the City of Charlottesville, Virginia that Section 2-417, 2-418, and 2-419 of Article XIII, Chapter 2 (XXXX) of the Charlottesville City Code, 2016, as amended, is hereby amended and reordained as follows:

Chapter 2: Administration

Article XIII: Community Development Block Grant Planning

Sec. 2-417. - Community development block grant and HOME task force.

(a) The community development block grant/HOME task force is hereby established to make recommendations to the ~~planning commission~~ City administration and ~~city council~~ for funding housing, community development, economic development, and public service needs based on the consolidated plan and the CDBG priorities as established by city council annually. The CDBG/HOME task force will work with city administration to evaluate CDBG and HOME programs to ensure consistency with the consolidated plan goals. ~~Such~~ Recommendations and evaluations of the programs, and for annual funding requests, shall be forwarded to the City administration in accordance with the procedures set forth in this article.

(b) The CDBG/HOME task force shall be composed of nine (9) members appointed by the city council. The members shall include:

- (1) Five (5) members from HUD's identified income eligible areas of the city who are residents of city council designated priority neighborhoods;
- (2) One (1) member of the planning commission;
- (3) One (1) member representing public service programs as defined at 24 CFR 570.201;
- (4) One (1) member of the ~~city school board~~ Thomas Jefferson Planning District Commission;
- (5) One (1) additional citizen.

The term for the one (1) member of the CDBG task force from the planning commission and the one (1) member of the school board shall be coextensive with the term of office to which such member has been elected or appointed, unless the city council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the task force first appointed shall serve respectively for terms of one (1) year, two (2) years, and three (3) years, divided equally or as nearly equal as possible between the membership. Subsequent

appointments shall be for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term only. Members may serve up to two (2) consecutive full terms.

Sec. 2-418. - Community development block grant (CDBG)/HOME task force subcommittees.

~~(a) Priority neighborhood subcommittee.~~ When the city council determines that a portion of available CDBG funds will be used to assist an income eligible area, the council may appoint a priority neighborhood subcommittee, including but not limited to representatives of the CDBG task force, the planning commission and residents, business people and property owners from the priority neighborhood. The term of each priority neighborhood subcommittee shall be three (3) years, unless otherwise specified by the council, and each priority neighborhood subcommittee shall operate under such guidelines and perform such advisory functions as the council may direct at the time of appointment. The Priority neighborhood subcommittee shall make recommendations to the CDBG/HOME task force the City administration. The City administration shall submit final recommendations to the City Council for final approval for funding housing and community development needs, based on the consolidated plan and giving weight to the recommendations of the priority neighborhood subcommittee, and the City administration will work with the city priority neighborhood subcommittee to evaluate feasibility and to ensure consistency with programmatic regulations. The city council will designate an income eligible area for three (3) years with the authority to postpone or extend funding in the event of a compelling project or need.

~~(b) Economic development subcommittee.~~ When the city council provides for a CDBG economic development set aside, the city staff who participate on the strategic action team (SAT) will serve as the economic development subcommittee. The SAT is an interdisciplinary team of city staff who examine the city's workforce development efforts and assist with policy development focused on self-sufficiency for city residents. When the city council determines that a separate economic development subcommittee is needed, the city council shall appoint members with economic development expertise, including but not limited to local business owners, chamber of commerce, office of economic development and other major stakeholders. the who will then formulate final recommendations the for consideration and The subcommittee shall make recommendations to the CDBG/HOME task force for funding economic development projects based on the consolidated plan and work with city staff to evaluate feasibility and ensure consistency with programmatic regulations.

Sec. 2-419. - Annual process.

The following steps shall comprise the annual process for planning and programming the expenditure of CDBG and HOME funds.

(1) The City administration staff assigned to and CDBG task force will together review

CDBG/HOME consolidated plan goals and applicable regulations to prepare to formulate recommendations for annual funding priorities.

(2) The city council shall conduct a public hearing to solicit the views of citizens on city wide community development and housing needs. The purpose of this public hearing shall be for council to receive citizens' comments on recommended priorities and program performance. The notice of the public hearing shall include an estimate of the amount of funds available for CDBG and HOME activities and the range of activities that may be undertaken, as well as how the public can access a copy of the most recent consolidated annual performance evaluation report (CAPER). Public comments may be presented in writing, virtually when applicable, or in person.

(3) After receiving all comments, council shall establish priorities for the grant year, including such percentage allocations of funds to categories and to particular income eligible areas as it deems appropriate.

(4) After council establishes priorities for the grant year, city administration staff with the CDBG/HOME task force will develop a request for proposals, consistent with the funding priorities established by council, to be advertised and distributed to interested parties and prior recipients of funds.

(5) Responses to the city's request for proposals will be evaluated by the CDBG/HOME task force, or designated subcommittee(s) as may be applicable.

(6) The CDBG/HOME task force shall provide funding recommendations to ~~the planning commission and~~ the City administration. ~~The task force's recommendations shall and city council~~ to ensure that proposed projects are consistent with the CDBG program requirements and national objectives and/or HOME program requirements, as applicable. Following receipt of the task force's recommendations, the City administration will review and score applications in with accordance with federal regulations set forth at 24 CFR 570.902(a) and make a final report and recommendation to City Council for approval. The City administration's final report and recommendation to City Council will include information regarding the task force's recommendations, and Review will also include a determination of consistency of proposed projects with the city's Consolidated Plan, comprehensive plan and affordable housing goal(s).

(7) The city council ~~and planning commission shall~~ will conduct a ~~joint~~ public hearing in accordance with federal regulations, to receive public comments on the proposed annual action plan of the consolidated plan and CDBG/HOME performance, as appropriate. ~~Notwithstanding the foregoing, the CDBG/Home performance plan may be presented at a separate public hearing as required by the Code of Federal Regulations.~~

(8) Following the public hearing and any additional meetings or hearings deemed by the city council to be necessary, the council shall make a final decision on the programs, projects and expenditures to be funded from the year's CDBG/HOME programs.

(9) The city shall provide the task force ~~and planning commission~~ with the Consolidated Annual Performance Evaluation Report (CAPER) in conjunction with the city's submission to HUD. The CAPER and evaluation of program specific successes and challenges will be used in future CDBG/HOME recommendations to city council for projects and programs.

(10) Once council has approved and funded a program, any reprogramming and budgetary changes

will be done consistent with the citizen participation plan adopted by council.

Sec. 2-420. - Procedures for public hearings, meetings and records.

[No changes proposed to this section]



City of Charlottesville Citizen Participation Plan

Draft for Public Comment
Adopted: July 18, 2016

CITY OF CHARLOTTESVILLE
CITIZEN PARTICIPATION PLAN (CPP)
COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS

TABLE OF CONTENTS

	<u>PAGE NO.</u>
Section 1. INTRODUCTION	3
Section 2. SCOPE OF PARTICIPATION AND PARTICIPANT RESPONSIBILITIES	3
Section 3. CITIZEN PARTICIPATION CONTACT PERSON	4
Section 4. TECHNICAL ASSISTANCE	5
Section 5. PUBLIC HEARINGS	5
Section 6. PROGRAM INFORMATION/RECORDS ACCESS	8
Section 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND CONCERNS	8
Section 8. AMENDMENTS	9
Section 9. AUTHORITY	11

SECTION 1. INTRODUCTION

Citizen involvement and participation are critical to all aspects of local government and governance. Accordingly, the City of Charlottesville has incorporated this into the City Council vision statement, as follows:

Smart, Citizen-Focused Government - The delivery of quality services is at the heart of Charlottesville's social compact with its citizens. Charlottesville's approach to customer service ensures that we have safe neighborhoods, strong schools, and a clean environment. We continually work to employ the optimal means of delivering services, and our decisions are informed at every stage by effective communication and **active citizen involvement**. Citizens feel listened to and are easily able to find an appropriate forum to respectfully express their concerns.

As required by the U.S. Department of Housing and Urban Development (HUD), the City of Charlottesville (City) must formalize a process for citizen involvement and participation by designating a Citizen Participation Plan (CPP) to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) programs. This plan is an essential element of the City's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG/HOME programs as regulated by the HUD.

The primary goal of this CPP is to provide citizens¹ of the community with adequate opportunity to participate in an advisory role in the planning (to include the Consolidated Plan, Annual Action Plan, and Assessment of Impediments to Fair Housing - AFH²), implementation, and assessment of the City's CDBG/HOME programs (to include the Consolidated Annual Performance and Evaluation Report – CAPER and AFH). The CPP sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis will be placed on encouraging participation of persons that are often marginalized. This includes persons of low and moderate incomes, minorities, non-English speaking persons, and persons with disabilities.

Citizens are encouraged to participate in all phases of the CDBG/HOME programs and will be provided access to program information to the extent feasible and as allowed by law. The City will encourage the participation of local and regional institutions, the Continuum of Care

¹ Citizens include **all interested parties**, as well as residents, CDBG/HOME Task Force, and designated subcommittees (i.e., Priority Neighborhood and/or Economic Development subcommittees), in accordance with Section 2-417 and 2-418 of Article XIII of Chapter 2 of the Charlottesville City Code, 1990, as amended. Interested parties also refer to organizations that represent City neighborhoods as well as persons that would qualify for CDBG/HOME assistance.

² Affirmatively Furthering Fair Housing into 24 CFR 91.10 Consolidated Program Year, 24 CFR 91.105 Citizen Participation for Local Governments and 24 CFR 91.115 Citizen Participation for States.”

and other organizations³ in the process of developing and implementing the Consolidated Plan. The City will also encourage, in consultation with the Charlottesville Redevelopment and Housing Authority (CRHA), participation by residents of public and assisted housing developments.

SECTION 2. SCOPE OF PARTICIPATION AND PARTICIPANT RESPONSIBILITIES

The City will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG/HOME programs undertaken by the City. The City will look to consider and include:

- a. Views of citizens regarding city-wide community development and housing needs, staff recommended priorities, proposed program/project⁴ changes or amendments and program performance as detailed within the CAPER and other relevant information;
- b. Participation of citizens in the development, review and ~~evaluation~~ recommendations to City administration of request for proposal(s) and associated responses by means of a CDBG/HOME Task Force and designated subcommittees (in accordance with Section 2-417 and 2-418 of Article XIII of Chapter 2 of the Charlottesville City Code, 1990, as amended);
- c. Discussion and input from citizens regarding funding recommendations as discussed with and evaluated by the ~~Planning Commission~~ City Council;
- d. Views of citizens on the proposed Annual Action Plan of the Consolidated Plan and the Consolidated Plan; and
- e. Views of citizens on the CPP and AFH including views on the analysis of Fair Housing data, assessment of Fair Housing issues and contributing factors, and identification of Fair Housing priorities and goals.⁵

All phases of the community development process will be conducted by local officials in an open manner. Citizens are encouraged to participate throughout the process and will be given access to program information during each phase of any CDBG/HOME program, as outlined herein.

The CDBG/HOME Task Force and designated subcommittees will hold various meetings in execution of their responsibilities, which will be noticed in advance as required by City policy. Such meetings will be held at City Hall, unless otherwise stated.

³ Other organizations are included, but not limited to: businesses, developers, non-profit organizations, philanthropic organizations and community and faith-based organizations including resident advisory boards, resident councils, resident management corporations, and other low-income residents in targeted revitalization areas.
⁴ Program, as used herein, refers to either the CDBG or HOME programs and is distinguished from projects and/or activities that are funded within a specific program.

⁵ The AFH is due in October 2017, prior to the City's next Consolidated Plan submission in 2018.

~~While the Planning Commission will review the recommendations of the CDBG/HOME Taskforce and designated subcommittees, the suggesting modifications or amendments as deemed necessary, The~~ final responsibility and authority for the development, implementation and performance review of the CDBG/HOME programs will reside with City Council.

SECTION 3. CITIZEN PARTICIPATION CONTACT PERSON

The City of Charlottesville Grants Coordinator will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Grants Coordinator shall include, but not necessarily be limited to: disseminating program/project information; facilitating the citizen participation process; serving as a point of contact for program/project related inquiries; monitoring the citizen participation process; and proposing such amendments to the CPP as may be necessary.

The Grants Coordinator may be contacted at, Charlottesville City Hall - P.O. Box 911, 610 E. Market Street, Charlottesville, Virginia 22902, (434) 970-3182 during regular business hours (8:00am – 5:00pm), except for weekends and holidays. All questions concerning citizen participation in the community development process should be addressed to the Grants Coordinator.

SECTION 4. TECHNICAL ASSISTANCE

City administration shall provide technical assistance to citizens and other interested parties, especially those representative of low or moderate income persons, as may be requested and/or required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG/HOME program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG/HOME program requirements and associated HUD regulations.

Technical assistance shall be provided upon request or during technical assistance workshops (e.g., CDBG/HOME application workshop). Technical assistance is meant to provide potential applicants, interested citizens, elected officials and others with general information regarding the CDBG/HOME programs and its rules, regulations, procedures and/or

requirements.

Technical assistance may be obtained at any time by contacting the Grants Coordinator.

SECTION 5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the comments of all citizens, especially low and moderate income persons and/or groups representing such persons.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to provide comments concerning the development and performance of CDBG/HOME programs/projects. The Grants Coordinator will respond to questions from citizens at each public hearing. Any questions that citizens may have concerning the CDBG/HOME programs/projects will be answered and their comments/suggestions will be received and documented as appropriate.

The City of Charlottesville will hold virtual public hearings in the event of a local state of declared emergency. Virtual meetings may be held online if a local or state emergency prevents staff or citizens from gathering in person or to provide additional opportunities for citizen participation during times of normal operation. Virtual meetings will be conducted using software that is free for participants and provides the ability for participants to ask questions in real time and for answers to be provided to all attendees. The software will allow accessibility for persons with disabilities and those with limited English proficiency. Meetings will be recorded and posted online on the City of Charlottesville's website.

5.1 Public Hearing Time and Location

All public hearings will be held in conjunction with City Council meetings (1st and 3rd Monday's every month at 7:00pm, unless otherwise noted/advertised) at City Hall which is accessible to all citizens, especially persons of low and moderate incomes⁶. This building is also accessible to persons with disabilities. Hearings may be held at an alternate location to be specified in the public hearing notice(s).

5.2 Priority Setting and Program Performance Public Hearing

At least one public hearing shall be held prior to the development of a request for proposal(s). The primary purpose of this public hearing shall be to solicit the views of citizens on city-wide community development and housing needs, staff recommended priorities, and program performance.

⁶City Hall is located on the east end of the downtown pedestrian mall, directly across from the downtown transit center which serves as the hub for the Charlottesville Area Transit (CAT) buses and free trolley service. Convenient bicycle racks and adequate parking are readily available, with the City providing a stamp for free parking at its Market Street Parking Deck during City Council meetings.

The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities.

Citizens will be provided with information concerning the CDBG/HOME programs at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG/HOME programs; staff recommended priorities, the proposed CDBG/HOME budget for the upcoming fiscal year; and program performance. This public hearing will be publicly advertised at least 15 days in advance to allow time for public comment.

5.3 CDBG/HOME Project/Activity Amendment Public Hearings

To ensure adequate opportunity for citizen participation to facilitate potential CDBG/HOME project/activity changes, the City shall hold a public hearing on all substantial amendments which require Council approval. The primary purpose of this public hearing shall be to solicit the views of citizens on substantial changes to CDBG/HOME projects/activities (as defined in “Section 8 – Amendments”). Proposed amendments will be publicly advertised at least 30 days in advance to allow time for public comment.

For “minor” amendments (as defined in “Section 8 - Amendments”) and changes for which Council approval is not required, no additional citizen participation will be required.

5.4 Consolidated Plan, Annual Action Plan, and AFH Public Hearing

- (a) Development of Consolidated, Annual Action Plan, and AFH: Citizens of the City will be provided with the opportunity to comment on the Consolidated Plan and Annual Action Plan. The City shall hold at least one public hearing during the development of the Consolidated Plan and Annual Action Plan and will publicly advertise the hearing at least 30 days prior.
- (b) Amendment of Consolidated, Annual Action Plan, and AFH: Substantial amendments to the Consolidated and Annual Action Plan will be publicly advertised at least 30 days prior to the consideration of the amendments by the City Council to allow time for public comment. The 30 day public comment period also applies to any revision to the AFH before the revised AFH is submitted to HUD for review. All comments received will be handled pursuant to this CPP.

5.5 Citizen Participation Plan Public Hearing

Proposed changes to the CPP will be publicly advertised at least 15 days prior to the adoption or amendment of the CPP by the City Council to allow time for public comment. The proposed revisions will become effective immediately upon City Council’s approval.

5.6 Non-English Speaking and Limited English Proficiency Residents

The City will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of vital materials and notices in the appropriate language or format for persons with Limited English Proficiency, as required by the City's Limited English Proficiency Four Factor Analysis.

5.7 Public Hearing Notices

Notice of public hearings will be published in advance in a newspaper of general circulation, subject to the time frame as specified within this Section. Each notice of a hearing shall include the time, date, place, topics and procedures to be discussed. Information and materials related to noticed public hearings will be included with the City Council agendas at posted on-line at <http://www.charlottesville.org/departments-and-services/departments-a-g/city-council/council-agendas>.

5.8 Accessibility to Low and Moderate Income Persons

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens. The City may take additional steps to further promote participation by such groups, or to target program information to these persons. Activities to promote additional participation may include targeted outreach efforts, holding public hearings at alternative accessible locations, and other reasonable efforts as may be deemed appropriate by City Council.

5.9 Accessibility to Persons with Disabilities

The locations of all public hearings will be held at locations accessible to persons with disabilities. Additionally, the City shall provide reasonable accommodations whenever the Grants Coordinator is notified in advance (at least seven business days) that one or more persons with a disability will be in attendance

5.10 Minimizing Displacement

The City will seek to minimize displacement as a result of CDGB/HOME implementation. In all instances, the City will follow the Uniform Act and HUD Handbook 1378.

SECTION 6. PROGRAM INFORMATION / RECORDS ACCESS

Citizens, public agencies and other interested parties will be provided full access to

CDBG/HOME program information during all phases.⁷ The City shall make reasonable effort to assure that CDBG/HOME program information is available to all citizens, especially those of low and moderate incomes or Limited English Proficiency, as required.

To facilitate access to CDBG/HOME program information, the Grants Coordinator will keep all documents related to the CDBG/HOME program on file in Offices of Community Solutions, City Hall - 610 E. Market Street, Charlottesville, VA 22902. This information will be made accessible during regular business hours from 8:30am – 4:00pm, except weekends and holidays. CDBG/HOME program information and materials, concerning specific CDBG/HOME projects/activities will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Materials to be made available shall include all non-proprietary⁸ CDBG/HOME related information. HUD-provided data and other supplemental information that is incorporated into AFH will also be made available at the start of the participation process (or as soon as feasible after).

At a minimum, the draft and final versions of the Consolidated Plan, Annual Action Plan, CAPER, CPP, and AFH will also be available online at www.charlottesville.org. Substantial amendments to Consolidated Plan and Annual Action Plan and any revisions to the AFH will also be available online.

SECTION 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND CONCERNS

The public hearings scheduled, as described herein, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of community development and housing at these public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or concerns to the City.

Any citizen or citizen's group desiring to comment or object to any phase of the CDBG/HOME programs/projects should submit such comments or objections in writing to the Grants Coordinator. The City will consider the comments or views of citizens, whether received in writing or orally at the public hearings, in preparation of the final Consolidated Plan or final AFH. A summary of any comments or views and a summary of any comments or views not accepted and the reasons why, will be attached to the final Consolidated Plan or final AFH. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Grants Coordinator then the aggrieved party may appeal his/her case to the Director of Neighborhood Development Services.

⁷ Access to records associated with the Consolidated Plan and AFH as well as use of assistance under the CDBG/HOME programs will be provided for a minimum of the preceding five years as required by 24 CFR 91.105(h).

⁸ In no case shall the City disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the City shall not disclose any information which may be deemed of a confidential nature.

The Grants Coordinator shall make every effort to provide written responses to citizen proposals or concerns within fifteen (15) working days of the receipt of such comments or concerns where practicable. Should the City be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to HUD.

Citizens may, at any time, contact the City and/or the HUD directly to register comments, objections or concerns related to the City's CDBG/HOME program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting HUD.

All comments or complaints submitted to the City or HUD shall be addressed in writing to:

City of Charlottesville
Neighborhood Development Services
Office of Community Solutions
Attn: Grants Coordinator
610 E. Market Street
P O Box 911
Charlottesville, Virginia 22902
Phone: (434) 970-3182
Fax: (434) 970-3359

Or:

U.S. Department of Housing and Urban Development
Virginia Field Office
600 E. Broad Street, 3rd Floor
Richmond, VA 23219-4920
Phone: (804) 842-2610
Fax: (804) 877-8339

Records of all comments, objections and/or concerns by citizens regarding the City's CDBG/HOME program and subsequent action taken in response to those comments shall be maintained on file at NDS and shall be made available for public review upon request.

SECTION 8. AMENDMENTS

Amendments to the Consolidated Plan and Annual Action Plan

The City shall amend its approved Consolidated Plan whenever it makes one of the following decisions:

- To make a change in its allocation priorities or a change in the method of distribution of funds;
- To carry out a project/activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Annual Action Plan; or
- To change the purpose, scope, location, or beneficiaries of a project/activity.

Amendment, Minor: A change to a previously adopted Five-Year Consolidated Plan or Annual Action Plan that does not meet the thresholds to qualify as a Substantial Amendment. This includes:

- Monetary changes or shifts, regardless of size that are: (1) necessary for substantially preserving all the programs and activities identified in an Action Plan; and (2) when circumstances required development and submission of an Action Plan based on entitlement estimates and actual entitlement amounts differed significantly.
 - Updates to Consolidated Plan data including, but not limited to, census data, income limits, fair market rents, and HOME high/low market rents.
 - Changes in location of an approved project or activity so long as the purpose, scope and intended beneficiaries remain constant.
 - Transfer of entitlement funds amongst program years' budget lines for synonymous projects or activities.
 - Transferring funds to a different subrecipient for the same program or project with equivalent program guidelines and requirements.
 - Updates to Impediments to Fair Housing Choice and recommendations to address such Impediments as provided in the most recent applicable Analysis of Impediments to Fair Housing Choice (AI) or Analysis of Fair Housing (AFH) document.

The City considers the following conditions to be substantial amendment criteria needed to amend the Consolidated Plan and Annual Action Plan and projected use of funds. A minor amendment is a change not listed below:

- A new program or project/activity is proposed for funding that was not previously identified in the Consolidated Plan and/or Action Plans;
- A program/project/activity that was listed in the Consolidated Plan and/or Annual Action Plan is eliminated during the program year; and
- The City increases/decreases funding for a listed project/activity or program category (e.g. economic development, public facilities, public services, administration and planning, etc.) by more than 50 percent.

A change in the federal funding level after the draft Consolidated Plan is published and the resulting effect on the distribution of funds will not be considered a substantial amendment.

Amendments to CDBG/HOME Program and Projects/Activities

The City will assure the opportunity for citizen participation during the implementation of the CDBG/HOME programs when “substantial” amendments/changes to a project/activity are

under consideration by the City. A substantial amendment is defined based on the following:

1. A proposed change in the dollar amount spent on projects/activities of more than 25% of the total CDBG/HOME project costs (capped at \$5,000);
2. A proposed change in direct beneficiaries of the program so as to lower the total number of low and moderate income beneficiaries by more than 15 percent;
3. A proposed change in the scope of a project so as to modify/alter the project description in such a way that substantially changes the purpose, scope, or location of the original project/activities/beneficiaries. Substantial changes will be determined on a case by case basis by the **NDS OCS** Director.

Amendments to Citizen Participation Plan

The City may modify the provisions outlined herein through amendments. All amendments shall be approved by resolution of the City Council and shall be incorporated into the CPP.

Amendments to AFH

Revisions to the AFH will be required when a material change occurs. A material change is a change in circumstances in the jurisdiction of a program participant that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect the actual circumstances.⁹

SECTION 9. AUTHORITY

No portion of this CPP shall be construed to restrict the responsibility and authority of the elected officials of the City in the development, implementation, performance review and execution of any CDBG/HOME Program.

⁹ Examples of material changes include, but are not limited to Presidentially declared disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in the program participant's area that are of such a nature as to significantly impact the steps a program participant may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the participant's jurisdiction; and civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 18, 2022
Action Required:	Adoption of Resolution (1 reading only, no public hearing)
Presenter:	Michael W. Graff, Jr. McGuire Woods LLP
Contacts:	John Sales, CRHA Executive Director Lisa Robertson, City Attorney
Title:	City Council Approval for CRHA to Issue Bonds for Midway Manor Affordable Housing Development

Background:

Standard Midway Manor has requested that the CRHA and the City Council approve bonds to help finance the acquiring, constructing, renovating, rehabilitating and equipping of an age restricted multifamily residential rental housing project to be known as Midway Manor Apartments. The bonds are not obligations of the CRHA or the City and have no impact on the City's debt ratings. They are "pass through" or conduit revenue bonds payable solely from the Midway Manor project. When issued by a governmental entity like the CRHA, the bonds carry a tax-advantaged, lower rate of interest and allow the project to qualify for federal housing tax credits (another incentive available to workforce housing development at no cost to the CRHA or the City).

Discussion:

Adoption of a resolution approving the CRHA's upcoming Midway Manor revenue bond issuance for the issuance of revenue bond financing in the amount of up to \$23,000,000 for Standard Midway Manor Venture LP, consisting of completion of the approximately 98 age restricted units located at 100 Ridge Street.

Budgetary Impact:

City staff consulted with the City's Bond Counsel, and have been advised that these bonds would NOT count against the City's debt limit or be taken into account by the rating agencies, unless the City were to provide some sort of financial backing for the bonds.

Alignment with Council Vision Areas and Strategic Plan:

Yes.

Community Engagement:

City Manager Recommendation:

The City Manager recommends approval of the attached Resolution.

Suggested Motion: “I move the RESOLUTION Approving the issuance by the Charlottesville Redevelopment and Housing Authority of its up to \$23,000,000 multifamily revenue bonds for Standard Midway Manor Venture LP”

Attachments:

- Proposed Resolution for City Council’s Approval
- Collected CRHA Materials, documenting CRHA’s approval of the Bond Issue

RESOLUTION

Approving the issuance by the Charlottesville Redevelopment and Housing Authority of its up to \$23,000,000 multifamily revenue bonds for Standard Midway Manor Venture LP

WHEREAS the Charlottesville Redevelopment and Housing Authority (the “Authority”) is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and

WHEREAS the Authority has considered the application of Standard Midway Manor Venture LP, a Virginia limited partnership (the “Applicant”) requesting that the Authority issue up to \$23,000,000 of its revenue bonds (the “Bonds”) to assist the Applicant or an entity affiliated with and controlled by, or under common ownership with, the Applicant (the Applicant or such resulting ownership entity hereinafter referred to as the “Borrower”) in acquiring, constructing, renovating, rehabilitating and equipping an age restricted multifamily residential rental housing project to be known as Midway Manor Apartments, to consist of 94 one-bedroom units and 4 two-bedroom units, to be located on approximately 2.32 acres of land located at 100 Ridge Street in Charlottesville, Virginia 22902 (the “Project”), including the financing of reserve funds as permitted by applicable law and the costs of issuance incurred in connection with the issuance of the Bonds. Based on representations of the Applicant, the Project is structured to meet the requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the “Code”). The Applicant has represented that the Project will be owned by the Borrower; and

WHEREAS the facilities related to the Project to be financed or refinanced with the Bonds are located in the City of Charlottesville, Virginia; and

WHEREAS, the City of Charlottesville, Virginia is the geographic jurisdiction that contains the site of the Project to be financed or refinanced with the Bonds (“Host”) the City Council of the City of Charlottesville, Virginia (the “City Council”) constitutes the governmental unit having jurisdiction of the Project Site, and Section 147(f) of the Code requires the City Council, as the governmental unit, to approve the issue; and

WHEREAS a copy of the Authority’s resolution authorizing the issuance of the Bonds, a certificate of the public hearing (including a summary of statements expressed at the hearing) and a fiscal impact statement have been filed with the City Council; and

WHEREAS the Authority has recommended that the City Council approve the issuance of the Bonds;

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

1. The City Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, to satisfy the requirements of Section 147(f) of the Code, to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute City Council’s

endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Project or the creditworthiness of the Borrower.

3. The Bonds shall provide that the City of Charlottesville, Virginia shall not be obligated to pay the Bonds or the interest thereon, or other costs incident thereto, and neither the full faith and credit nor the taxing power of the City of Charlottesville, Virginia is pledged to payment of the principal of the Bonds, or the interest thereon, or other costs incident thereto.

4. The Bonds shall provide that the Authority shall not be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto and that full faith and credit of the Authority shall not be pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

5. In adopting this resolution, the City of Charlottesville, Virginia, including its elected councilors, representatives, officers, employees and agents, shall not be liable for, and hereby disclaim all liability for, any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

5. This resolution shall take effect immediately upon its adoption.

The undersigned Clerk of the City Council of Charlottesville, Virginia certifies that the foregoing Resolution was adopted by the City Council on _____, 2022.

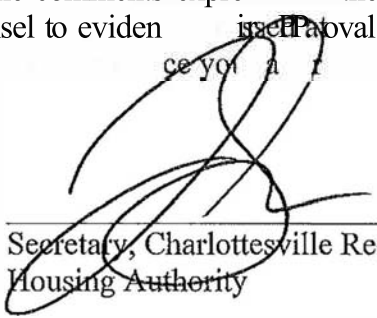
March 21, 2022

**Charlottesville Redevelopment and Housing Authority
Proposed Financing for Standard Midway Manor Venture LP**

Standard Midway Manor Ventnre LP, a Virginia limited partnership (the "Applicant"), has requested that the Charlottesville Redevelopment and Housing Authority (the "Authority") issue up to \$23,000,000 of its revenue bonds (the "Bonds") to assist the Applicant or an entity affiliated with and controlled by, or under common ownership with, the Applicant (the Applicant or such resulting ownership entity hereinafter referred to as the "Borrower") in acquiring, constructing, renovating, rehabilitating and equipping an affordable housing development to be known as Midway Manor Apartments, to consist of 94 one-bedroom units and 4 two-bedroom units, to be located on approximately 2.32 acres of land located at 100 Ridge Street in Charlottesville, Virginia 22902 (the "Project"), including the financing of reserve funds as permitted by applicable law and the costs of issuance incurred in connection with the issuance of the Bonds. The Project will meet the requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended. The Project will be owned by the Borrower.

As set forth in the resolution of the Authority attached as Exhibit C to the certificate described below (the "RBA Resolution"), the Authority has agreed to issue the Bonds as requested. The Authority has conducted a public hearing (the "Public Hearing") on the proposed financing of the Project and has recommended that you approve the issuance of the Bonds in satisfaction of the requirements set forth in Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code").

Attached hereto is (1) a certificate evidencing the conduct of the Public Hearing and adoption of the RHA Resolution, (2) the fiscal impact statement required pursuant to Virginia Code Section 15.2-4907, (3) a summary of the comments expressed at the Public Hearing and (4) the form of resolution suggested by counsel to evidence your approval.



Secretary, Charlottesville Redevelopment and
Housing Authority

CERTIFICATE

The undersigned Secretary of the Charlottesville Redevelopment and Housing Authority (the "Authority") certifies as follows:

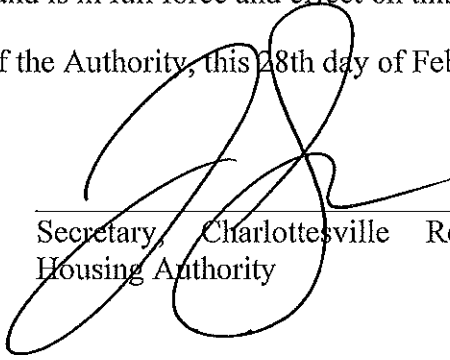
1. A meeting of the Authority was duly called and held at 5:00 p.m. on February 28, 2022 pursuant to proper notice given to each commissioner of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the foregoing arrangements provided a reasonable opportunity for persons of differing views to participate and be heard.

2. The Chair announced the commencement of a public hearing on the application of Standard Midway Manor Venture LP and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in Charlottesville, Virginia (the "Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the hearing date. A copy of the Notice has been filed with the records of the Authority and is attached as Exhibit A.

3. A summary of the statements made at the public hearing is attached as Exhibit B.

4. Attached as Exhibit C is a true, correct and complete copy of a resolution ("Resolution") adopted at such meeting of the Authority by a majority of the commissioners present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 28th day of February, 2022.



Secretary, Charlottesville Redevelopment and
Housing Authority

[SEAL]

Exhibits:

A - Copy of Certified Notice

B - Summary of Statements

C - Resolution

The Daily Progress

Advertising Affidavit

Account Number

6050832

P.O. Box 9030
 Charlottesville, Virginia 22906
 (434) 978-7215

Date

February 21, 2022

MCGUIRE WOODS LLP
 GATEWAY PLAZA
 800 EAST CANAL STREET
 RICHMOND, VA 23219

Date	Category	Description	Ad Size	Total Cost
03/02/2022	Legal Notices	NOTICE OF PUBLIC HEARING OF CHARLOTTESVILLE RED	2 x 47 L	860.80

NOTICE OF PUBLIC HEARING OF CHARLOTTESVILLE REDEVELOPMENT AND HOUSING AUTHORITY ON PROPOSED REVENUE BOND FINANCING FOR STANDARD MIDWAY MANOR VENTURE LP

Notice is hereby given that the Charlottesville Redevelopment and Housing Authority (the "Authority"), whose mailing address is 1000 1st Street S, Charlottesville, VA 22902, will hold a public hearing on the application of Standard Midway Manor Venture LP (the "Applicant"), a Virginia limited partnership whose business address is 1901 Avenue of the Stars, Suite 395, Los Angeles, CA 90067. The Applicant has requested the Authority issue up to \$23,800,000 of its revenue bonds (the "Bonds"), in one or more series of qualified residential rental bonds, at one time or from time to time pursuant to a plan of finance, to assist the Applicant in financing or refinancing a portion of the costs of acquiring, constructing, renovating, rehabilitating and equipping an age restricted affordable housing development to be known as Midway Manor Apartments, to consist of 94 one-bedroom units and 4 two-bedroom units, to be located on approximately 2.32 acres of land located at 109 Ridge Street in Charlottesville, Virginia 22902 (the "Project"). The Project will meet the requirements of a qualified residential rental project within the meaning of Section 142(f) of the Internal Revenue Code of 1986, as amended (the "Code").

The Project will be owned by the Applicant or an entity affiliated with and controlled by or under common ownership with the Applicant.

THE ISSUANCE OF THE BONDS AS REQUESTED BY THE APPLICANT WILL NOT CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OF THE COMMONWEALTH OF VIRGINIA OR ANY OTHER POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY AND CHARLOTTESVILLE, VIRGINIA, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING CHARLOTTESVILLE, VIRGINIA, WILL BE PLEDGED TO THE PAYMENT OF SUCH BONDS BUT WILL BE PAYABLE SOLELY FROM THE REVENUES DERIVED FROM THE APPLICANT AND PLEDGED TO THE PAYMENT THEREOF.

The public hearing, which may be continued or adjourned, will be held at 6:00 o'clock p.m. on Monday, February 28, 2022, before the Authority. Due to the ongoing COVID-19 pandemic, in accordance with applicable law, the public hearing will be conducted electronically as described below.

Any person interested in the issuance of the Bonds or the facilities to be financed or refinanced with the bond proceeds may participate in the public hearing and present his or her views. The public hearing may be accessed via <https://www.charlottesville.gov/calendar> or by telephone number 1-844-844-8414, PIN Code 1333568.

This notice is published, and the public hearing is being held by or on behalf of the Authority as issuer of the proposed revenue bonds, as required by Section 141(f) of the Code and the regulations promulgated thereunder.

CHARLOTTESVILLE REDEVELOPMENT AND HOUSING AUTHORITY

**Publisher of the
 Daily Progress**

This is to certify that the attached NOTICE OF PUBLIC HEARING was published by the Daily Progress in the city of Charlottesville, in the State of Virginia, on the following dates:

02/14, 02/21/2022

The First insertion being given ... 02/14/2022

Newspaper reference: 0001306570

Sworn to and subscribed before me this Monday, February 21, 2022



 Notary Public



 Billing Representative

Linh Thuy Le
 Notary Public
 Commonwealth of Virginia
 Reg. No. 7953581
 My Comm. Expires Nov. 30, 2025

State of Virginia
 County of Hanover
 My Commission expires _____

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

CHARLOTTESVILLE REDEVELOPMENT & HOUSING AUTHORITY

P.O. BOX 1405

CHARLOTTESVILLE, VIRGINIA 22902

TELEPHONE/TTY/711: (434) 326-4748 FAX: (434) 971-4797

www.cvillerha.com



CRHA RESOLUTION #1437

**RESOLUTION OF THE CHARLOTTESVILLE)
REDEVELOPMENT AND HOUSING AUTHORITY)
AUTHORIZING AND APPROVING THE)
ISSUANCE OF UP TO \$23,000,000 MULTIFAMILY)
REVENUE BONDS FOR MIDWAY MANOR)
APARTMENTS.**

RECITALS

A. The Charlottesville Redevelopment and Housing Authority (the "Authority") is empowered, pursuant to the Virginia Housing Authorities Law, Chapter 1, Title 36 (the "Act") of the Code of Virginia of 1950, as amended (the "Virginia Code"), to issue its bonds for the purpose, among others, of financing the Plan of Finance (as hereinafter defined), located within the territorial boundaries of the City of Charlottesville, Virginia (the "City").

B. To further the Act's purposes, at the request of Standard Midway Manor Venture LP, a Virginia limited partnership (the "Applicant"), the Authority has determined to issue and sell its Multifamily Revenue Bonds in a principal amount not in excess of \$23,000,000 (the "Bonds"), pursuant to the Act, for the purpose of assisting the Applicant or an entity affiliated with and controlled by, or under common ownership with, the Applicant (the Applicant or such resulting ownership entity hereinafter referred to as the "Borrower") in financing or refinancing a portion of the costs of acquiring, constructing, renovating, rehabilitating and equipping an age restricted multifamily residential rental housing project to be known as Midway Manor Apartments, to consist of 94 one-bedroom units and 4 two-bedroom units, to be located on approximately 2.32 acres of land located at 100 Ridge Street in Charlottesville, Virginia 22902 (the "Project"), including the financing of reserve funds as permitted by applicable law and the costs of issuance incurred in connection with the issuance of the Bonds. Based on representations of the Applicant, the Project is structured to meet the requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended. The Applicant has represented that the Project will be owned by the Borrower.

C. Based on the representations of the Applicant and the information submitted concerning the Project, the Authority has determined that the issuance and sale of the Bonds will benefit the inhabitants of Charlottesville, Virginia and the Commonwealth by promoting their health, welfare, convenience and prosperity.



NOW, THEREFORE, BE IT RESOLVED BY THE CHARLOTTESVILLE REDEVELOPMENT AND HOUSING AUTHORITY OF CHARLOTTESVILLE, VIRGINIA THAT:

1. The foregoing recitals are approved by the Authority and are incorporated in, and deemed a part of, this resolution.

2. Based on the representations of the Applicant and the information submitted concerning the Project, it is hereby found and determined that the Project will further the public purposes of the Act by promoting the health and welfare of the Commonwealth, the City of Charlottesville, Virginia and their citizens.

3. Based on the representations of the Applicant and the information concerning the Project, it is hereby found and determined that the facilities which are the subject of the Project will constitute facilities for use primarily as safe and affordable single or multifamily residences, as described in the Act.

4. To induce the Borrower to acquire, construct, renovate, rehabilitate and equip the facilities which are the subject of the Project as safe and affordable single or multifamily residences within the meaning of the Act, the Authority hereby agrees, subject to approvals required by applicable law, to assist the Borrower in financing the Project by undertaking the issuance of (and hereby declares its official intent to issue) the Bonds in an aggregate principal amount not to exceed \$23,000,000 upon terms and conditions as shall be mutually agreeable to the Authority and the Borrower. The Bonds will be issued pursuant to documents as shall be satisfactory to the Authority and its counsel. The Bonds may be issued in one or more series at one time or from time to time, but in no event later than December 31, 2023, pursuant to the terms of a subsequent resolution or resolutions adopted by the Authority.

5. It having been represented by the Applicant to the Authority that it is necessary to proceed with the financing of the Project, the Authority hereby agrees that the Borrower may proceed with the plans for the Project, enter into contracts related to the financing of the Project and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Borrower to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Project or any portion thereof. The Authority agrees that the Borrower may be reimbursed from the proceeds of the Bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.

6. The Authority hereby designates McGuireWoods LLP, Tysons, Virginia, to serve as bond counsel and hereby appoints such firm to supervise the proceedings and approve the issuance of the Bonds.

7. As a condition of the issuance of the Bonds by the Authority, the Borrower shall agree in the Bond Documents to indemnify and save harmless the Authority, its commissioners, officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the issuance and sale of the Bonds.

8. All costs and expenses in connection with the financing of the Project, including the fees and expenses of the Authority (including, without limitation, any application fee and origination fee or annual fee, as applicable), bond counsel, and counsel for the Authority shall be paid from the proceeds of the Bonds (but only to the extent permitted by applicable law) or from moneys provided by the Borrower. If for any reason the Bonds are not issued, it is understood that all such fees and expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

9. In adopting this resolution the Authority intends to evidence its "official intent" to reimburse Project expenditures with proceeds from the issuance of the Bonds within the meaning of Treasury Regulations Section 1.150-2.

10. The Chair, the Vice Chair, the Secretary/Treasurer of the Authority, any Assistant Secretary of the Authority, or the designee of any of them, any of whom may act alone, are hereby authorized to request an allocation or allocations of the State Ceiling (as defined in Section 15.2-5000 of the Virginia Code) in accordance with the applicable provisions of the Virginia Code and any regulations or executive orders issued thereunder. All costs incurred by the Authority, if any, in connection with such proceeding shall be paid for by the Borrower.

11. No bonds may be issued pursuant to this resolution until such time as (a) the issuance of the bonds has been approved by the City Council of Charlottesville, Virginia and (b) the bonds have received an allocation or allocations of the State Ceiling in accordance with the applicable provisions of the Virginia Code and any regulations or executive orders issued thereunder.

12. The Bonds shall be limited obligations of the Authority and shall be payable solely out of revenues, receipts and payments specifically pledged therefor. Neither the commissioners, directors, officers, agents or employees of the Authority, past, present and future, nor any person executing the Bonds, shall be liable personally on the Bonds by reason of the issuance thereof. The Bonds shall not be deemed to constitute a general obligation debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof, including the Authority or the Council of the City (the "City Council") (and the Bonds shall so state on their face), and neither the Commonwealth nor any such political subdivision thereof shall be generally liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than the special funds and sources provided therefor. Neither the faith and credit nor the taxing power of the Commonwealth, or any political subdivision thereof, shall be pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

13. The Authority (including its commissioners, officers, directors, employees and agents) shall not be liable and hereby disclaims all liability to the Borrower and all other persons or entities for any damages, direct or consequential, resulting from the issuance of the Bonds or failure of the Authority to issue the Bonds for any reason. The Authority's agreement to exercise its powers to issue the Bonds as requested by the Borrower is contingent upon the satisfaction of all legal requirements and the Authority shall not be liable and hereby disclaims all liability to the Borrower for any damages, direct or consequential, resulting from the Authority's failure to issue Bonds for the Project for any reason, including but not limited to, the failure of the City Council to approve the issuance of the Bonds.

14. The Applicant, by receiving the benefit of this resolution, has agreed that the Borrower will cause the documents executed in connection with the issuance of the bonds to contain a covenant, in form and substance satisfactory to the Authority and its counsel, substantially to the effect that the Borrower will agree to pay to the Authority an annual administrative fee which shall be due and payable on the date of issuance of the Bonds and on each annual anniversary date thereof until payment in full of the Bonds, which shall be 1/8 of 1% of the outstanding principal amount of the Bonds.

15. The Authority recommends that the City Council approve the issuance of the Bonds.

16. No Bonds may be issued pursuant to this resolution until such time as the issuance of the Bonds has been approved by the City Council.

17. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower.

18. This resolution shall take effect immediately upon its adoption.

RESOLVED THIS TWENTY-EIGHTH DAY OF FEBRUARY 2022 BY THE CRHA BOARD OF COMMISSIONERS.


Dr. A'lelia R. Henry, CRHA Board Chair


John M. Sales, CRHA Secretary

FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING

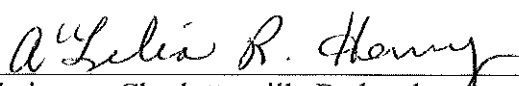
Date: February 28, 2022

To the City Council
of Charlottesville, Virginia

Applicant: Standard Midway Manor Venture LP

Facility: Standard Midway Manor Venture LP

1.	Maximum amount of financing sought.	\$	23,000,000
2.	Estimated taxable value of the facility's real property to be constructed in the locality.	\$	14,025,000
3.	Estimated real property tax per year using present tax rates.	\$	109,725
4.	Estimated personal property tax per year using present tax rates.	\$	500
5.	Estimated merchants' capital tax per year using present tax rates.	\$	N/A
6. (a)	Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.	\$	18,620
(b)	Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.	\$	980
(c)	Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.	\$	23,275
(d)	Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.	\$	1,225
7.	Estimated number of regular employees on year round basis.		4
8.	Average annual salary per employee.	\$	\$56,000



 Chairman, Charlottesville Redevelopment and
 Housing Authority

The information contained in this Statement is based solely on facts and estimates provided by the Applicant, and the Authority has made no independent investigation with respect thereto.

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



Agenda Date:	April 18, 2022
Action Requested:	Adoption of Ordinance (1 st of 2 readings)
Presenter:	Brenda Kelley, Redevelopment Manager, Office of Community Solutions
Staff Contacts:	Lisa Robertson, City Attorney Robinson Hubbard, Assistant City Attorney Alex Ikefuna, Interim Director, Office of Community Solutions Brenda Kelley, Redevelopment Manager, Office of Community Solutions
Title:	Amendment of the Friendship Court (Phase 1) Loan Agreement

Background:

In November 2020, the City Council approved an Ordinance (attached) approving the award of funding for the redevelopment of Phase 1 of Friendship Court through a loan agreement to Piedmont Housing Alliance. This loan was provided for the public purposes of providing for construction of streets, utilities, and other site improvements necessary for Phase 1, and to assist the construction of new for-rental housing units, as part of a multi-phased redevelopment of Friendship Court. One hundred percent (100%) of the dwelling units within Friendship Court Phase 1 will be for rental or for ownership by low and moderate income persons, for a period not less than ninety-nine (99) years.

Note: this forgivable loan funding is in addition to the ongoing financial support that will be provided in future years via the Performance Agreement approved by resolution of City Council in 2020. Within the Performance Agreement, City Council agreed to allocate one hundred percent (100%) of new real estate tax revenues realized by the City as a result of the redevelopment of Friendship Court. (Upon completion of Phase 1 of the redevelopment project, the tax increment to be realized was estimated at \$190,000 per year; if the landowner pays the taxes and demonstrates achievement of certain performance criteria, the Charlottesville Economic Development Authority will pay the amount of \$190,000 per year (funded by a transfer from City Council) until a cap of six million dollars (\$6,000,000) is reached.

Discussion:

Due to funding limitations at the times of approval of corresponding fiscal budgets, funding for Phase 1 of Friendship Court, as well as subsequent phases, were/are projected for funding over multiple City Fiscal Years. At the time of approval of the (first) Friendship Court Loan Agreement (for Phase 1) only \$5,545,159 was available, as approved in the city budget, to be allocated through the Ordinance. An additional \$394,841 was contemplated to be included in upcoming funding, however, this final amount of funding for Phase 1 was not approved until the FY22 budget approval (March 2021). In FY2020, \$5,545,159 was approved, in FY2021, \$0 was approved (due to budget

limitations), with the remaining requested funding for Phase 1 moved to approval in FY2022.

\$394,841 is available in the current budget for redevelopment of Friendship Court Phase 1, that has not been previously allocated by City Council through the current Loan Agreement. Staff is requesting that City Council approve the attached Amendment of the Friendship Court Loan Agreement, in order to allocate this funding to Piedmont Housing Alliance.

Per the existing Ordinance, the City Manager cannot modify the previously-approved loan agreement without Council's approval, per the following provision within the agreement:

(J) Amendments. Except as otherwise specified within Section 5(D) of this Ordinance, the City Manager is hereby authorized to execute a Loan Agreement, or any amendment(s) thereof, that modify(ies) certain terms and conditions set forth within this Ordinance, without Council review and approval, but only if such modification(s) do **not** materially change: (i) the number of affordable dwelling units to be provided by Recipient, or the length of the Affordability Period, (ii) the requirement that Recipient provide a one-for-one replacement of all of the 150 for-rent, Section 8 subsidized dwelling units existing within Friendship court as of the date of this Agreement (divided among all phases of the Project); (iii) the layout of land uses, or the general approximate location of the public streets, as depicted in Illustration 1, above, within this Agreement, or **(iv) the dollar amount(s) of the Loan, as set forth within Section 3(c) 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. Upon executing a Loan Agreement, or any amendment thereof, that contains terms and conditions different than those set forth within this Ordinance, the City Manager shall notify City Council, in writing, of the nature of the modifications.

For this request, there are no material changes to items (i) – (iii). Because the requested amendment relates to a change in the loan amount, City Council approval of an ordinance is required.

Alignment with City Council's Vision and Strategic Plan:

The overall funding of affordable housing initiatives supports City Council's visions of Quality Housing Opportunities for All; A Green City; Community of Mutual Respect; and Smart, Citizen-Focused Government. Approval of this request is also supported by the following:

Strategic Plan Goals:

- Goal 1.3: Increase affordable housing options
- Goal 1.4: Enhance financial health of residents
- Goal 1.5: Intentionally address issues of race and equity
- Goal 2.3: Improve community health and safety outcomes by connecting residents with effective resources

Comprehensive Plan Guiding Principles (2021):

- Equity & Opportunity – All people will be able to thrive in Charlottesville.

- Community Culture & Unity – Charlottesville’s rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued and respected.
- Local & Regional Collaboration – From the neighborhood to the region, open conversations and partnerships will make the city stronger.
- Environmental Stewardship & Sustainability – The Charlottesville community will demonstrate environmental and climate leadership.
- (Numerous Goals in the Comprehensive Plan also support this request).

Community Engagement:

Redevelopment of Friendship Court continues to be driven by a steering committee of residents and other stakeholders of the community. In addition, the city budget process includes substantial community engagement and public input.

Budgetary Impact:

This request does not encumber any additional funding from the City budget. This funding is currently allocated in the adopted Capital Improvement Program (CIP) FY21/22 budget in the line item Friendship Court Redevelopment – Phase 1 (\$394,841). Approval of the attached Ordinance will establish the terms and conditions under which this additional funding can be expended.

Alternatives:

While \$394,841 in additional funding to Friendship Court Phase 1 was approved within the FY21/22 budget (and continues to be available as detailed in the FY23 Budget), City Council could choose to not allocate this funding. However, staff does not know how a failure to add this money to the loan would affect the current activities under construction.

Piedmont Housing Alliance has informed staff: “Failure to approve the \$394,841 additional will negatively impact our debt financing with Virginia Housing. Over the last year, with construction costs increasing over \$2 million, Virginia Housing effectively closed the gap by significantly reducing their debt interest rates. This was an unprecedented show of support, and was predicated on the City following through on its original commitment. Not following through would compromise the good will of Virginia Housing and potentially negatively impact future flexibility in debt structuring for additional phases of Friendship Court.”

Recommendation:

Staff recommends City Council approve the attached Ordinance.

Suggested Motion: “I move the ORDINANCE amending and reenacting the forgivable loan agreement approved by Ordinance No. O-20-145, to add the amount of \$394,841 to the amount of the forgivable loan to Piedmont Housing Alliance for the Friendship Court Redevelopment”

Attachments:

- Proposed Ordinance
- Ordinance No. O-20-145

ORDINANCE
AMENDING AND RE-ENACTING THE FORGIVABLE LOAN AGREEMENT
APPROVED BY ORDINANCE NO. O-20-145, TO ADD THE AMOUNT OF \$394,841 TO
THE FORGIVABLE LOAN TO PIEDMONT HOUSING ALLIANCE FOR THE
FRIENDSHIP COURT REDEVELOPMENT

WHEREAS on November 2, 2020 this City Council enacted Ordinance No. O-20-145, authorizing a forgivable loan (“Loan Agreement”) to Piedmont Housing Alliance to support the redevelopment of Friendship Court for the purpose of producing new housing for low- and moderate-income persons (“Project”), and

WHEREAS it appears that the dollar amount of the forgivable loan approved within Ordinance No. O-20-145 failed to include all of the funding set aside by City Council within the Capital Fund for the Project, and there remains three hundred ninety-four thousand eight hundred forty one dollars (\$394,841) within the Capital Fund which prior Councils have contemplated to be utilized for the Project and Piedmont Housing Alliance is requesting a modification of the Loan Agreement to increase the dollar amount approved for the forgivable loan;

NOW, THEREFORE be it ordained by the Council of the City of Charlottesville that the Loan Agreement approved by City Council is hereby amended and re-enacted with the following changes:

Section 3 (Authorized expenditures; budget), Paragraph (C), is hereby modified to add a new subparagraph (iv), as follows:

(iv) Up to \$394,841 shall be expended for the purpose of construction of rental affordable dwelling units within Phase 1 of the Project

With the foregoing amendments included, the Loan Agreement is ratified and shall be and remain in effect as approved by City Council within Ordinance No. O-20-145 and this ordinance.

Approved by Council
May 2, 2022

Kyna Thomas, MMC
Clerk of Council

ORDINANCE

AUTHORIZING A FORGIVABLE LOAN TO PIEDMONT HOUSING ALLIANCE TO SUPPORT REDEVELOPMENT OF FRIENDSHIP COURT FOR THE PURPOSE OF PRODUCING NEW HOUSING FOR LOW AND MODERATE INCOME PERSONS

WHEREAS, the production of new housing for persons of low and moderate income is a public purpose and use for which public money may be spent, and such production is a governmental function of concern to the Commonwealth of Virginia; and

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

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

WHEREAS, PHA and its joint venture partner are planning the redevelopment of Friendship Court in multiple phases, funded by Low Income Housing Tax Credits, private donations, grants, local government funding from the City of Charlottesville, and a mortgage; and

WHEREAS, PHA has requested the City of Charlottesville (the "City") to award local public funding for the Project, in an amount sufficient to subsidize the projected cost of constructing the required public infrastructure for the Project as well as the construction of for^m rent affordable units within Phase 1 (defined below) of the Project (defined below), the City desires to make a Loan to PHA pursuant to and in consideration for PHA's activities in compliance with this Agreement and the Master Affordable Housing Covenant attached hereto as Attachment 1; and

WHEREAS, PHA will make a subordinate loan to the owner of the first phase of the development ("Phase I Project Owner") in an amount not to exceed the loan from the City to PHA (the "Sponsor Loan"), which the Phase I Project Owner will use to undertake the improvements described herein (defined below); and

WHEREAS, the Sponsor Loan will be secured by a subordinate interest in the land for Phase 1 of the Project and such subordinate interest shall be assigned to the City as security for this loan; and

NOW, THEREFORE, BE IT ORDAINED by the Charlottesville City Council that local public funding is hereby approved for Piedmont Housing Alliance to support the Project, subject to the following terms and conditions, which shall be set forth within a written agreement that shall be executed by duly authorized agents of the City and Piedmont Housing Alliance ("Loan Agreement"

or "Agreement"):

Section 1. Public purpose of the Loan

This Loan is provided to Piedmont Housing Alliance ("Recipient") for the public purposes of providing for construction of streets, utilities, and other site improvements necessary for the Project, and to assist the construction of new for-rental housing units within the property known as Friendship Court, as part of a multi-phased redevelopment of that property ("Subject Property" or "Project"), Phase 1 and subsequent phases of the Project shall be diligently prosecuted by the Recipient, to the end that, upon completion of construction, one hundred percent (100%) of the dwelling units within the Project will be for rental or for ownership by low and moderate income persons, for a period not less than ninety-nine (99) years.

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) Recipient is a 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) Recipient 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 will use its best efforts to ensure the Loan funds will be used only for the public purposes referenced in Section I. Recipient may expend the Loan funds itself, or Recipient may loan the funds to a third party who is legally obligated to use the funds only for the public purpose referenced in Section 1. A loan to a third party shall be secured by a lien on the land within Phase I. Recipient shall execute an assignment of such lien and interests as further security for the Loan from the City to the Recipient, subject to certain requirements of lenders and the investor member of Phase I Project Owner, including this Agreement and the Master Affordable Housing Covenant (or any phase-specific replacement covenant) being subordinate and subject to the lien of all lenders to the Project and including the forbearance of certain creditor's rights and remedies during the applicable federal tax credit "compliance period" when the investor member has an ownership interest in the Phase 1 Project Owner.
- (D) Recipient shall in good faith take all measures necessary to ensure that one hundred percent (100%) of the dwelling units constructed within the Project will be Rental Affordable Units or For Sale Affordable Units for by low and moderate income persons, in accordance with

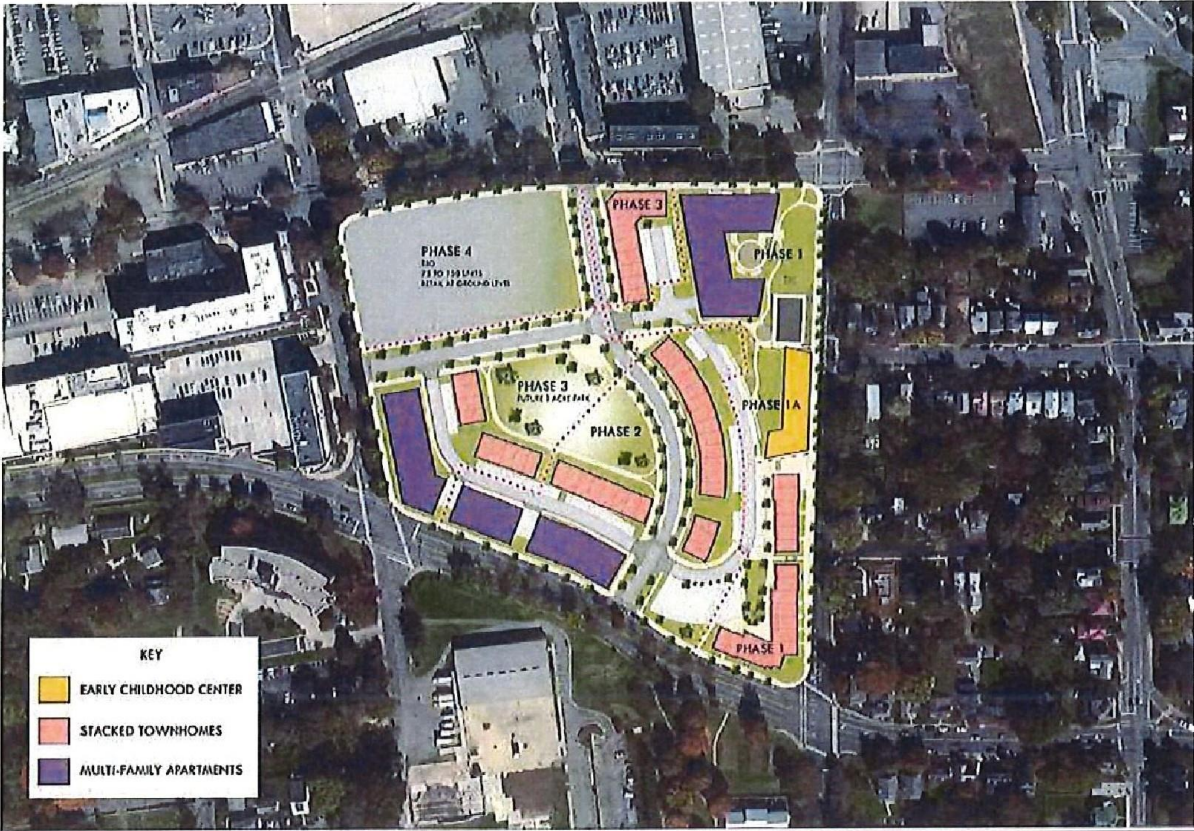
the Master Affordable Housing Covenant attached to this Ordinance and any amendments thereto.

- (E) Recipient will use its best efforts to ensure the number of newly constructed affordable dwelling units constructed within subsequent phases of the development are in accordance with the Master Site Requirements attached as Exhibit E to the Master Affordable Housing Covenant (Attachment 1 to this Ordinance).

At all times within the Subject Property there will be one hundred fifty (150) for-rent affordable dwelling units subject to project-based federal Section 8 operating subsidies, including a combination of pre-existing and new units. This represents the current number of units existing within the Subject Property as of the date of this Agreement.

- (F) Recipient shall record a Master Affordable Housing Covenant for the Project (the "Covenant") within the land records of the City, in the format attached hereto as Attachment 1.
- (G) To the best of its knowledge, NHTE Piedmont Garrett Square Limited Partnership (the "Landowner") currently owns all right, title and interest in and to the land comprising the development site of the Project, and Recipient has verified that the Landowner does not intend to transfer or convey title to any such land to any third party, other than the Phase I Project Owner, until the Affordable Housing Covenant has been recorded in the City's land records..
- (H) Recipient will use its best efforts to ensure the development of all phases of the Project shall be consistent with the Master Plan developed by the Recipient with public input from the community, a copy of which is depicted in Illustration 1, following below, as may be amended from time to time consistent with the provisions of the Master Affordable Housing Covenant and the public purposes for which this Loan is offered pursuant to Virginia Code §15.2-958.

Illustration 1.



- (I) 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.
- (J) The representations set forth within paragraphs (A) through (H) preceding above are material provisions of this Agreement,

Section 3. Authorized Expenditures; Budget

- (A) The Project is planned as a multi-phased redevelopment of land currently identified by Tax Parcel Identification No. 280112000, currently assigned the street address of 400-426 Garrett Street, Charlottesville, Virginia. As of the date of this Agreement, only Phase I is being designed for construction. As subsequent phases are designed, the parties may amend this Agreement as necessary or desirable to reflect additional public funding for the Project.
- (B) Phase I shall include no fewer than one hundred six (106) for-rent affordable dwelling units, of which: (i) forty-six (46) will be subject to project-based federal Section 8 operating subsidies; and (ii) a minimum of sixty (60) additional For-Rent dwelling units will be

provided for rental to households having incomes from thirty percent (30%) to eighty percent (80%) AMI, as mutually agreed to by the City and the Recipient on or before [any disbursement of Loan funds].

- (C) Loan proceeds may be expended as follows:
- i. Up to \$1,386,000.00 shall be expended for the installation, construction, or reconstruction of public streets (inclusive of sidewalk, curb and gutter, stormwater, landscaping), utilities, and parks, essential to the Project ("Public Infrastructure" or "Public Infrastructure Construction"), and
 - ii. Up to \$3,604,159.00 shall be expended to prevent the displacement of low and moderate income residents of the existing property to be redeveloped, and for construction of new Phase 1 housing units for rental by low and moderate income persons ("ADU Construction").
 - iii. Up to \$555,000.00 is expected to cover "soft costs" associated with the planning and design for construction of infrastructure for the Project and/or construction of Rental Affordable Units within Phase 1 of the Project. Any portion of this amount not expended for Soft Costs may be expended in accordance with (i) or (ii), above;
- (D) Public Infrastructure Construction will commence within six months following loan closing on Phase 1 of the Project, and be diligently prosecuted by Recipient to completion.
- (E) Phase 1 Project Owner, with consultation from Recipient, shall establish a Budget for Public Infrastructure Construction for the Project and for construction of Rental Affordable Units within Phase I, and will submit the Budget to the City for approval. 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. Whenever any change order is under consideration by Recipient which would materially increase the cost of any aspect of construction, a Budget amendment shall be prepared for the City's approval prior to execution of the change order.
- (F) [Reserved.]
- (G) The Budget shall establish stand-alone line items for Public Infrastructure Construction. The Budget shall also include line items for a Construction Contingency Amount, soft costs and other reserves acceptable to the City.

Section 4. Disbursement of Loan Proceeds

(A) Preconditions, General

Prior to the first disbursement of any Loan proceeds for expenses incurred pursuant to Section 3(C)(i) or (ii), the Recipient shall furnish all of the following documents to the City for Phase 1 of the Project, in a form acceptable to the City in all respects, for the City's approval:

- i. A Public Infrastructure Plan: providing for construction of public streets, sidewalks, curb and gutter, utilities, stormwater, landscaping, and street lights ("Public Infrastructure") for the Project, prior to commencement of construction of any building(s) or structure(s) within Phase 1, or providing for the phased construction of Public Infrastructure, by (a) delineating sections within the Project in which infrastructure will be constructed in coordination with housing that will be served by that infrastructure, (b) within each delineated section, establishing a schedule for completion of construction of the Public Infrastructure, within that section in relation to the completion of construction and occupancy of dwelling units within that section; (c) providing a Cost Estimate establishing the cost of constructing the Public Infrastructure in each section, and (d) in the event that Public Infrastructure within a delineated section has been substantially constructed but has not met all requirements necessary for final acceptance into the City's public system for maintenance, then Recipient shall provide a maintenance and indemnifying bond, with surety acceptable to the City, in an amount sufficient for and conditioned upon the maintenance of the Public Infrastructure until such time as the Public Infrastructure is accepted into the City's public system for maintenance.
- ii. A Resident Relocation Plan establishing a schedule, consistent with the schedule established within the construction plan referenced in (i) above: (a) identifying how many of the newly constructed units in each section will be occupied by then-current residents of Friendship Court, (ii) establishing a budget for the relocation of Friendship Court residents, and (iii) setting forth how the Recipients will determine what Friendship Court residents will be relocated first, etc. The relocation plan shall demonstrate zero displacement.
- iii, A Construction Schedule that implements construction of the Rental Affordable Units in Phase 1 , in all aspects, in accordance with paragraphs (i) (ii) preceding above.
- iv. The Budget required by Section 3, above.

- v. Master Affordable Housing Covenant, in the form attached hereto as Attachment 1, executed by Recipient and recorded within the land records of the Circuit Court for the City of Charlottesville.

If the above-referenced documents demonstrate the adequacy of the Budget to complete the Public Infrastructure and the Rental Affordable Units within Phase 1 5 and if the Construction Schedule is realistic, then the City's approval shall not unreasonably be withheld.

(B) Disbursements for Infrastructure

- i. Following the date on which the Master Affordable Housing Covenant is recorded within the City's land records, the Recipient may request disbursements of the Loan funds, and disbursements may be made by the City from time to time during construction of the Public Infrastructure, as such construction progresses, no more frequently than once per calendar month, until the City has disbursed the aggregate amount specified within Section 3(C)(i) above (and upon request, any amount(s) not previously disbursed under Section 3(C)(iii)).
- ii. As a condition precedent to each disbursement of loan proceeds for the Public Infrastructure, the Recipient shall furnish or cause to be furnished to the City all of the following documents for each disbursement, in form and substance satisfactory to the City: **(a)** a Disbursement Certification in a form approved in advance by the City; **(b)** copies of payment approval forms, certified by an architect or engineer authorizing payment of specific amount(s), and documentation that such amount(s) have actually been paid to construction contractor(s) and subcontractor(s), for work completed; **(c)** inspection report(s) signed by a City inspector, verifying that the work for which payment is sought was inspected by the City and was installed or completed in accordance with City standards and specifications; **(d)** a budget-to-actual expenditure report for the Public Infrastructure, current through the date of the disbursement request; **(e)** a Construction Schedule report, documenting the actual progress of construction (inclusive of Public Infrastructure and housing) compared with the approved Construction Schedule. In the aggregate, items (a)–(e) shall constitute a "Disbursement Request".
- iii. 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 having actually been paid to construction contractor(s) and subcontractor(s), for completed work. Payment shall be made within 30 days of the City's receipt of a complete Disbursement Request.

(C) Disbursements or costs of tenant relocation and construction of affordable housing

1. Following the date on which the Master Affordable Housing Covenant is recorded within the City's land records: the Recipient may request disbursements, and disbursements may be made by the City from time to time during construction of new Rental Affordable Units, as such construction progresses, no more frequently than once per calendar month, until the City has disbursed the aggregate specified within Section 3(C)(ii), above (and, upon request, any amount(s) not previously disbursed under Section 3(C)(iii)).
 - ii. As a condition precedent to each disbursement of loan proceeds for relocation and construction of new units of Rental Affordable Housing, the Recipient shall furnish or cause to be furnished to the City all of the following documents for each disbursement, in form and substance satisfactory to the City: **(a)** a Disbursement Certification in the form approved in advance by the City; **(b)** copies of payment approval forms, certified by an architect or engineer authorizing payment(s) which have been made by the Phase 1 Project Owner or Recipient, together with documentation of amount(s) actually paid to construction contractor(s) and subcontractor(s), for completed work referenced within such payment approval forms; **(c)** a budget-to-actual expenditure report, current through the date of the disbursement request, for the relocation and housing construction Budget line items; **(d)** a Construction Schedule report, documenting the actual progress of construction compared with the approved Construction Schedule; **(e)** documentation of amount(s) actually paid by the Phase 1 Project Owner or Recipient to relocate tenants into a new affordable housing unit for which a certificate of occupancy (non-temporary) has been issued. In the aggregate, items (a)-(d) shall constitute a "Disbursement Request" for reimbursement of construction costs, and items (a), (c) and (e) shall constitute a "Disbursement Request" for reimbursement of relocation expenditures.
 - iii. Following receipt of a complete Disbursement Request seeking reimbursement for tenant relocation costs, the City shall issue payment to Recipient reimbursing amounts documented within a Disbursement Request as having actually been paid to relocate tenants. Payment shall be made within 30 days of the City's receipt of a complete Disbursement Request.

(D) Disbursements for Soft Costs

Following the date on which the Master Affordable Housing Covenant is recorded within the City's land records, the Phase 1 Project Owner or Recipient may request disbursements of the Loan funds for the purposes referenced in Section 3(C)(iii) above. As a condition precedent to each disbursement of loan proceeds for Soft Costs, the Phase 1 Project Owner or Recipient shall furnish

or cause to be furnished to the City all of the following documents for each disbursement, in form and substance satisfactory to the City ("Disbursement Request"): (i) a Disbursement Certification in a form approved in advance by the City; and (ii) documentation evidencing expenditure of the Soft Costs to one or more independent contractors for work or services associated with the planning or design for construction of the Public Infrastructure or the For Rent Affordable Units within Phase 1 of the Project.

Following receipt of a complete Disbursement Request, the City shall issue payment of Loan proceeds to the Phase 1 Project Owner or Recipient for the amounts documented within the Disbursement Request as having actually been paid to independent contractors. Payment shall be made within 30 days of the City's receipt of a complete Disbursement Request.

(E) Execution of Loan Instruments

This Loan is in the amount of the total disbursements made by the City to the Recipient, pursuant to Section 4(B), 4(C) and 4(D) preceding above. Disbursement shall be made up to the Loan maximum specified in Section 3(C), 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 Loan Agreement. The following terms and conditions are material to the City's agreement to enter into this Loan Agreement and shall be requirements of this Agreement enforceable in accordance with this Loan Agreement as well as through any documents or legal instruments that effect and secure the Loan of public funds to the Recipient:

- i. Recipient will use commercially available best efforts to negotiate provisions in a subordination agreement with the senior lender for the development of Phase 1 that provide the City with the right to cure a default and exercise rights pursuant to a collateral assignment of Recipient's interest in Phase 1 under a Deed of Trust securing the Sponsor Loan, with wording acceptable to the City Manager and City Attorney. The income, rent and use restrictions required by this Agreement shall terminate upon a foreclosure of the Sponsor Loan, except: (i) twenty percent (20%) of the units within the Project may remain at sixty percent (60%) of area median income following such a foreclosure, and (ii) Virginia Housing may permit additional units at 60% AMI to survive such a foreclosure, provided that Virginia Housing determines, in its sole discretion, that the development will achieve a targeted debt service coverage rate (DCSR) of at least 1.25 while subject to such additional set-aside. The City Manager, after consultation with the City Attorney's Office, is the City official hereby designated as having authority as the agent of City Council to renegotiate income, rent and use restrictions required by this Agreement

and the Master Affordable Housing Covenant, and to enter into a binding amendment of this Agreement, if such renegotiation or amendment is necessary to facilitate Recipient's receipt of financing from Virginia Housing, provided that (i) the renegotiated terms are no less than those Virginia Housing itself requires in its own Lending Policy and (ii) in accordance with Virginia Code §15.2-958, a minimum of twenty percent (20%) of the housing units within Phase 1 shall be Rental Affordable Units for a minimum of ten (10) years.

- ii. 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 (iii), below, and shall expire at midnight on December 31 of the fortieth (40th) calendar year thereafter ("Deferral Period"). Interest shall accrue during the Deferral Period, in the amount specified in subparagraph (iv) following below.
- iii. 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 Master Affordable Housing Covenant 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 Phase 1, which secures its Sponsor Loan to the Phase 1 Project Owner. The assignment shall be subordinate to loans from Virginia Housing or any federal agency.
- iv. Interest shall accrue on outstanding amounts of the Loan, at the annual rate of three percent (3%), beginning on the Commencement Date specified in (iii), above. If the Project is completed and operated continuously in accordance with the requirements of this Agreement and the Master Affordable Housing Covenant 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.
- v. 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 Phase I; or
 - d. upon the sale or transfer of the Phase I 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.

- vi. For so long as the City Loan proceeds are subsidizing Phase I, Recipient, on behalf of itself and its heirs, successors and assigns (collectively, "Owner") agree that, prior to the first refinancing of the senior lien debt, or prior to the next new tax credit financing (but subject to any senior lender approvals, in their sole discretion, if such new tax credit financing does not include a refinancing of the senior debt) it will propose an Affordability Analysis to the City for the City's review and approval. The Affordability Analysis will determine and detail if any qualified tenants have incomes permitted under the federal low income housing tax credit program that are in excess of one hundred thousand dollars (\$100,000) and the Owner will agree either (a) to escrow such rents that exceed thirty percent (30%) of such tenants' income above \$100,000 and to use such reserves when sufficient and with the approval of the City to target deeper income restrictions on future tenancies of the other restricted units by providing a rental subsidy to such tenants, or (b) to propose further income restriction to the other restricted units to the reasonable satisfaction of the City.

- vii. Default. If any Event of Default shall occur 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 One of this Ordinance;
 - b. Failure to comply with the terms and conditions of this Loan Agreement that apply to Phase I;
 - c. Failure to comply with the requirements of the Master Affordable Housing Covenant, as it may be amended, or any phase-specific

- replacement covenant thereto;
 - d. Failure to perform any of Recipient's obligations under this Loan Agreement with respect to construction of the Public Infrastructure or construction of units of housing within Phase I ;
 - e. Failure to perform any of Recipient's obligations under the Master Affordable Housing Covenant, as it may be amended or any phase-specific replacement covenant thereto;
 - f. A successful legal challenge initiated by the Landowner, PHA, NHT Communities or any Project Owner, asserting that the Master Affordable Housing Covenant or any amendment thereto is invalid or unenforceable, in whole or as applied to such person;
 - g. Failure to perform as required by any document that secures this Loan and relates to Phase I ;
 - h. 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, the Landowner, or both and who will use it for any purpose other than that specified within Section 1 of this Agreement;
- viii. 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 Loan Agreement or any other remedy allowed by the Loan Agreement, any document related to this Loan, or by the laws of the Commonwealth of Virginia. 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.
- ix. 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.

Section 5. General Terms and Conditions

- (A) Non-Appropriations Condition: The obligations of the City as to any funding beyond the end of Fiscal Year 2020 (June 30, 2020) 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.

- (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, the Project Owner or the Phase 1 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.

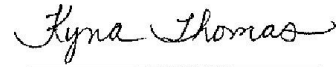
- (E) Force Majeure. All dates in this Agreement shall be extended for a period of time equal to the period of any delay directly affecting such date which is caused by fire, earthquake or other acts of God, strike, lockout, acts of public enemy, riot, insurrection, pandemic (including COVID-19), disease, 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 (including COVID- 1 9), 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 Loan 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: By its approval of this ordinance, the Charlottesville City Council authorizes the Charlottesville City Manager to execute this Agreement on its behalf.
- (J) Amendments, Except as otherwise specified within Section 5(D) of this Ordinance, the City Manager is hereby authorized to execute a Loan Agreement, or any amendment(s) thereof, that modify(ies) certain terms and conditions set forth within this Ordinance, without Council review and approval, but only if such modification(s) do not materially change: (i) the number of affordable dwelling units to be provided by Recipient, or the length of the Affordability Period, (ii) the requirement that Recipient provide a one-for-one replacement of all of the 150 for-rent, Section 8 subsidized dwelling units existing within Friendship Court as of the date of this Agreement (divided among all phases of the Project), (iii) the layout of land uses, or the general or approximate location of the public streets, as depicted in Illustration 1, above, within this Agreement, or (iv) the dollar amount(s) of the Loan, as set forth within Section 3(c) 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. Upon executing a Loan Agreement, or any amendment thereof, that contains terms and conditions different than those set forth

within this Ordinance, the City Manager shall notify City Council, in writing, of the nature of the modifications.

(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: (i) if given to the City to the City Manager, with a copy to the City Attorney, each to: 605 East Main Street, Second Floor, City Hall (P.O. Box 91 1 Charlottesville, Virginia, 22902, or (ii) if given to the Recipient—to Piedmont Housing Alliance, Attention: Executive Director, 682 Berkmar Circle, Charlottesville, Virginia, 22901, with a copy to Erik T. Hoffman, Klein Hornig, LLP, 1325 G Street, N.W., Suite 770, Washington, DC, 20005 and a copy to the Project Lender at an address provided by the Recipient.

Approved by Council
November 2, 2020



Kyna Thomas, CMC
Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	March 21, 2022
Action Required:	(1) Ordinance (Rezoning and Critical Slope Waiver) (1st of 2 readings) (2) Ordinance (Infrastructure Funding) (1st of 2 readings)
Presenter:	Michael C. Rogers, City Manager (Sidewalk Project) Matt Alfele, AICP, City Planner (Rezoning/CS Waiver)
Staff Contacts:	Sam Sanders, Deputy City Manager; James Freas, NDS Director; Krisy Hammill, Sr. Budget and Mgmt. Analyst; Lisa Robertson, City Attorney
Title:	Stribling Avenue Planned Unit Development (Rezoning and Related Matters)

Belmont Station, LLC (by Charlie Armstrong) has submitted an application seeking a rezoning of approximately twelve (12) acres of land, identified within City tax records as Tax Map and Parcel 18A025000 (“Subject Property”). The purpose of the rezoning is to subdivide and develop a 170-unit Planned Unit Development, in twenty (20) construction phases. The Subject Property has some frontage on Stribling Avenue, as shown following below:



The Planning Commission reviewed the rezoning application that is now before City Council and it recommended that City Council approve the rezoning only if a sidewalk for pedestrians will be constructed along Stribling Avenue. (The planning commission also expressed concern about tree removal associated with the development; however, a significant amount of tree removal will also be associated with any sidewalk project).

City Manager Office Recommendations

For the reasons set forth within this Agenda Memo, the City Manager's Office recommends that Council take the following action(s):

- (1) Approve the Rezoning, and
- (2) Decline the Infrastructure Funding Agreement for a Stribling Sidewalk Project, BUT proceed with a Capital Improvements Project for a Stribling Sidewalk, using revenues reallocated from projects recently removed from the CIP.

City Manager Recommendation (1): City Council should approve the rezoning and critical slope waiver, consistent with the Planning Commission's recommendation

The NDS Staff Report for the rezoning is Attachment 3 to this Agenda Memo (including the Final Proffer Statement and the proposed PUD Development Plan).

City Manager Recommendation (2): City Council should decline the proposed Infrastructure Funding Agreement, BUT Council should proceed with establishing a capital project ("Stribling Sidewalk Project", funded by Capital Fund revenues recently made available as a result of abandoned projects.

- a. The Stribling Sidewalk Project is advisable, to enhance pedestrian safety

The City should upgrade this existing public street, and add sidewalk improvements to Stribling Avenue. Existing conditions are already challenging for pedestrians/ residents along this existing City street. Topography and natural systems are dramatic: Moore's Creek and its tributaries interlace with a rolling topography. This existing topography may explain why no sidewalk construction was included when Stribling Avenue was originally improved. Further, there exists a floodplain where Stribling Road travels up to Fontaine Avenue; drainage challenges may further explain the lack of sidewalk improvements along this existing public street.

- b. The Funding Agreement is not in the City's best fiscal interests.

A copy of the voluntary Funding Agreement is attached to this Agenda Memo. The Funding Agreement proposes an advance of \$2.9 million by Belmont Station LLC to the City for Stribling sidewalk construction, repayable in future years (with interest) from the new real estate tax revenues generated by the PUD development. It has been estimated that the cost of establishing sidewalk along Stribling Avenue would be at least \$2.9 million. This ballpark estimate is based upon information shared by Belmont Station, LLC, and the City Engineer's familiarity with this general area. Future repayments by the City would be classified as "debt service". The City Manager does not recommend approval of the Funding Agreement, because:

1. ***The City would be double-committing the new real estate tax revenues to be received from the development.*** The premise of this arrangement is that the tax revenues realized by the City from the new construction, sale and occupancy of each new housing unit can be used to cover the debt service. One hundred percent (100%) of new real estate revenues received by the City would be earmarked for repayment of the debt to Belmont Station, LLC during the repayment period (which can be up to a total of 15 years). The discussions of this

proposed Funding Agreement assume that the real estate tax revenues realized from the development will exceed the City's costs of school and governmental services required by the new units.

To date, discussion of the proposed Funding Agreement has not taken into account the City's longstanding practice of committing the first forty percent (40%) of all new real estate tax revenues every year for the School's operational budget. If City Council approves this Funding Agreement, then for each year that a repayment is owed to Belmont Station LLC (a period of up to 15 years), the City would need to come up with additional revenues if it desires to continue the school funding formula. Furthermore, the incremental costs of various government services associated with new units in the development also would not be covered by the newly-generated real estate tax revenues during the repayment period. Those services, and any cost overruns for the Sidewalk Project itself, would need to be covered by general fund revenues other than the new real estate taxes generated by the PUD development. Staff strongly recommends that the City is much better off, in the long run, finding money in the current CIP and reprogramming it for a sidewalk project to be added to the City's FY2024-2029 CIP (as a funded project).¹

Example (see Exhibit C of the Funding Agreement). Assume that the first building permit is issued in 2026. In Tax Year 2027, if one (1) unit has been constructed and assessed at \$275,000, and the other 169 lots are assessed at \$65,000 each, Belmont Station estimates that the City would realize new real estate tax revenue in the amount of \$97,074. The City would be required to pay Belmont Station, LLC a payment of \$97,074, beginning in in September 2027 (100% of the new real estate revenues). *However*, for many years the City Council has also promised the City Schools that they will receive 40% of all new real estate tax revenues every year (40% x \$97,074 = \$38,830); therefore, for the fiscal year ending June 30, 2028, the City will need to *add* other revenues if it wishes to cover the funding formula for the Schools and other services referenced in Paragraph 1, above.

2. **The timing for completion of the City's contractual obligation to construct the sidewalk is unclear.** The proposed funding agreement states that the City will be expected to "coordinate construction of the Sidewalk Improvements with the infrastructure construction schedule for the PUD Project". The agreement does not incorporate a specific infrastructure construction schedule for the PUD, and does not tie completion of the Sidewalk Project to the completion of construction of any particular number or percentage of new home construction. The timing of the City's obligation to complete the proposed sidewalk construction, relative to the 20 stages of development proposed for the PUD, is unclear. It is difficult for Staff to identify at this time the specific dollar amounts due to be repaid to Belmont Station, LLC in any given year over the 15-year repayment period.

3. **The number of debt service payments, and the amount of specific payments, cannot be determined with enough specificity at this time.** The City's repayment obligation would begin on September 30 of the first Tax Year following the date of the City's issuance of the first building permit for a residential dwelling within the PUD Project. Thereafter, the City's Fiscal

¹ Even if the proposed Funding Agreement is approved by City Council, the Stribling Sidewalk Project needs to be added to the City's "funded projects" list for the CIP. A Capital Improvements Plan must include "estimates of cost of the facilities and life cycle costs", as well as the "means of financing", of each capital project to be undertaken in the ensuing fiscal year and the next four years after that. Va. Code §15.2-2239. Life-cycle costs of a sidewalk in this area have not yet been estimated, but the means of financing is known: (i.e., either (i) reprogramming of revenues from abandoned CIP projects, such as West Main Street), or (ii) funds advanced via the Funding Agreement offered by Belmont Station, LLC, or

Year Budget for each year in which repayments are due would need to include debt service repayments due to the developer in each year.

Alignment with Council Vision Areas and Strategic Plan:

The proposed PUD itself, as represented within the Application Materials and Proffered Development Conditions, is consistent with the City’s vision to provide housing that includes a mixture of incomes and housing types.

Community Engagement: community engagement has occurred via the public hearing process on the rezoning application.

Attachments (3):

- ACTION ITEM 1: Proposed Ordinance Approving the Stribling Planned Unit Rezoning

*Suggested motion: “ I move the Ordinance **amending and re-enacting the Zoning Map for the City of Charlottesville, Virginia, to reclassify property from R-1S and R-2 to Planned Unit Development for the “240 Stribling PUD”, and granting a critical slope waiver for the 240 Stribling PUD***

- ACTION ITEM 2: Proposed Ordinance for an Infrastructure Funding Agreement

Suggested motions:

Deny: *“I move to decline the Infrastructure Funding Agreement with Belmont Station, LLC, upon the condition that a Stribling Sidewalk Project shall be added to the City’s CIP for FY2024 through FY2029, to be funded by money currently available within the Capital Projects Fund.”*

Approve: *“I move the Ordinance approving a voluntary infrastructure funding agreement in the amount of \$2.9 million, upon terms offered by Belmont Station, LLC for construction of sidewalk along Stribling Avenue”*

- **NDS Staff Report for the Rezoning and Critical Slope Waiver**

ACTION ITEM 1: REZONING ORDINANCE (INCLUDING CRITICAL SLOPE WAIVER)

Recommended motion: "I move the Ordinance....[read the remainder of the ordinance title, following below]"

ORDINANCE

Amending and Re-enacting the Zoning Map for the City of Charlottesville, Virginia, to reclassify property from R-1S and R-2 to Planned Unit Development for the "240 Stribling PUD", and granting a critical slope waiver for the 240 Stribling PUD

WHEREAS, Belmont Station, LLC ("Landowner") submitted rezoning application ZM20-00002 ("Application") seeking a change in the zoning district classification for approximately twelve (12) acres of land identified by City Real Estate Tax Parcel Identification No. 18A025000 ("Subject Property"), from R-1S (Residential Small Lot) and R-2 (Residential Two-Family) to Planned Unit Development ("240 Stribling PUD"), with such rezoning made subject to certain development conditions proffered by the Landowner("Proffers"); and

WHEREAS, the purpose of the rezoning application is to allow a specific development project ("Project") identified within a written PUD Development Plan, dated June 11, 2021, as revised through March 21, 2022, and the Statement of Final Proffer Conditions signed by the Landowner on November 11, 2021 for the "240 Stribling PUD". The PUD Development Plan identifies the general or approximate location of the following housing types to be constructed: 20 rows of townhouses, two multifamily dwelling units, and two single-family attached dwellings. The PUD Development Plan also depicts two central greens, protection of a wooded area between the development and Moore's Creek, a shared use path constructed to City Standard Detail TR-1, a public street connection to Morgan Court, and six (6) private streets intended for rear loading of the townhouses within the development. Structured parking will be provided within the multifamily dwelling units, and sidewalks will be constructed on both sides of all new public streets within the development, and along one side of each private street within the development. The development of the Subject Property will further be subject to the conditions of a critical slope waiver approved by City Council, as requested in Application P20-0079. (Collectively, all of the foregoing materials describe the specific "Project"); and

WHEREAS, a joint public hearing on the proposed rezoning of the Subject Property was held before the Planning Commission and City Council on September 14, 2021, after notice to the public and to adjacent property owners as required by law; and

WHEREAS, on November 9, 2021, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the proposed rezoning for the Project, subject to certain qualifications; and

WHEREAS, City Council has considered: the details of the specific Project, as represented within the Landowner's various application materials, the Staff Reports relating to the application materials, the comments received from the public, and the Planning Commission's recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification (R-1S) and the proposed PUD zoning classification (subject to the proffered development conditions) are reasonable; and that the proposed rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that, in order to allow the development of the Project described above within this Ordinance, the Zoning Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, shall be and hereby is amended and reenacted as follows:

Section 34-1.Zoning District Map. Rezoning from R-1S and R-2 to 240 Stribling PUD, all of that certain land identified within the City of Charlottesville’s real estate tax records by Real Estate Parcel Identification Number 18A025000, consisting of approximately 12.07 acres (approx. 525,769 square feet), subject to the PUD Development Plan dated June 11, 2021, as revised through 3/21/2022, and also subject to the Proffers dated November 11, 2021, which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council as set out below within this Ordinance.

Approved Proffers

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowner, which conditions shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance:

1. The Owner shall establish affordable housing within the Property, as follows:
 - a. For the purposes of this Proffer, the term “Affordable Dwelling Unit” means a dwelling unit reserved for occupancy by a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
 - b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units. (“Required Affordable Dwelling Units”) The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to low- and moderate-income households (“Rental Affordable Dwelling Units”) . Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on the date of Owner’s signature, below. For the purposes of this section and section 1.b.ii., below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after the date of Owner’s signature, below, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.
 - ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership by low- and moderate-income households (“For-Sale Affordable Dwelling Units”), throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City’s building official. The For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City

Code 34-12(g), as such regulations are in effect on the date of Owner's signature, below. During construction the For-Sale Affordable Dwelling Units shall be constructed incrementally, such that at least five (5) Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th building permit for non-affordable for-sale dwelling units.

- c. The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of the obligations. In the event of re-sale of any of the Required Affordable Rental Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.

Critical Slope Waiver

BE IT FURTHER ORDAINED by the Council of the City of Charlottesville, THAT a waiver of the critical slopes requirements for the Subject Property, to allow for construction of the specific 240 Stribling PUD Project that is the subject of this Ordinance, is hereby granted subject to the following conditions (each, a "CS Waiver" condition):

CS Waiver condition #1: site Plans (VESCP Plans) shall include, at a minimum, 4 stages/phases of erosion and sediment control measures: the first shall be "Initial/Preliminary Controls" and outfall construction, and the second shall include the establishment of sediment traps and conveyances. The sequence shall dictate that no disturbance of the slopes can occur, other than to facilitate trap/conveyance construction, until after the establishment of the trap, conveyances and permanent outfall (until Stage/Phase III)

CS Waiver condition #2: "Super Silt Fence" (chain linked backing) shall be installed where perimeter silt fence is specified.

CS Waiver condition #3: Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other "same day stabilization).

CS Waiver condition #4: The proposed trail shall be a non-erodible surface (asphalt/concrete or similar) and provisions shall be made in the stormwater management plan to ensure runoff from the trail is conveyed in a non-erosive manner, and concentrated flows shall not be discharged above slopes, or flow along the toe of slopes, on or offsite the property.

CS Waiver condition #5: Trees removed from areas of critical slope(s) shall be replaced within those areas, at a three-to-one ratio ("Habitat Replacement Trees"). The Habitat Replacement Trees shall be locally native tree species appropriate for the site conditions. The specific number and species of Habitat Replacement Trees will be determined by the applicant and the City based on available space and site conditions, and the size, location and species of all Habitat Replacement Trees shall be specified within the landscaping plan required by Sections §§34-861 et seq. of the Charlottesville City Code, as amended.

CS Waiver condition #6: No tree(s) planted in any area(s) that contain buildings, parking lots, sidewalks, or other built improvements shall be counted as any Habitat Replacement Tree(s).

ACTION ITEM 2: ORDINANCE FOR INFRASTRUCTURE FUNDING AGREEMENT

Suggested motion for denial: “I move to decline the Infrastructure Funding Agreement with Belmont Station, LLC, upon the condition that a Stribling Sidewalk Project shall be added to the City’s CIP for FY2024 through FY2029, to be funded by money currently available within the Capital Projects Fund.”

Suggested Motion for an approval: “I move the ORDINANCE...[read the remainder of the title of the ordinance, below]

ORDINANCE

APPROVING A VOLUNTARY INFRASTRUCTURE FUNDING AGREEMENT IN THE AMOUNT OF \$2.9 MILLION UPON TERMS OFFERED BY BELMONT STATION, LLC FOR CONSTRUCTION OF SIDEWALK ALONG STRIBLING AVENUE

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the following voluntary funding agreement offered to the City by Belmont Station, LLC, is hereby approved for a capital project to be undertaken by the City to construct public sidewalks on Stribling Avenue, and the Mayor is authorized to execute said agreement on behalf of the City:

THIS AGREEMENT is made this ___ day of _____, 2022, by and among the **City of Charlottesville, Virginia (the “City”)**, a municipal corporation and political subdivision of the Commonwealth of Virginia, and, **Belmont Station, LLC, a Virginia limited liability company (the “Developer”)**.

Recitals

R-1. The Developer’s purpose and intent is to invest a significant amount of money into real estate and improvements, described as: All that certain tract or parcel of land situated in the City of Charlottesville, Virginia (the “City”) on the south side of Stribling Avenue, containing 11.053 acres, more or less, according to the City land records, and currently shown as City Tax Map Parcel 18A025000, and as further **(the “Investment”)** described and depicted on **Exhibit A** hereto **(the “Property”)**, where Developer intends to design and develop a Planned Unit Development containing approximately 170 newly-constructed residential dwellings (the “PUD Project”), which will promote the safety, health, welfare, convenience or prosperity of the inhabitants of the City by promoting appropriate housing density and affordability within an area of the City, enhance the tax base in the City, create more housing opportunities, and promote other economic development in the City. The Developer’s Investment and the amounts and other requirements included in such Investment are set forth in part as **Exhibit B**.

R-2. The City has a documented need for pedestrian sidewalk improvements and related stormwater and utility infrastructure along Stribling Avenue in the City of Charlottesville, as noted in the City’s “Complete Sidewalks Projects List”, page 209 of the *Charlottesville Bicycle & Pedestrian Master Plan Update 2015*, as well as in the “Proposed Fiscal Year (YR) 2022 Capital Improvement Program (CIP) Revenue and Expenditure Description Summary”, page 8, and, the “Capital Improvement Program Final Request Form, 5-Year Program Span: Fiscal Year 20-24, Project Title: Stribling Sidewalk + Drainage Improvements” (“Sidewalk Improvements”). The Sidewalk Improvements will be made on both sides of Stribling Avenue from the intersection with JPA and ending in proximity to the City limits.

R-3. The Sidewalk Improvements are separate from the Developer's Property; however, Developer acknowledges and agrees that, although a need for the Sidewalk Improvements already exists, the PUD Development will increase use of Stribling Avenue by both vehicular and pedestrian traffic, and the Developer desires to make a financial contribution that will facilitate the City's commencement of the Sidewalk Improvements on an expedited basis.

R-4. The Developer has offered to enter into a funding agreement with the City, to provide certain monies to the City through cash escrow or letter of credit, which may be utilized by the City under the terms and conditions set forth within this Agreement to construct the Sidewalk Improvements.

WHEREAS, the Developer and the City desire to set forth their understanding and agreement as to these matters in this Agreement.

NOW, THEREFORE, for and in consideration of the premises, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree as follows:

1. The recitals are incorporated as part of this Agreement.
2. The Developer:
 - a. Shall make and maintain the Investment described on Exhibits A and B;
 - b. Shall have **\$2,900,000 in Cash Escrow**, or Letter of Credit ("Funding") in place and available to the City: (i) prior to the date on which the City issues a land disturbing permit for the PUD Project, or (ii) by December 31, 2026, whichever first occurs. The Funding shall be made available for the City to draw upon to pay for the Sidewalk Improvements. In the event that the City's final budget for the Sidewalk Improvements, based on bid(s) received, is less than \$2,900,000 then the Funding under this Agreement shall be amended and reduced to the actual budgeted amount based on the accepted bid(s);
 - c. At the request of the City, the Developer shall request that its contractor for the PUD provide a bid to the City for the construction of the Sidewalk Improvements, to assist the City's efforts to achieve any efficiencies that may be possible if the Sidewalk Improvement can be worked on contemporaneously with the contractor's construction of sidewalks within the PUD Project. The Developer shall give the City at least 60 days advance written notice of the date on which the Developer's contractor will commence construction streets and sidewalks within the PUD Project;
 - d. Shall provide the City with the engineering and surveying work that the Developer has caused to be completed to date, and the City agrees to reimburse the Developer for the cost of that work;
 - e. Shall make its commercially reasonable efforts to obtain approvals of the Final Site Plan for the PUD from the City, and commence land disturbing activities, no later than **December 31, 2026 ("Commencement Date")**, which may be extended due to force majeure or other administrative reasons approved by the City;

f. Shall make its commercially reasonable efforts to complete construction and equipping of the PUD Project, in accordance with the Site Plan for the PUD approved by the City, no later than **December 31, 2036 (“Completion Date”)**, which may be extended due to force majeure or other administrative reasons approved by the City.

g. Shall comply with all applicable federal, state and local laws and secure all plans, approvals, bonds and permits as may be necessary or appropriate for the construction and completion of the PUD Project and the occupancy thereof.

3. **The City:**

a. Shall be responsible for its own final plans to be used for the City’s construction of the Sidewalk Improvements, and complete right-of-way acquisition, on or before the Commencement Date;

b. Shall use its best efforts to coordinate construction of the Sidewalk Improvements with the infrastructure construction schedule for the PUD Project, if that is possible with the same contractor(s) and if it will achieve any economies;

c. Shall prepare periodic drawdown requests from the Funding to pay for Sidewalk Improvements pursuant to the City’s contract with the contractor(s) for the Sidewalk Improvements. The City, or other designee, and the Developer shall complete all paperwork necessary to complete draw requests.

4. **The City**, subject to the availability of public funds and the annual appropriation of such funds by the Council, and subject further to the Developer’s fulfillment of all of its obligations under this Agreement, shall reimburse the Funding to the Developer, as described herein. Reimbursement of the Funding shall be paid in annual installments, beginning on September 30 of the first Tax Year following the date of the City’s issuance of the first building permit for a residential dwelling within the PUD Project (“Initial Reimbursement Installment”) and continuing annually thereafter, on or before September 30th of each successive Tax Year, but ending on the later of: December 31, 2036, or 15 years after the issuance of the first building permit, in either case regardless of whether the Funding has been full reimbursed to Developer.

a. Each annual reimbursement payment shall be equal to (and shall not exceed) one hundred percent (100%) of the total of the annual real property taxes actually received by the City attributable to the incremental increase in the assessed value of the Property (“**Incremental Increased Value**”) over the value of the Property on the City’s Land Book for Tax Year 2021 (\$1,041,700) (**the “Base Value”**). An example of the calculation of the annual Funding reimbursement payment required by Paragraph 4, above, is attached as **Exhibit C** to this Agreement.

b. For the purpose of this Agreement, **(i)** the Incremental Increased Value shall be the assessed value of the Property, inclusive of all lots resulting from any subdivision(s) thereof, as set forth within the City’s Land Book for each Tax Year subsequent to 2021, without regard to the ownership of the Property, **and (ii)** the Land Book is the official record of real estate assessments for a given Tax Year, as referenced in City Code Section 30-66.

c. Notwithstanding the foregoing, no reimbursement payment shall be due or owing by the City to the Developer within any Tax Year in which the value of the Property on the City's Land Book does not exceed the Base Value.

d. To the extent that the assessed value of the Property is decreased for any reason during the term of this Agreement, the amount of Funding shall be reduced by the tax decrease based on the decrease in Incremental Increased Value.

5. The City shall pay interest to the Developer on the Funding utilized by it to pay for construction of the Sidewalk Improvements, at an adjustable rate equal to 1.5% or the "true" interest cost (as defined by City Council resolution titled "\$18,000,000 Million [sic] Bond Issue" dated May 3, 2021) of Charlottesville's most recent General Obligation Bond issuance, whichever is higher. Interest shall begin on the Commencement Date and continue until the earlier of: (i) the entire amount of interest and Funding utilized by the City for the Sidewalk Improvements has been reimbursed to the Developer, or (ii) the latest date established in Paragraph 4, being December 31, 2036 or 15 years after the issuance of the first building permit.

6. Developer acknowledges and understands that the City is not empowered under Virginia law to make any binding contractual obligation committing payment of City funds beyond the current fiscal year of the City. However, so long as public funding is available to support the City's performance of this Agreement in subsequent fiscal years, it is the current intention of the Charlottesville City Council to make sufficient annual appropriations to fund the reimbursement obligations of the City hereunder. To that end, the Council has directed the City Manager or other officer charged with the responsibility of preparing the City's budget to include in the City Manager's proposed budget for each fiscal year subsequent to the date of this Agreement a request that the Council appropriate the amounts due under this Agreement during such fiscal year. If at any time the City or the Developer determines that the amount appropriated in any fiscal year budget is insufficient to support the City's performance under this Agreement, then, if sufficient public funding is available, then the City Manager shall submit to the Council at the next scheduled meeting of the Council or as promptly as practicable, a request for a supplemental appropriation sufficient to cover the deficit.

7. This Agreement shall not create any joint venture, any agency, or any employer-employee relationship between the parties hereto.

8. The City reserves the right to approve in advance any assignment of this Agreement by the Developer to any individual or entity while any of the Developer's obligations under this Agreement are outstanding. The ownership interests of such entity must be disclosed to the City. The consent to any such assignment shall not be unreasonably withheld. After the completion of the Developer's obligations under Section 2 of this Agreement, the repayment of the Funding obligations may be sold, assigned, or transferred by the Developer, with the approval of all parties, which consent shall not be unreasonably withheld. All parties to any assignment, sale or transfer under this Section 8. shall be bound by all the terms and conditions of this Agreement.

9. The City may terminate this Agreement at any time if funds have not been drawn from the Developer's Cash Escrow or Letter of Credit. The City may terminate this Agreement after funds have drawn, by repaying all outstanding Funding amounts plus applicable interest. There is no prepayment penalty if the City chooses to repay Funding in full sooner than otherwise called for under the Agreement. The City will provide written notice to the Developer of its decision to terminate the Agreement pursuant to this section, or if repayment funds sent from the

City to the Developer are intended as the prepayment in full of all outstanding amounts, along with the corresponding notice of Agreement termination.

10. This Agreement shall not be interpreted to establish any pledge, security interest, lien, or other encumbrance on property of the City or the Developer.

11. This Agreement shall be governed in all aspects by the laws of the Commonwealth of Virginia, without reference to conflict of laws provisions. In the event of litigation, jurisdiction and exclusive 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. Each of the parties to this Agreement have standing to enforce the terms, conditions and obligations set forth herein.

12. This Agreement sets forth the entire agreement between the parties hereto. There are no promises, agreements, conditions, or understandings between the parties respecting the subject matter hereof, other than those expressly set forth herein, and the provisions of this Agreement supersede all prior and contemporaneous negotiations, conversations, discussions, correspondence, memoranda, and agreements between the parties concerning the subject matter of this Agreement.

13. This Agreement may be modified by mutual agreement of the parties. The City Manager is designated as the City's agent to approve and execute amendments to this Agreement involving procedural or administrative matters. By way of example and not limitation, such procedural or administrative changes can include: date changes relating to any force majeure, changes in the scope of work necessary for the Sidewalk Improvements, or, approvals required by Section 8 of this Agreement.

14. Notices and communications relating to this Agreement shall be given in writing, and shall be deemed to be received by a party hereto (i) five (5) business days after being mailed by U.S. mail, first class, postage prepaid, return receipt requested, or (ii) one (1) business day after being placed for next day delivery with a nationally recognized overnight courier service, or (iii) upon being delivered by hand to a party, addressed as follows:

if to the City, to:

The City of Charlottesville, Virginia
Attention: City Manager
605 East Main Street, City Hall, Second Floor (P.O. Box 911)
Charlottesville, VA 22092

if to the Developer, to:

Belmont Station, LLC
142 South Pantops Drive
Charlottesville, VA 22911
ATTN: Frank T. Ballif, Manager

with a copy to:

Lois A. Haverstrom, General Counsel
142 South Pantops Drive
Charlottesville, VA 22911

15. This Agreement may be executed, via facsimile or email and, in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument. This Agreement shall be binding upon and inure to the benefit of the parties hereto. If any provision of this Agreement is determined to be unenforceable, then the remaining provisions of this Agreement shall be interpreted as in effect as if such unenforceable provisions were not included therein. Each of the parties to this Agreement represents that it is fully authorized to enter into this Agreement, and that it will be bound by this Agreement in accordance with its terms.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first written above.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____

Title: _____

Date of Execution: _____

DEVELOPER

BELMONT STATION, LLC on its behalf and as Manager of Belmont Station LLC

By: _____
Frank T. Ballif, as Manager

Date of Execution: _____

EXHIBIT A TO VOLUNTARY INFRASTRUCTURE FUNDING AGREEMENT

(Description of Property)

All that certain tract or parcel of land situated in the City of Charlottesville, Virginia (the “City”) on the south side of Stribling Avenue, containing 11.053 acres, more or less, according to the City land records, and currently shown as City Tax Map Parcel 18A025000, and as further described within the Proposed Planned Unit Development (the “Investment”) described and depicted on Exhibit A below (the “Property”)

Property to be developed into a 170+/- Unit PUD



EXHIBIT B TO VOLUNTARY INFRASTRUCTURE FUNDING AGREEMENT

Investment

This Agreement only relates to the \$2,000,000 Cash Escrow or Letter of Credit posted by the Developer in favor of the City, and the reimbursement of amount(s) drawn by the City from of that Cash Escrow or Letter of Credit. Developer plans to construct 170+/- residential dwelling units within the PUD Project, with an estimated completed value after home construction averaging \$275,000, more or less.

EXHIBIT C VOLUNTARY INFRASTRUCTURE FUNDING AGREEMENT

**Funding Calculation of Incremental Increased Value
(Examples based on Estimated Assumptions below)**

Sample Calculations are for Illustration Purposes Only: The Dates, Assessed Values, and Real Estate Tax Rates are not actual and are for Illustration Purposes Only. Calculations assume that the City has drawn funds that are to be repaid by real estate taxes received by the City and generated directly from the Developer's PUD after the issuance of the first Building Permit.

Example 1 - Issuance of First Building Permit

	1 Unit Averaging \$275,000 upon completion and 169 lots at \$65,000 each	Prior to Project (Based 2021 AV)	Estimated Annual Tax Increment Repayment w/ Issuance of First Building Permit
Assessed Value of Real Estate	\$11,260,000	\$1,041,700	
Real Estate Tax Collected	\$106,970	- (\$9,896)*	= \$97,074

Example 2 - Complete Project Build Out

	Estimated After Project Completion 170 Units Averaging \$275,000 upon completion	Prior to Project (Base 2021 AV)	Estimated Annual Tax Increment Repayment at the end of the Project
Assessed Value of Real Estate	\$46,750,000	\$1,041,700	
Real Estate Tax Collected	\$444,125.	- (\$9,896)*	= \$434,229

*Based on real estate tax rate \$0.95 per \$100.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL REZONING STAFF REPORT**



Agenda Date:	March 21, 2022
Presenter and Staff Contact:	Matt Alfele, AICP, City Planner
Title:	240 Stribling PUD – ZM20-00002 & P20-0079

Summary of The Proposed Planned Unit Development:

Southern Development on behalf of the landowner, Belmont Station, LLC, has submitted an application seeking a rezoning of approximately twelve (12) acres of land, identified within City tax records as Tax Map and Parcel 18A025000 (“Subject Property”). The Subject Property has frontage on Stribling Avenue. The application proposes to change the zoning district classifications of the Subject Property from R-1S (Residential Small Lot) / R-2 (Residential Two-Family) to PUD (Planned Unit Development) subject to certain proffered development conditions (“Proffers”) and development plan. The rezoning would allow a PUD referred to as “240 Stribling PUD” containing no more than one-hundred and seventy (170) residential units divided between single-family attached, townhomes, and multifamily buildings at a density of fifteen (15) dwelling units per acre (DUA), with open space in the amount of 4.76 acres, and the following unique characteristics/amenities per the development plan: approximately two (2) single-family attached style units, approximately sixty-nine (69) townhome style units, three (3) multifamily buildings, central green space, nature trail, four (4) new City standard public roads, pedestrian and vehicular access to Morgan Court, and six (6) new private roads built to City private road standards. The proposed development is intended to be completed in approximately twenty (20) phases. In order for the Landowners to implement the PUD Plan, they will need to disturb areas within Critical Slopes; this application also presents a request for a Critical Slopes Waiver (P20-0079) per City Code Sec. 34-516(c). The Comprehensive Land Use Map for this area calls for Low Density Residential (15 DUA or less). See Attachment A for proffered conditions.

Discussion:

The Planning Commission held a virtual joint Public Hearing with City Council on September 14, 2021 on this matter. The Director of Economic Development (Mr. Chris Engle) gave an update on a proposed draft agreement between the City and the applicant to fund installation of sidewalks along Stribling Avenue. The City’s Engineer (Mr. Jack Dawson) provided insight into issues with calculating funding needed to provide improvements (such as sidewalks) to Stribling Avenue given limited project information. Increased density and the safety of Stribling Avenue were the

main discussion points. The Commission liked the innovation of the design, the affordable units, and the proposed density of the development, but did not believe the development should happen unless Stribling Avenue was improved, and sidewalks provided. The Commission was also concerned with the number of trees along Stribling that would be removed.

Due to the apprehension from Planning Commission as it related to the condition of Stribling Avenue, the applicant requested and was granted a deferral. The applicant made the following adjustments to the development and Planning Commission continued their discussion on November 9, 2021.

Critical Slope Waiver Application P20-0079

No Changes

Rezoning Application ZM20-00002

The applicant made the following two (2) changes to the PUD Development Plan:

Update the setback requirements on page 4:

The original plan stated:

Minimum Building setbacks:

Front: 0'

Side: 0'

Rear: 0'

Adjacent to outside properties: 5'

The new setbacks are:

Front: 0'

Side: 0'

Rear: 0'

Adjacent to outside properties: 5'

Maximum front setback: 10'

(Stribling Ave, Frontage Excluded)

Updates to Phasing and Open Space Requirements on page 5:

No information provided in the original plan

New information on page 5:

A minimum of 1.00 acre of Open Space shall be dedicated in Phase 1. At least 20% total Open Space area shall be provided with each phase thereafter.

During the November 9, 2021 meeting, Planning Commission focused on duration of construction, conditions on the Critical Slopes, and funding of the sidewalk improvements to Stribling Avenue.

Alignment with City Council's Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to **Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation**, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

On August 3, 2020 the applicant held a virtual community meeting with the public. The meeting can be viewed at:

<https://protect-us.mimecast.com/s/1ZeKCL9YA0tR7ymYCBFkm5?domain=us02web.zoom.us>

The applicant gave an overview of the project as it related to the need for a rezoning. Seventy-two (72) members of the public attended the meeting and voiced the following concerns:

- PUDs is not appropriate and will not give the City what it needs.
- PUDs are only used to pack in more houses without taking into account infrastructure.
- The land should be developed by-right.
- The development should not be connected to Morgan Court. Morgan Court is too narrow and cannot handle the increased traffic.
- Traffic will be a problem.
- Stribling Avenue lacks sidewalks and will not be safe if the development is approved.
- FSNA could support the project only if Stribling Avenue is improved.
- Stribling Avenue will not be able to handle construction trucks for such a large and long-term development.
- The City's infrastructure will not support this development.
- Stribling Avenue lacks lighting.
- Stribling Avenue needs draining improvements.
- Stribling Avenue does not have enough right of way to accommodate all the improvements it needs.
- The development will double the units on Stribling.
- Critical Slopes on the site should not be disturbed.
- Stribling Avenue on the county side is not improved and cannot support the development.
- People that live in this development will have to drive cars and cannot walk to places.
- There is a playground near the proposed connection of Morgan Court to the development and the connection could impact it.
- Stribling Avenue is a shared street with a lot of bicycle, pedestrians, and cars sharing the road. This development would change that.

On September 14, 2021 the Planning Commission held a virtual joint Public Hearing with City Council. eighteen (18) members of the public spoke and expressed the following:

- The proposed development will make conditions for pedestrian and cyclists worse on Stribling Avenue and the intersection of JPA.
- Safety on Stribling Avenue is the biggest issue with the proposed development.
- The City needs more housing and this will provide much needed affordable housing.
- The trees on the site need better protection.
- Stribling Avenue needs to be improved.
- How will the section of Stribling in the county be impacted?
- The proposed development will have negative impacts to Sunset Avenue.

Any emails received by staff regarding this project have been forwarded to Planning Commission and City Council.

Planning Commission Recommendation:

The Planning Commission took the following action:

Rezoning Application (ZM20-00002)

Ms. Russell moved that subject to sidewalk improvements on Stribling Ave. being prioritized appropriately in City Capital Improvement Program (CIP), I move to recommend that City Council should approve ZM20-00002, on the basis that the streets proposed within the PUD Development are laid out in a manner substantially in accord with the Comprehensive Plan, and approval of the proposed PUD Development is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare and good zoning practice.

Mr. Mitchell seconded the motion

Mr. Lahendro, Yes
Mr. Solla-Yates, Yes
Mr. Stolzenberg, Yes
Mr. Habbab, Yes
Mr. Mitchell, Yes
Ms. Russell, Yes
Ms. Dowell, Yes

The motion passed 7 - 0 to recommend approval of the rezoning application to City Council.

Critical Slope Waiver (P20-0079)

Ms. Russell moved to recommend approval of the critical slope waiver for Tax Map and Parcel 18A025000, as requested, with conditions as recommended by staff.

Recommended Conditions:

1. Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls, the first shall be “Initial/Preliminary Controls” and outfall construction, and the second shall include the establishment of sediment traps and conveyances. The sequence shall dictate that no disturbance of the slopes can occur, other than to facilitate trap/conveyance construction, until after the establishment of the trap, conveyances and permanent outfall (until Stage/Phase III).
2. “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
3. Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).

4. The proposed trail shall be a non-erodible surface (asphalt/concrete or similar) and provisions shall be made in the stormwater management plan to ensure runoff from the trail is conveyed in a non-erosive manner, and concentrated flows shall not be discharged above slopes, or flow along the toe of slopes, on or offsite the property.
5. Trees removed from areas of critical slope(s) shall be replaced within those areas, at a three-to-one ratio (“Habitat Replacement Trees”).
6. The Habitat Replacement Trees shall be locally native tree species appropriate for the site conditions.
7. No tree(s) planted in any area(s) that contain buildings, parking lots, sidewalks, or other built improvements shall be counted as any Habitat Replacement Tree(s).
8. The specific number and species of Habitat Replacement Trees will be determined by the applicant and the City based on available space and site conditions, and the size, location and species of all Habitat Replacement Trees shall be specified within the landscaping plan required by Sections §§34-861 et seq. of the Charlottesville City Code, as amended.

Mr. Mitchell seconded the motion

Mr. Lahendro, Yes
Mr. Solla-Yates, Yes
Mr. Stolzenberg, Yes
Mr. Habbab, Yes
Mr. Mitchell, Yes
Ms. Russell, Yes
Ms. Dowell, Yes

The motion passed 7 – 0 to recommend approval of the Critical Slope Waiver application to City Council.

Attachments:

- A. Signed Proffer Statement
- B. PUD Development Plan

Link to the Public Hearing materials.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1221&key=-1&mod=-1&mk=-1&nov=0>

September 14, 2021 materials start on page 6.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1286&key=-1&mod=-1&mk=-1&nov=0>

November 9, 2021 materials start on page 54.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM20-00002)
STATEMENT OF FINAL PROFFER CONDITIONS
For the 240 Stribling PUD
Dated as of November 11, 2021

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land (“Owner”) subject to the above-referenced rezoning petition (“Subject Property”). The Owner seeks to amend the current zoning of the Subject Property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner seeks approval of a PUD as set forth within a Development Plan for a planned unit development to be known as the “240 Stribling Avenue PUD”, said PUD Development Plan being dated April 28, 2020, Revised October 8, 2021, containing 17 pages, total, submitted with the Owner’s Rezoning Application.

The Owner hereby proffers and agrees that if the Subject Property is rezoned as requested, the Subject Property will be developed in general accordance with, and the Owner will abide by, the approved 240 Stribling Avenue PUD Development Plan, and that the Subject Property shall also be subject to the following conditions:

1. The Owner shall establish affordable housing within the Subject Property, as follows:
 - a. For the purposes of this Proffer, the term “Affordable Dwelling Unit” means a dwelling unit reserved for occupancy by a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
 - b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units (“Required Affordable Dwelling Units”). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to low- and moderate-income households (“Rental Affordable Dwelling Units”). Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on the date of Owner’s signature, below. For the purposes of this section and section 1.b.ii. below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after the date of Owner’s signature, below, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.
 - ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership by low- and moderate-income households (“For-Sale Affordable Dwelling Units”), throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City’s building official. The For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g), as such regulations are in effect on the date of Owner’s signature, below. During construction the For-Sale Affordable Dwelling Units shall be

constructed incrementally, such that at least 5 Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th Building Permit for non-affordable for-sale dwelling units.

- iii. On or before July 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant of each Required Affordable Dwelling Unit.

- c. The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Subject Property shall have notice of and be bound by the obligations. In the event of re-sale of any of the Required Affordable Dwelling Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.

WHEREFORE, the undersigned Owner stipulates and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 11th day of November, 2021.

Applicant:

Belmont Station, LLC

By:


Its Member, Charles Armstrong

Address:

142 South Pantops Drive
Charlottesville, VA 22911

PUD DEVELOPMENT PLAN

240 STRIBLING AVENUE

CITY OF CHARLOTTESVILLE, VIRGINIA

TABLE OF CONTENTS
PUD DEVELOPMENT PLAN (SEC 34-517)

THIS PUD DEVELOPMENT PLAN MEETS THE REQUIREMENTS OF CHARLOTTESVILLE CITY CODE SECTION 34-517 (a). THE BELOW TABLE OF CONTENTS LISTS THE PUD REQUIREMENTS AND REFERENCES WHERE IN THE PUD DEVELOPMENT PLAN THE REQUIREMENTS ARE ILLUSTRATED OR DESCRIBED.

34-517 (1)a A SURVEY PLAT DESCRIBING AND DEPICTING THE ENTIRE LAND AREA TO BE INCLUDED WITHIN THE PUD DEVELOPMENT SITE, INCLUDING IDENTIFICATION OF PRESENT OWNERSHIP, EXISTING ZONING DISTRICT CLASSIFICATION(S) OF THE PARCEL(S) TO BE INCLUDED WITHIN THE PUD.
PAGE 2: EXISTING CONDITIONS

34-517 (2)a A NARRATIVE STATEMENT OF HOW THE OBJECTIVES DESCRIBED WITHIN SECTION 34-490 ARE MET BY THE PROPOSED PUD.
PAGE 3: NARRATIVE

34-517 (3)a A CONCEPTUAL DEVELOPMENT PLAN, SUPPORTING MAPS, AND WRITTEN OR PHOTOGRAPHIC DATA AND ANALYSIS WHICH SHOW:

A. LOCATION AND SIZE OF EXISTING WATER AND SANITARY AND STORM SEWER FACILITIES AND EASEMENTS;
PAGE 2: EXISTING CONDITIONS

B. LAYOUT FOR PROPOSED WATER AND SANITARY SEWER FACILITIES AND STORM DRAINAGE FACILITIES;
PAGES 6-7: CONCEPTUAL DEVELOPMENT PLAN

C. LOCATION OF OTHER PROPOSED UTILITIES;
PAGES 6-7: CONCEPTUAL DEVELOPMENT PLAN
PAGES 13-14: CONCEPTUAL DRY UTILITY PLAN

D. LOCATION OF EXISTING AND PROPOSED INGRESS AND EGRESS FROM THE DEVELOPMENT; LOCATION AND SIZE OF EXISTING AND PROPOSED STREETS;
PAGES 6-7: CONCEPTUAL DEVELOPMENT PLAN
PAGES 8-9: PROPOSED ROAD SECTIONS

E. LOCATION OF EXISTING AND PROPOSED PEDESTRIAN AND BICYCLE IMPROVEMENTS, INCLUDING CONNECTIONS TO NEARBY SCHOOLS;
PAGES 6-7: CONCEPTUAL DEVELOPMENT PLAN
PAGES 8-9: PROPOSED ROAD SECTIONS

F. AN INVENTORY, BY TAX MAP PARCEL NUMBER AND STREET ADDRESS, OF ALL ADJACENT PARCELS WITHIN A FIVE HUNDRED-FOOT RADIUS OF THE PERIMETER OF THE PUD, INDICATING THE EXISTING ZONING DISTRICT CLASSIFICATION OF EACH.
PAGE 1: COVER SHEET

G. A SITE INVENTORY OF THE SIGNIFICANT NATURAL, ENVIRONMENTAL AND CULTURAL FEATURES OF A SITE, INCLUDING AT A MINIMUM: HISTORIC LANDMARKS CONTAINED ON ANY STATE OR FEDERAL REGISTER; VEGETATION; EXISTING TREES OF EIGHT-INCH CALIPER OR GREATER; WETLANDS; TOPOGRAPHY, SHOWN AT INTERVALS OF FIVE (5) FEET OR LESS; CRITICAL SLOPES, AND OTHER, SIMILAR CHARACTERISTICS OR FEATURES, AND A PLAN FOR PRESERVING, PROTECTING, UTILIZING AND/OR INCORPORATING SUCH FEATURES INTO THE DESIGN AND FUNCTION OF THE PROPOSED PUD.
PAGE 10: ENVIRONMENTAL FEATURES

34-517(4)a A PROPOSED LAND USE PLAN. SUCH PLAN WILL IDENTIFY:

A. PROPOSED LAND USES AND THEIR GENERAL LOCATIONS, INCLUDING WITHOUT LIMITATION, BUILDING AND SETBACKS;
PAGE 4: LAND USE PLAN

B. PROPOSED DENSITIES OF PROPOSED RESIDENTIAL DEVELOPMENT;
PAGES 15-16: MATRIX OF USE TYPES

C. LOCATION AND ACREAGE OF REQUIRED OPEN SPACE;
PAGE 4: LAND USE PLAN

D. SQUARE FOOTAGE FOR NON-RESIDENTIAL USES;
PAGE 4: LAND USE PLAN. NOTE, THERE ARE NO NON-RESIDENTIAL USES PROPOSED.

E. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES IN AREA OF PUD.
PAGE 4: LAND USE PLAN

34-517 (5)a A GENERAL LANDSCAPE PLAN WHICH FOCUSES ON THE GENERAL LOCATION AND TYPE OF LANDSCAPING TO BE USED WITHIN THE PROJECT AS WELL AS THE SPECIAL BUFFERING TREATMENT PROPOSED BETWEEN PROJECT LAND USES AND ADJACENT ZONING DISTRICTS;
PAGES 11-12: LANDSCAPE PLAN

34-517(6)a A PHASING PLAN IF NEEDED. EACH PHASE SHALL INDIVIDUALLY MEET THE REQUIREMENTS OF THIS SECTION.
PAGE 5: PHASING PLAN

34-517(7)a A STATEMENT FROM THE CITY PUBLIC UTILITIES DEPARTMENT VERIFYING WHETHER WATER AND SEWER INFRASTRUCTURE CAPACITY DOES OR DOES NOT EXIST FOR THE PROPOSED LAND USE(S).
ESTIMATED WATER AND SEWER DEMANDS HAVE BEEN PROVIDED TO CITY PUBLIC UTILITIES DEPARTMENT AND ADEQUATE CAPACITY HAS BEEN VERIFIED.

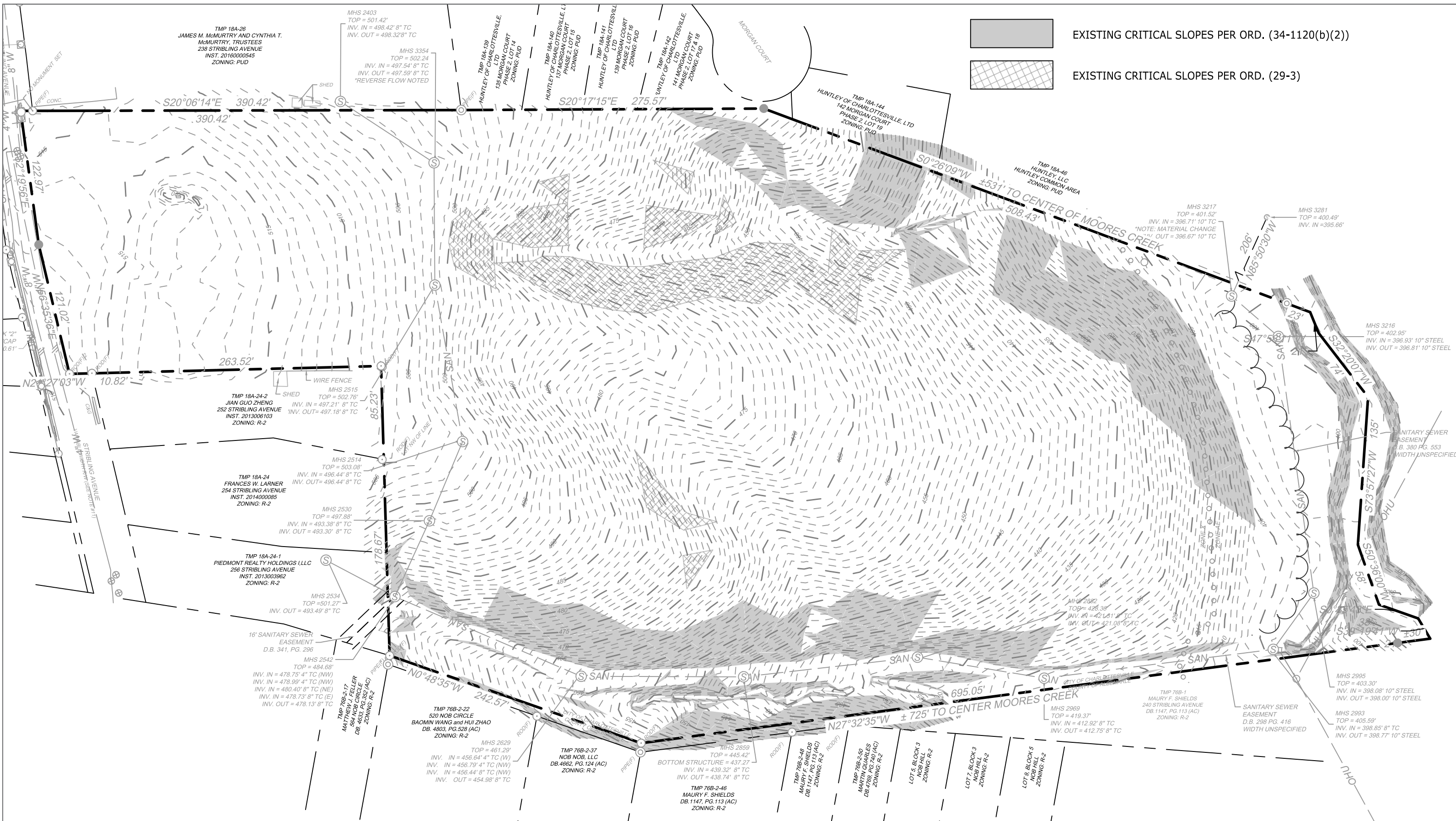
34-517(8)a A STATEMENT FROM THE FIRE MARSHAL VERIFYING WHETHER ADEQUATE FIRE FLOW SERVICE DOES OR DOES NOT EXIST FOR THE PROPOSED LAND USE(S).
THE FIRE FLOW TEST RESULTS HAVE BEEN PROVIDED AND APPROVED BY THE FIRE MARSHAL.

500' RAIDUS FOR ADJACENT PROPERTIES

OWNER	ADDRESS	CITY/STATE	ZIP	PROPERTY ADDRESS
TAPSCOTT TWANNA L	176 BAYLOR LANE	CHARLOTTEVILLE VA	22902	223 STRIBLING AVE A&B
STEGER CHARLES	227 STRIBLING AVE	CHARLOTTEVILLE VA	22905	227 STRIBLING AVE
PAUL GARY A	P O BOX 1396	LOUISA VA	23093	229 STRIBLING AVE
SPRINKLE MATT-FW & KRISTEN WINTERSON	4939 RIC-MOND RD	KFSWCK VA	22947	231 STRIBLING AVE
WELLS FARGO BANK NA EX-PHYLLIS STEGER ES-ATE	1753 PINNACLE DR 4TH F.	MCLAN VA	22102	233 STRIBLING AVE
CASTEEN BOBBY LEE II & KIM W	5080 BUCK HILXIE ROAD	EARLYSVILLE VA	22936	235 STRIBLING AVE
COWGILL THOMAS & MARGARET SMITH	237 STRIBLING AVENUE	CHARLOTTEVILLE VA	22903	237 STRIBLING AVE
MARSHALL JOHN C	1225 N. UTAH ST	ARLINGTON VA	22201	237 STRIBLING AVE
MARSHALL JOHN C	1225 N. UTAH ST	ARLINGTON VA	22201	239 STRIBLING AVE
GOCHENOL GREGORY A & CAROLYN ANN	2115 VAUGHN SUMMIT	LURAY VA	22835	248 STRIBLING AVE
ANAND MANINDER & MONICA	23 S. TITLE CHURCH STREET	PETERSBURG VA	238034430	220 STRIBLING AVE
GODFREY GREGORY II & SALLY M	2700 MILTON ROAD	CHARLOTTEVILLE VA	22902	222 STRIBLING AVE
SCHILLING ROBERT S & JOAN CARLIN	P O BOX 5471	CHARLOTTEVILLE VA	22905	224 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6335 WOODBOURNE LN	CROZET VA	22932	247 STRIBLING AVE
MARSHALL JOHN C	106 ROBERTSON AVE	CHARLOTTEVILLE VA	22903	276 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6335 WOODBOURNE LN	CROZET VA	22932	249 STRIBLING AVE
DEMALE MARGARET W TRUSTEE	597 E GHI WOODS LN	CHARLOTTEVILLE VA	22903	228 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6335 WOODBOURNE LN	CROZET VA	22932	251 STRIBLING AVE
WACKEY PETER M & LAUREN R	2315 TARLETON DR	CHARLOTTEVILLE VA	22901	230 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6335 WOODBOURNE LN	CROZET VA	22932	253 STRIBLING AVE
MUNKACSY WILLIAM A III WILLIAM A JR & KARLA	15 KINGSWOOD RD	PALMYRA VA	22965	255 STRIBLING AVE
THIEME BRIAN P & MICHAEL G	1627 STONEY CREEK DR	CHARLOTTEVILLE VA	22902	234 STRIBLING AVE
RAI S WA TER BROCKE	2865 SOUTHERN HILL DR	NORTH GARFIELD VA	22959	236 STRIBLING AVE
MCCURRY JAMES M & CYNTHIA T TRUSTEES	13620 SOLICE CLOSE	M DOTHIAN VA	23113	238 STRIBLING AVE
CARYSGROVE PROPERTIES LLC	503 SUMMIT AVENUE	MAPLEWOOD NJ	07040 307	240 STRIBLING AVE
ZHENG JIAN GUO	118 LYONS LN	RUCKERSVILLE VA	22968	252 STRIBLING AVE
LARNER FRANCES W	3077 SLATE MILLS RD	SPERRYVILLE VA	22740	254 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6335 WOODBOURNE LN	CROZET VA	22932	256 STRIBLING AVE
RENSHAW ANDREW S	221 HUNTLEY AVE	CHARLOTTEVILLE VA	22905	221 HUNTLEY AVE
VAN HOOK RICHARD & ELIZABETH	223 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22905	223 HUNTLEY AVE
JEFFMAN JOHN I	7515 FAFFTON XING	EARLYSVILLE VA	22936	275 HUNTLEY AVE
LATHER LEIGH ANN	227 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	227 HUNTLEY AVE
GOODMAN JUSTIN H &	259 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	259 HUNTLEY AVE
BARGER CYRUS PHILIP II	291 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	261 HUNTLEY AVE
HEINER KRISTEN C	249 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	249 HUNTLEY AVE
WARREN JESSE M & AMY L	620 RAINIER RD	CHARLOTTEVILLE VA	22903	247 HUNTLEY AVE
THOM CHRISTOPHER D	245 HUNTLEY AVE	CHARLOTTEVILLE VA	22905	245 HUNTLEY AVE
MILLER SARAH E G & KEVIN P	251 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	251 HUNTLEY AVE
BENDER TIMOTHY N &	253 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	253 HUNTLEY AVE
CITY OF CHARLOTTESVILLE	P O BOX 911	CHARLOTTEVILLE VA	22902	0 SUNSET AVE
JOHNSON JESS A JR & AMBER A	254 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	254 HUNTLEY AVE
CROCKER ROBERT L JR & DIANE M	250 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	250 HUNTLEY AVE
CADY NICHOLAS E & TAYLOR K	246 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	246 HUNTLEY AVE
DUNN CATHERINE S & TYLER C	244 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	244 HUNTLEY AVE
GOODRICH KATHERINE A	242 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	242 HUNTLEY AVE
HUNTLEY JLC	960 HUNTERS PL STE 101	CHARLOTTEVILLE VA	22911	237 STRIBLING AVE
SUN WE & LI NG HUANG	118 MORGAN CT	CHARLOTTEVILLE VA	22903	118 MORGAN CT
CONDI JOHN J JR & GINA T	116 MORGAN CT	CHARLOTTEVILLE VA	22903	116 MORGAN CT
MEUSCH JACOB E & YOKO A	118 MORGAN CT	CHARLOTTEVILLE VA	22903	116 MORGAN CT
PARF TIMOTHY J & ARIKAI	705 WINTERBERRY DR	FREDRICKSBURG VA	22425	170 MORGAN CT
SWANFORD MARLYN J	122 MORGAN COURT	CHARLOTTEVILLE VA	22903	122 MORGAN CT
WILLIAMS JOSEPH M & ERICA B	124 MORGAN CT	CHARLOTTEVILLE VA	22903	124 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	126 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	130 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	132 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	134 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	136 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	140 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	138 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	142 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	141 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	139 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	137 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	135 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTERS PLACE STE 101	CHARLOTTEVILLE VA	22911	133 MORGAN CT
KOH ELYTA II	123 MORGAN CT	CHARLOTTEVILLE VA	22903	123 MORGAN CT
SWANIK JEREMY W & MARY E	121 MORGAN CT	CHARLOTTEVILLE VA	22903	121 MORGAN CT
RAWLINS CONAS M & AMANDA R	238 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	238 HUNTLEY AVE
WATSON PETER W & KRISTEN S	240 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	240 HUNTLEY AVE
ALONSO CAYTON	257 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	257 HUNTLEY AVE
BREUNHAUS ERIC J &	255 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	255 HUNTLEY AVE
FRAVEL ROCHARD & LESLE ANN	241 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	241 HUNTLEY AVE
SPIELMAN MICHAEL J & AIDEN S GOULD	243 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	243 HUNTLEY AVE
GONCZ-SANCHEZ MIRIAM T	236 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	236 HUNTLEY AVE
KEIDA KEITA	237 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	237 HUNTLEY AVE
ICE JEFFREY R	235 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	235 HUNTLEY AVE
HUNTER ANNE L CYC	9705 O. D. DEPT. TRCP	RICHMOND VA	23236	233 HUNTLEY AVE
EUBANKS WILLIAM A & SANDRA J	231 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	231 HUNTLEY AVE
BAKER RANOLPH M & KAREN A K	229 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	229 HUNTLEY AVE

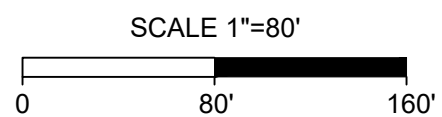
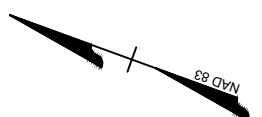
COVER





EXISTING CONDITIONS

PAGE 2 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021



MITCHELL
 MATTHEWS
 ARCHITECTS



Objectives (Charlottesville Ordinance Sect. 34-490)

<p>1 <i>To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations than would otherwise govern;</i></p>	<p>This proposal includes more housing than would be allowed by right. It provides a mix of dwellings-- including affordable units—that encourage a heterogeneous community.</p>
<p>2 <i>To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design;</i></p>	<p>The street layouts and building densities adopt an urban strategy without erasing the site’s existing sylvan character. In addition to preserving swaths of wooded land along creeks and ravines, this neighborhood proposes an interconnected band of smaller common spaces. These cascade from roughly the middle of the site down to the floodplain. They provide a recreational corridor that-- except for occasional alley crossings-- is free of traffic. They are terraced and allow a degree of partition: at the bottom green, kids can throw a football; at the green to its north, residents sit and talk; while at the top, families can set up a canopy and have a bar-b-que. Yet even with the separation provided by elevation level and alleyways, the greens are grouped together to enhance views. Shortly after entering the neighborhood on Carrsgrove Drive, a visual corridor opens all the way through the entire property down to the bottom land. The greens insinuate themselves in what would otherwise be a repetitious rank and file of townhomes. They contribute to a rich environment of outdoor space-- creating larger vistas and common ground that expand on the private porches and gardens of the smaller mews spaces.</p>
<p>3 <i>To promote a variety of housing types, or, within a development containing only a single housing type, to promote inclusion of houses of various sizes;</i></p>	<p>Three housing types are proposed: duplexes, townhouses and apartments/condos.</p>
<p>4 <i>To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;</i></p>	<p>The dwellings assume a compact arrangement. Apartment buildings are arrayed along the west half of the site, where they are not readily seen from Stribling Avenue. Townhomes are situated in areas closest to the existing PUD at Huntley, as well as the existing SFD, duplex and townhomes on Stribling Ave. By and large, the buildings are concentrated in the middle of the site, avoiding and preserving critical slopes, flood plains and stream buffers.</p>
<p>5 <i>To provide for developments designed to function as cohesive, unified projects;</i></p>	<p>The dense weaving of shared green spaces, pathways and streets encourages connection and visibility among the residents. The abundance of porches and balconies provides subtle, comfortable transitions between private space and public.</p>
<p>6 <i>To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;</i></p>	<p>At the front of the site townhomes 2 ½ to 3 stories tall line Stribling Avenue. They are not out of scale or character with their surroundings. While parallel parking spaces are provided along one side of the main thoroughfares, the bulk of parking is located under buildings, out of view. The townhomes assume a mews arrangement. Typically their front facades face one another across landscaped gardens, while at the rear, alleys provide vehicle access.</p>
<p>7 <i>To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;</i></p>	<p>Mature hardwood trees, especially along the western slopes and floodplain, remain. The footpath that currently exists along the west and south boundary is retained. While grading will be necessary, the essential lay of the land remains intact. The floodplain is preserved. As much as possible, the boundary vegetation is preserved.</p>
<p>8 <i>To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development;</i></p>	<p>The architecture is characterized by certain forms and materials consistent across the development, and familiar within the surrounding neighborhood. Subtle variations of massing, wall openings and colors reduce repetition, inviting heterogeneity while maintaining coherence.</p>
<p>9 <i>To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;</i></p>	<p>Sidewalks follow both sides of the main streets within the site. Paths and entries into buildings connect directly to these sidewalks. Canopies, front doors and front porches give clear, visible indications of entry points to all buildings and domiciles.</p>
<p>10 <i>To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.</i></p>	<p>Proposed widening of Stribling Avenue along the north side of the property adjacent to the primary street entry allows better access by public transit vehicles than would be the case without this development. Improvements to Stribling also provide safer conditions for pedestrians, cyclists and wheel-chair-users, allowing more space and greater visibility. Sidewalks and planting buffers within the site further enhance safety and ease of movement.</p>

240 STRIBLING AVE

PUD Narrative

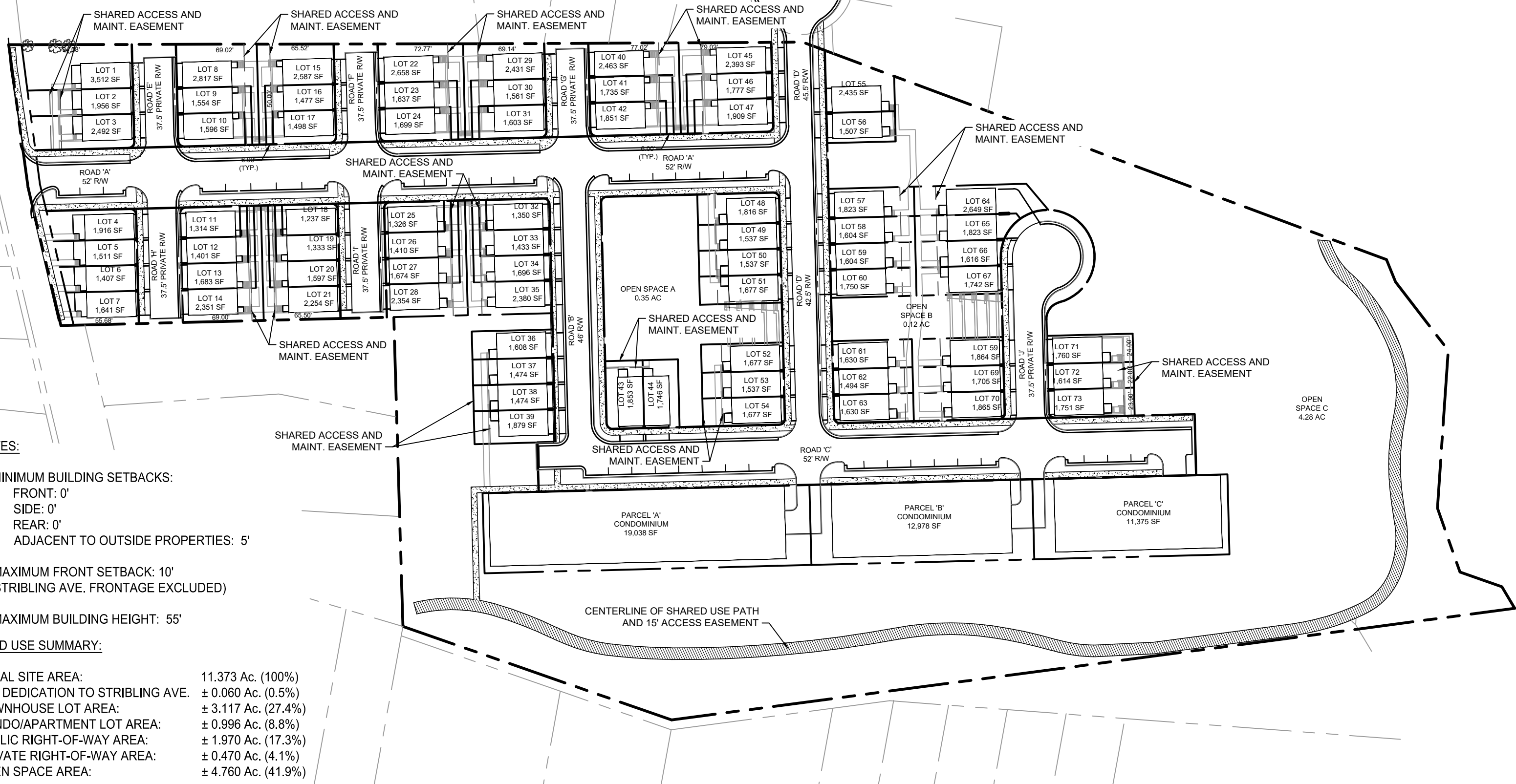
MITCHELL / MATTHEWS ©2021
ARCHITECTS AND URBAN PLANNERS
CHARLOTTESVILLE, VA 434-979-7550

NARRATIVE PER 34-517(2)

PAGE 3 OF 17
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021

MITCHELL
MATTHEWS
ARCHITECTS





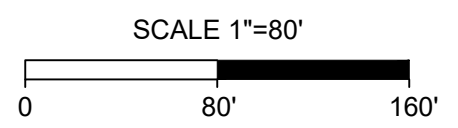
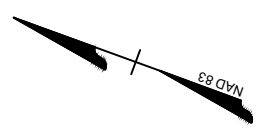
- NOTES:**
1. MINIMUM BUILDING SETBACKS:
FRONT: 0'
SIDE: 0'
REAR: 0'
ADJACENT TO OUTSIDE PROPERTIES: 5'
 2. MAXIMUM FRONT SETBACK: 10'
(STRIBLING AVE. FRONTAGE EXCLUDED)
 3. MAXIMUM BUILDING HEIGHT: 55'

LAND USE SUMMARY:

TOTAL SITE AREA:	11.373 Ac. (100%)
R/W DEDICATION TO STRIBLING AVE.	± 0.060 Ac. (0.5%)
TOWNHOUSE LOT AREA:	± 3.117 Ac. (27.4%)
CONDO/APARTMENT LOT AREA:	± 0.996 Ac. (8.8%)
PUBLIC RIGHT-OF-WAY AREA:	± 1.970 Ac. (17.3%)
PRIVATE RIGHT-OF-WAY AREA:	± 0.470 Ac. (4.1%)
OPEN SPACE AREA:	± 4.760 Ac. (41.9%)

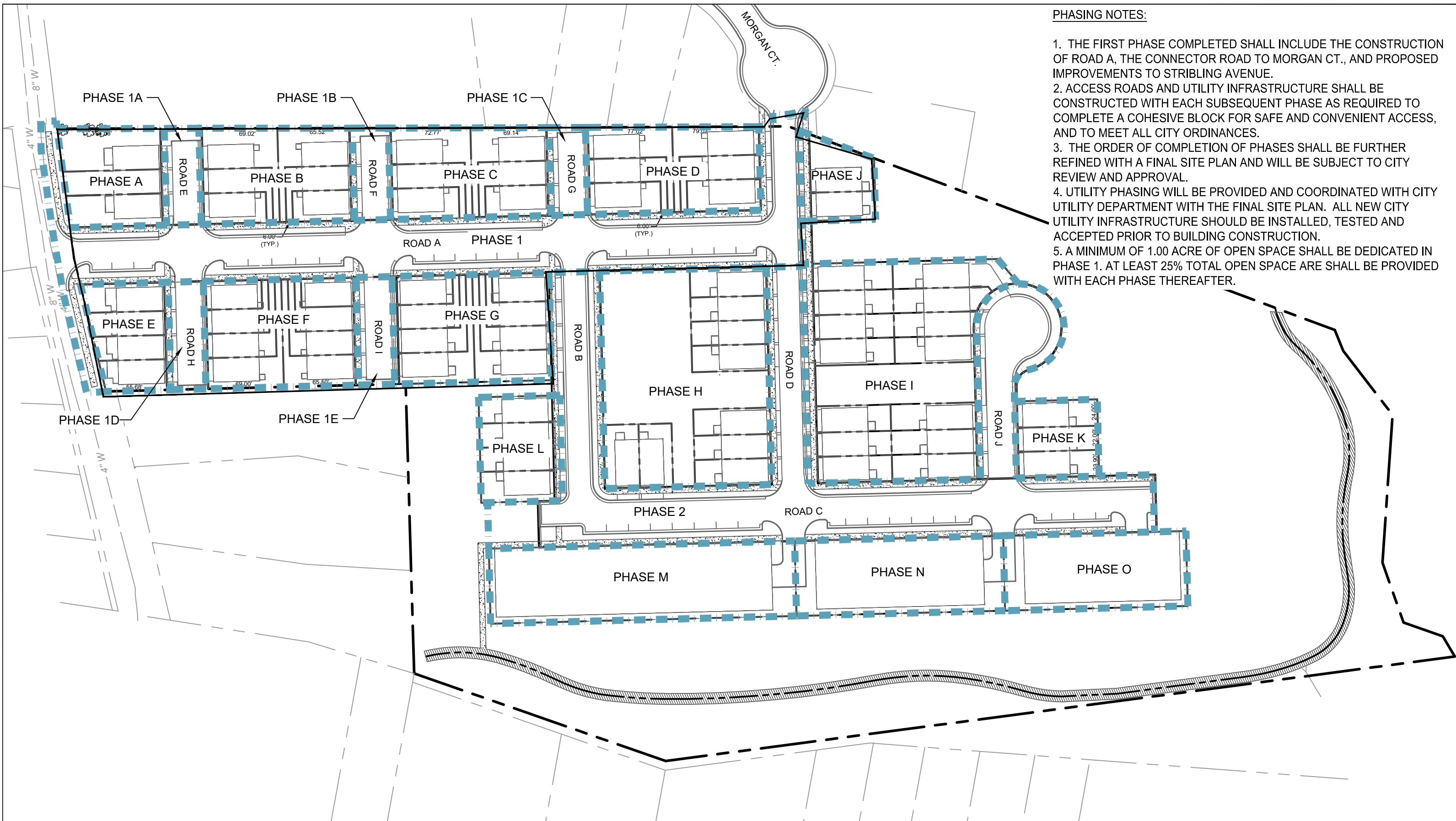
LAND USE PLAN

PAGE 4 OF 17
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021; OCTOBER 8, 2021



MITCHELL
MATTHEWS
ARCHITECTS



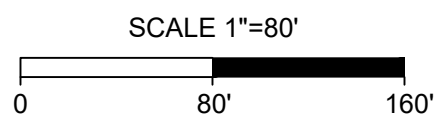
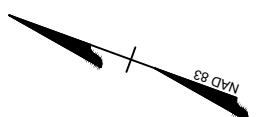


PHASING NOTES:

1. THE FIRST PHASE COMPLETED SHALL INCLUDE THE CONSTRUCTION OF ROAD A, THE CONNECTOR ROAD TO MORGAN CT., AND PROPOSED IMPROVEMENTS TO STRIBLING AVENUE.
2. ACCESS ROADS AND UTILITY INFRASTRUCTURE SHALL BE CONSTRUCTED WITH EACH SUBSEQUENT PHASE AS REQUIRED TO COMPLETE A COHESIVE BLOCK FOR SAFE AND CONVENIENT ACCESS, AND TO MEET ALL CITY ORDINANCES.
3. THE ORDER OF COMPLETION OF PHASES SHALL BE FURTHER REFINED WITH A FINAL SITE PLAN AND WILL BE SUBJECT TO CITY REVIEW AND APPROVAL.
4. UTILITY PHASING WILL BE PROVIDED AND COORDINATED WITH CITY UTILITY DEPARTMENT WITH THE FINAL SITE PLAN. ALL NEW CITY UTILITY INFRASTRUCTURE SHOULD BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BUILDING CONSTRUCTION.
5. A MINIMUM OF 1.00 ACRE OF OPEN SPACE SHALL BE DEDICATED IN PHASE 1. AT LEAST 25% TOTAL OPEN SPACE ARE SHALL BE PROVIDED WITH EACH PHASE THEREAFTER.

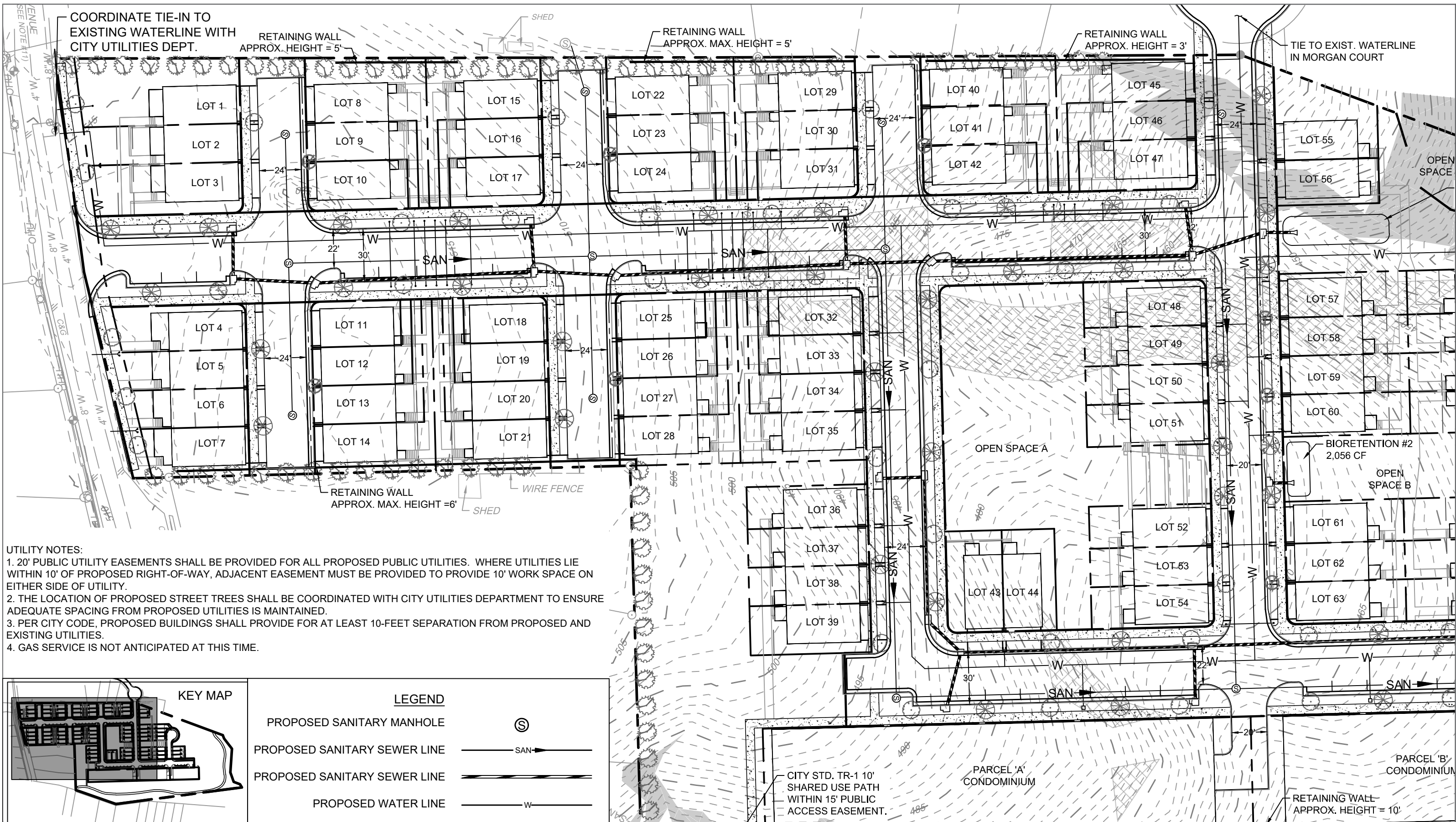
PHASING PLAN

PAGE 5 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021; OCTOBER 8, 2021

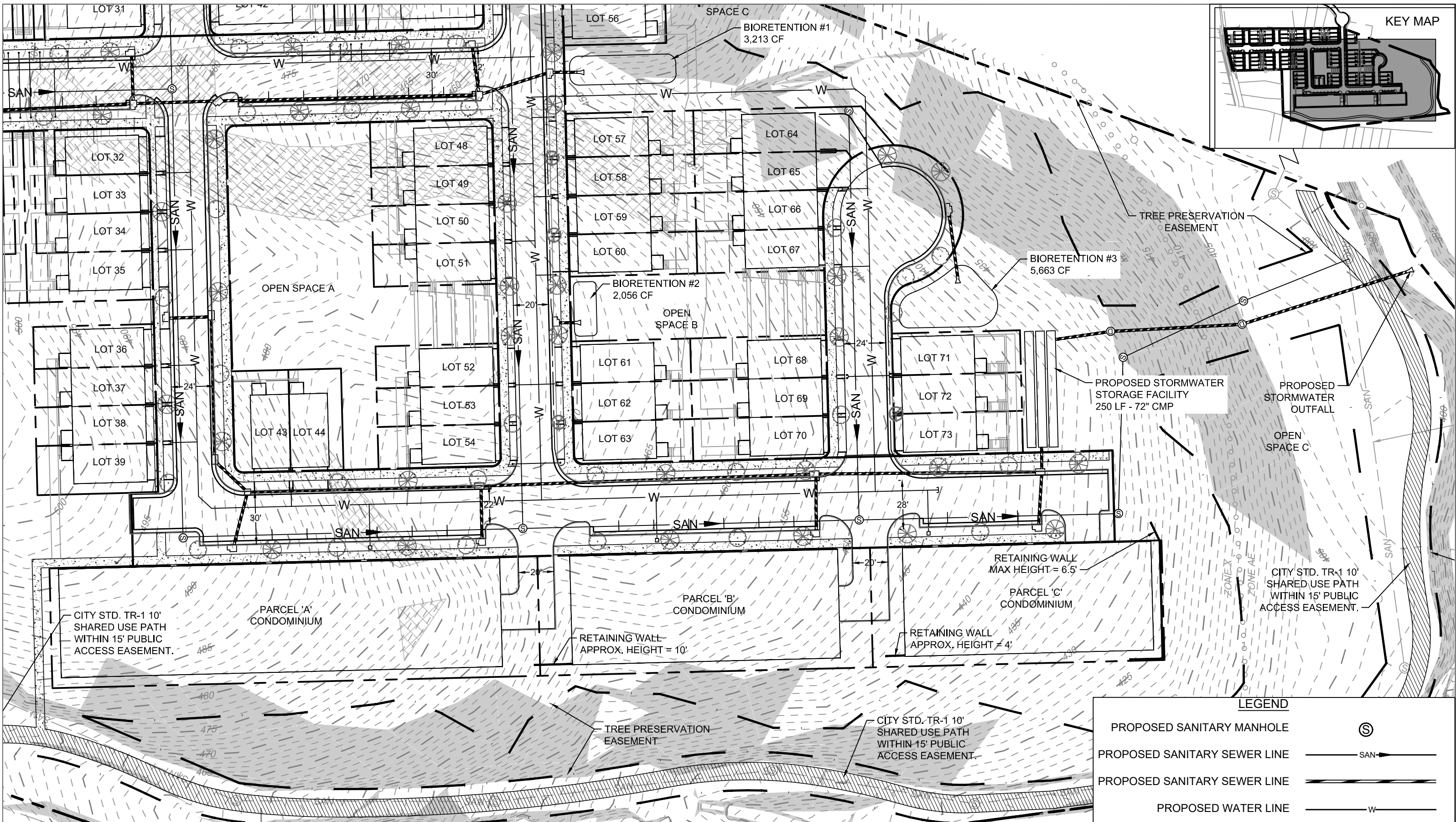


MITCHELL
 MATTHEWS
 ARCHITECTS



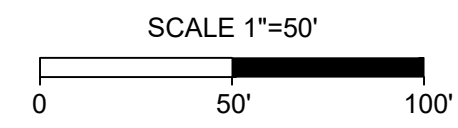
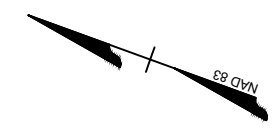


CONCEPTUAL DEVELOPMENT PLAN



CONCEPTUAL DEVELOPMENT PLAN

PAGE 7 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021

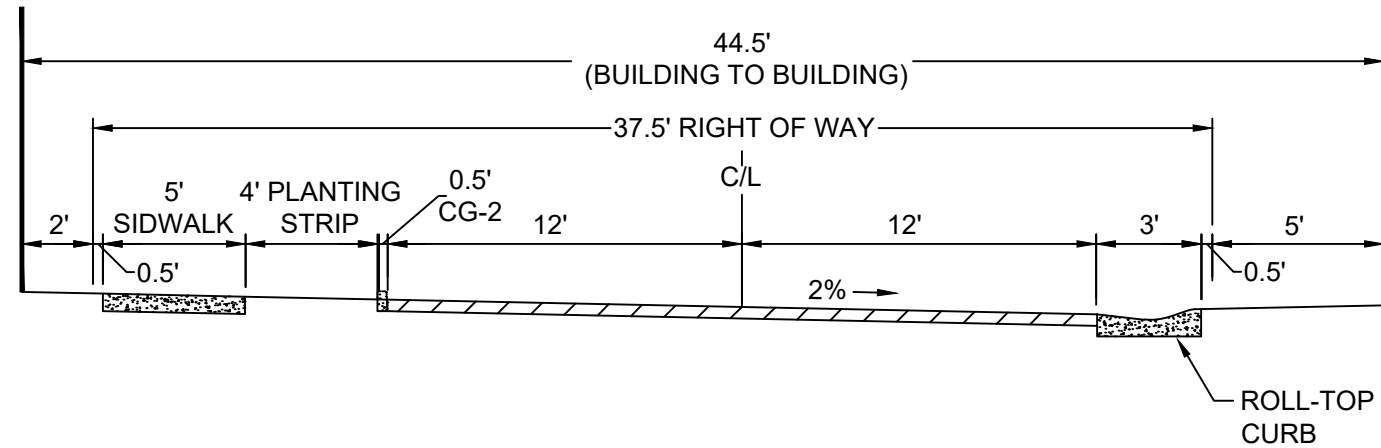


MITCHELL
 MATTHEWS
 ARCHITECTS

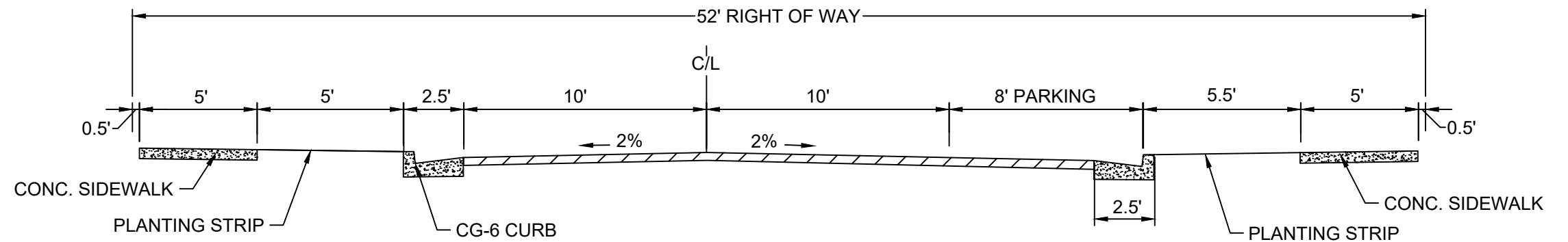


ROADS E, F, G, H, I, J PRIVATE STREET

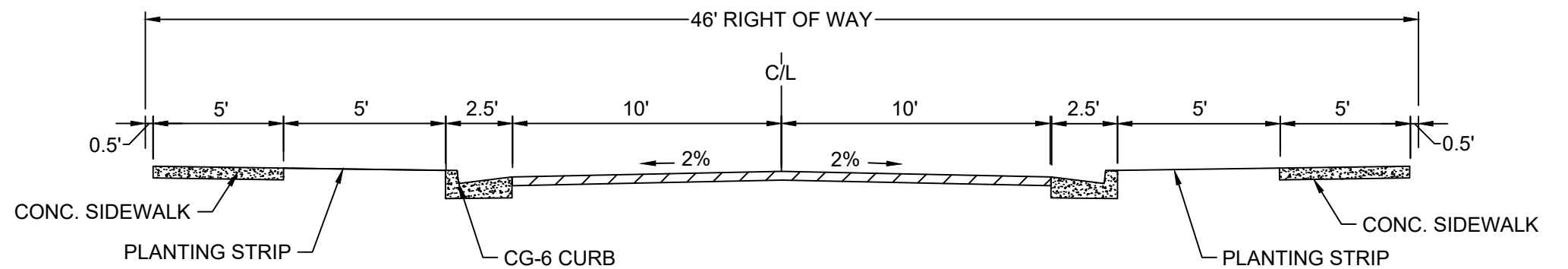
NOTE: STREETS E-J MEET ACCESS DESIGN STANDARDS FOR TOWNHOMES PER CITY ZONING ORDINANCE SEC. 34-390.



ROADS A, AND C LOCAL STREET - PUBLIC RIGHT-OF-WAY

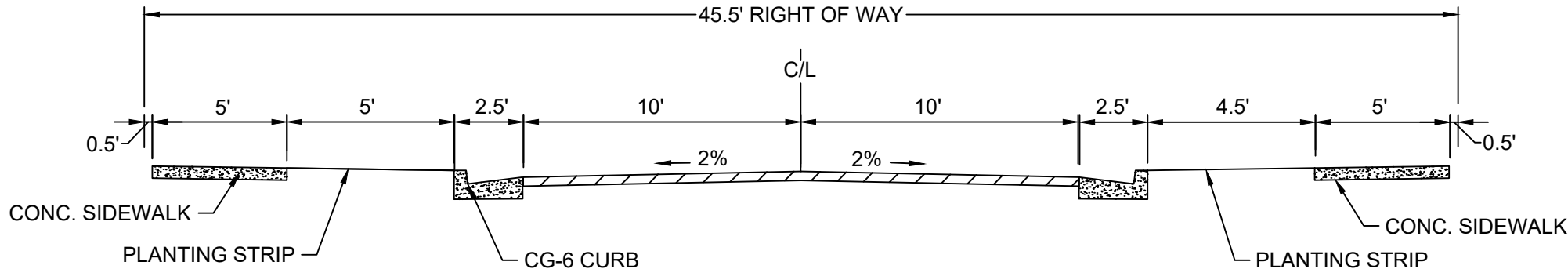


ROAD B LOCAL STREET - PUBLIC RIGHT-OF-WAY

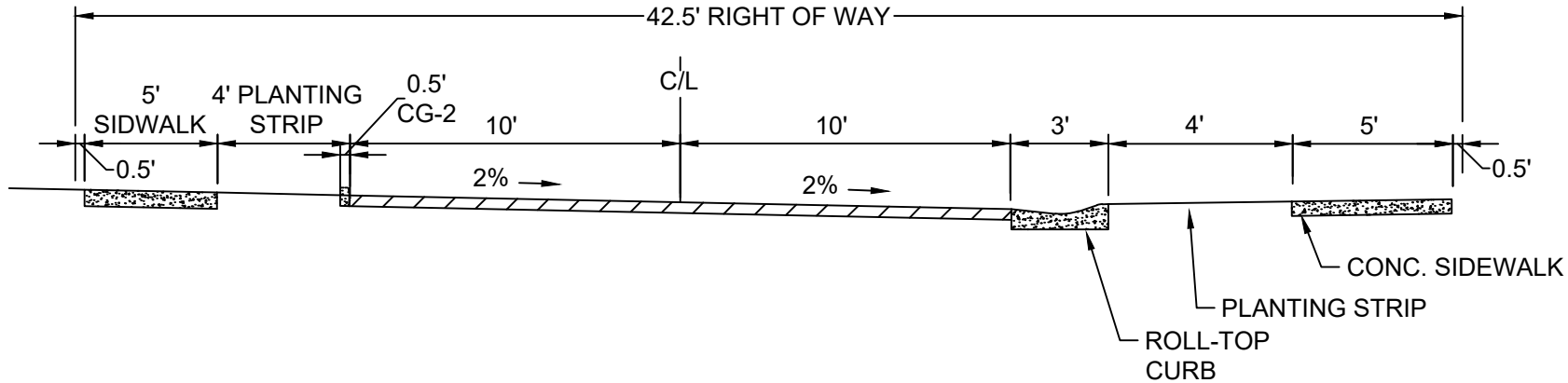


PROPOSED ROAD SECTIONS

ROAD D (NORTH OF ROAD A)
LOCAL STREET - PUBLIC RIGHT-OF-WAY

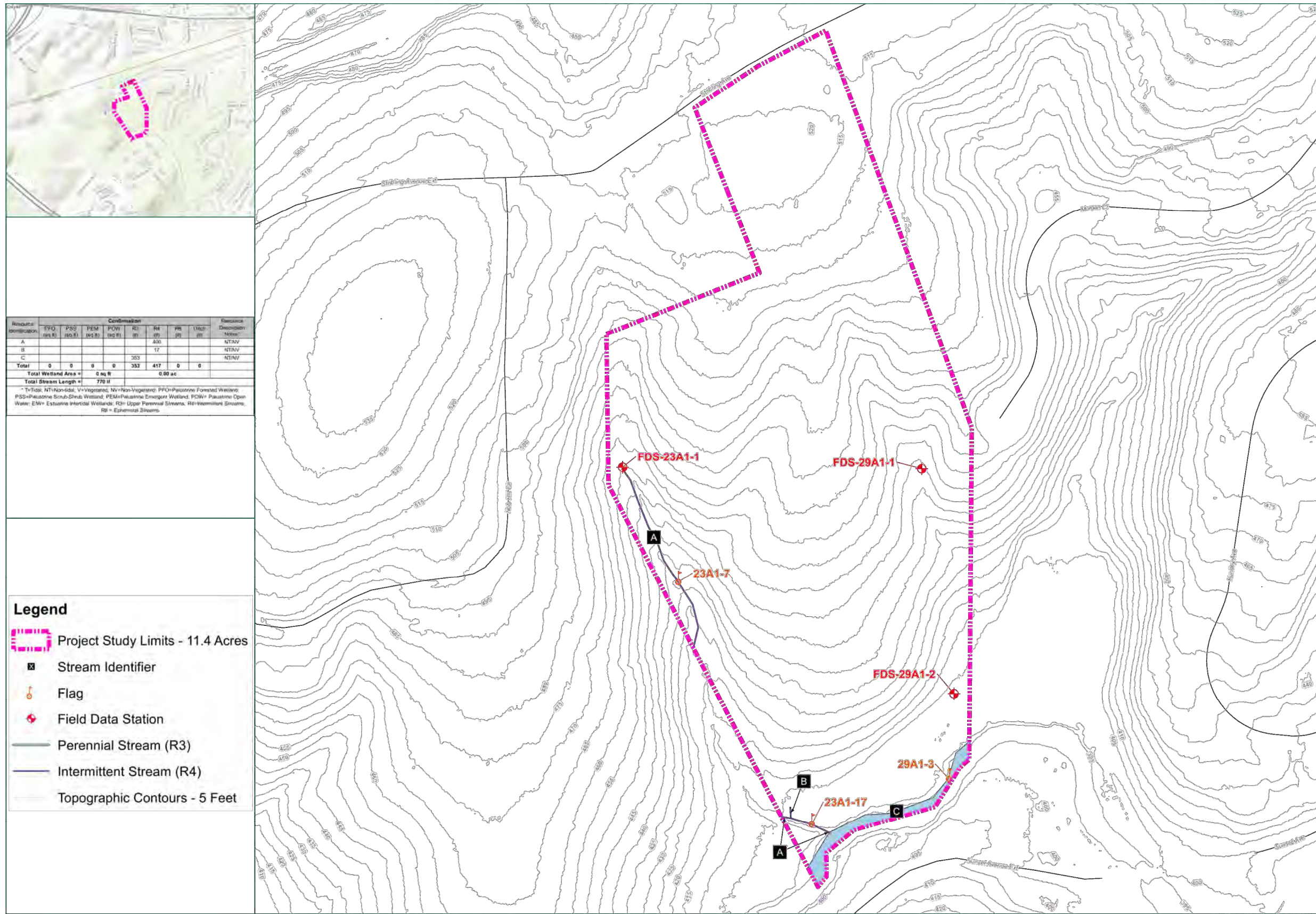


ROAD D (SOUTH OF ROAD A)
LOCAL STREET - PUBLIC RIGHT-OF-WAY



PROPOSED ROAD SECTIONS

NOTE: NO CULTURAL FEATURES OR LANDMARKS WERE FOUND ON SITE.

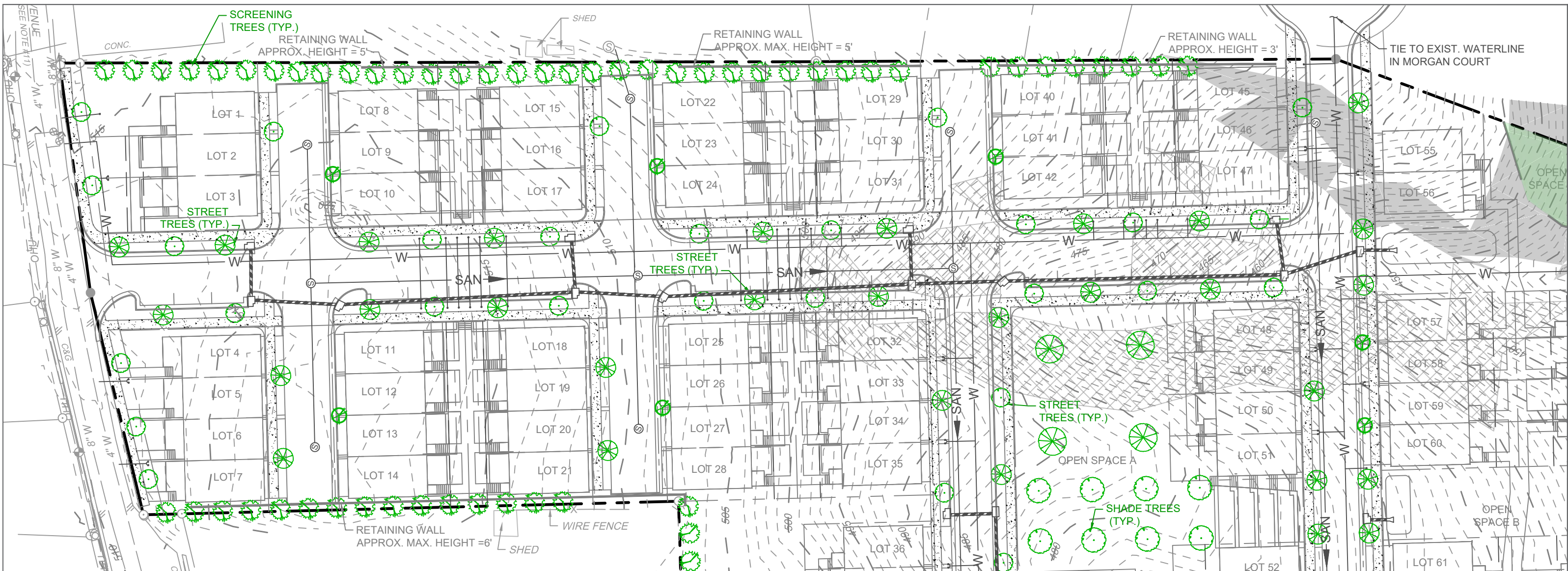


ENVIRONMENTAL FEATURES

PAGE 10 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021

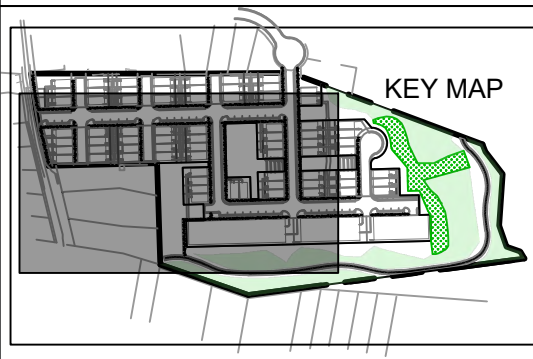
MITCHELL
 MATTHEWS
 ARCHITECTS





NOTES:

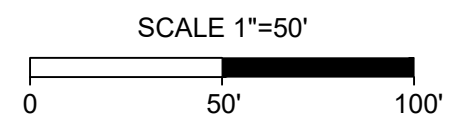
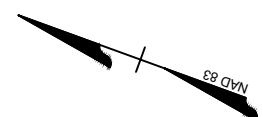
1. THE PLANNED UNIT DEVELOPMENT (PUD) SHALL BE IN SUBSTANTIAL CONFORMITY TO THIS PUD DEVELOPMENT PLAN, SUBJECT TO CHANGES AND REVISIONS COINCIDENT WITH THE LAND USE PLANNING, CIVIL ENGINEERING, ARCHITECTURE, AND, REGULATORY APPROVAL PROCESS, WHICH WILL RESULT IN SOME PLAN MODIFICATION.
2. SIDEWALKS 5' MINIMUM WIDTH AS SHOWN.
3. PLANTING STRIPS BETWEEN ROAD AND SIDEWALK 4' MINIMUM EXCEPT ADJACENT TO PARALLEL PARKING. ALL TREES TO BE SELECTED FROM THE CHARLOTTESVILLE MASTER TREE LIST.
4. ARTERIAL TRAIL PRECISE LOCATION TO BE FIELD LOCATED IN COORDINATION WITH PARKS AND RECREATION.



PLANTING SCHEDULE						
QTY	BOTANICAL NAME	COMMON NAME	MINIMUM INSTALLED SIZE	ROOT	CANOPY AREA	TOTAL
54	QUERCUS PHELLOS	WILLOW OAK	2" CAL.	B&B	370	19,980
51	LIRIODNEDRON TULIPIFERA	TULIP POPLAR	2" CAL.	B&B	387	19,737
72	MTRICA CERIFERA & CVS	SOUTHERN WAXMYRTLE	2" CAL.	B&B	44	3,168
9	OSTRYA VIRGINIANA	AMERICAN HOPHORNBEAM	2" CAL.	B&B	99	891
CANOPY GRAND TOTAL						43,644

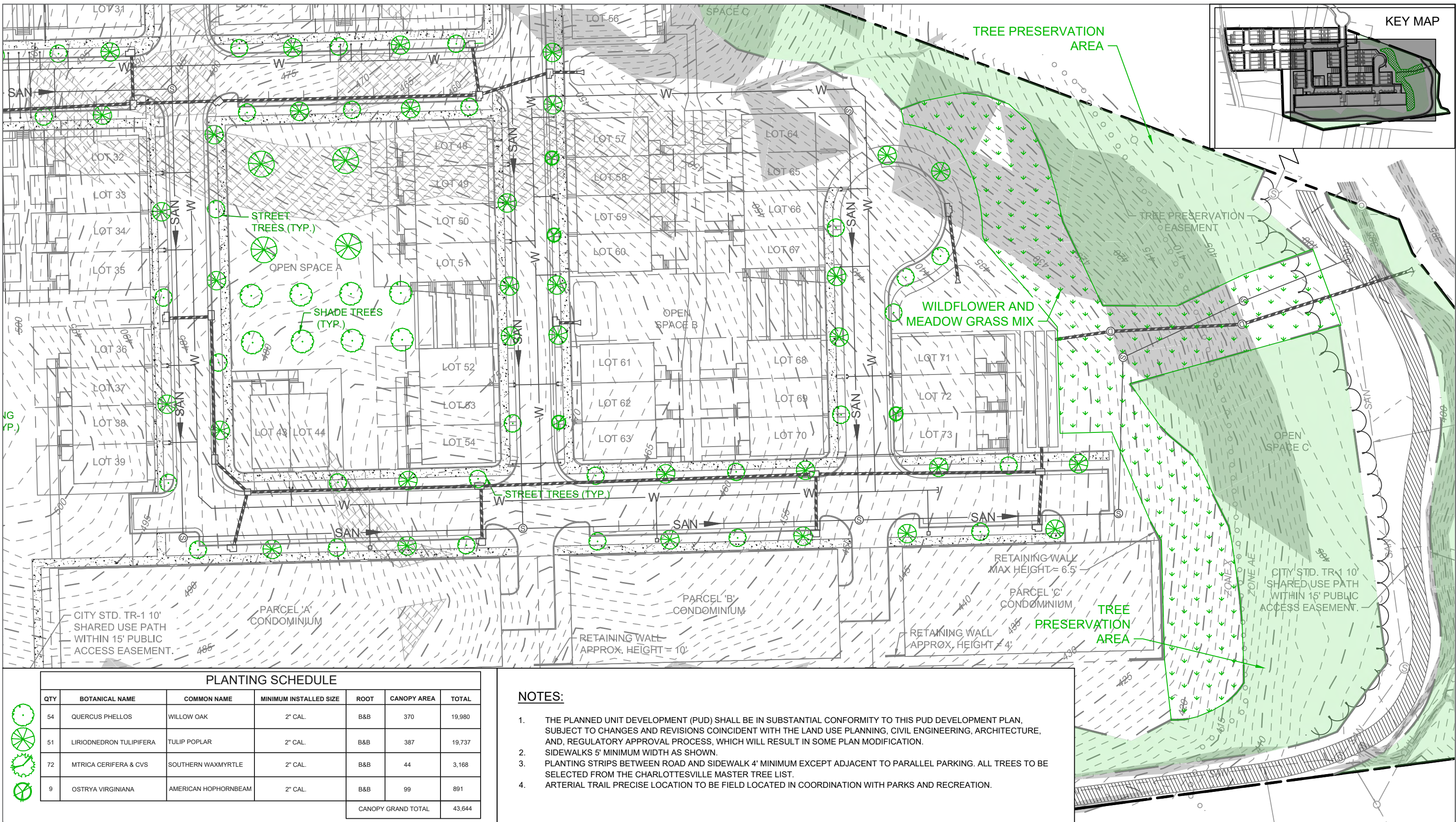
LANDSCAPE PLAN

PAGE 11 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021; OCTOBER 8, 2021



MITCHELL
 MATTHEWS
 ARCHITECTS

TIMMONS GROUP
 YOUR VISION ACHIEVED THROUGH OURS.



PLANTING SCHEDULE

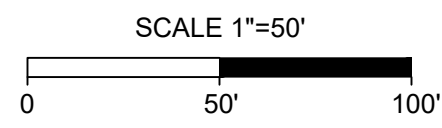
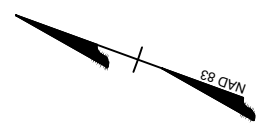
QTY	BOTANICAL NAME	COMMON NAME	MINIMUM INSTALLED SIZE	ROOT	CANOPY AREA	TOTAL
54	QUERCUS PHELLOS	WILLOW OAK	2" CAL.	B&B	370	19,980
51	LIRIODNEDRON TULIPIFERA	TULIP POPLAR	2" CAL.	B&B	387	19,737
72	MTRICA CERIFERA & CVS	SOUTHERN WAXMYRTLE	2" CAL.	B&B	44	3,168
9	OSTRYA VIRGINIANA	AMERICAN HOPHORNBEAM	2" CAL.	B&B	99	891
CANOPY GRAND TOTAL						43,644

NOTES:

1. THE PLANNED UNIT DEVELOPMENT (PUD) SHALL BE IN SUBSTANTIAL CONFORMITY TO THIS PUD DEVELOPMENT PLAN, SUBJECT TO CHANGES AND REVISIONS COINCIDENT WITH THE LAND USE PLANNING, CIVIL ENGINEERING, ARCHITECTURE, AND, REGULATORY APPROVAL PROCESS, WHICH WILL RESULT IN SOME PLAN MODIFICATION.
2. SIDEWALKS 5' MINIMUM WIDTH AS SHOWN.
3. PLANTING STRIPS BETWEEN ROAD AND SIDEWALK 4' MINIMUM EXCEPT ADJACENT TO PARALLEL PARKING. ALL TREES TO BE SELECTED FROM THE CHARLOTTESVILLE MASTER TREE LIST.
4. ARTERIAL TRAIL PRECISE LOCATION TO BE FIELD LOCATED IN COORDINATION WITH PARKS AND RECREATION.

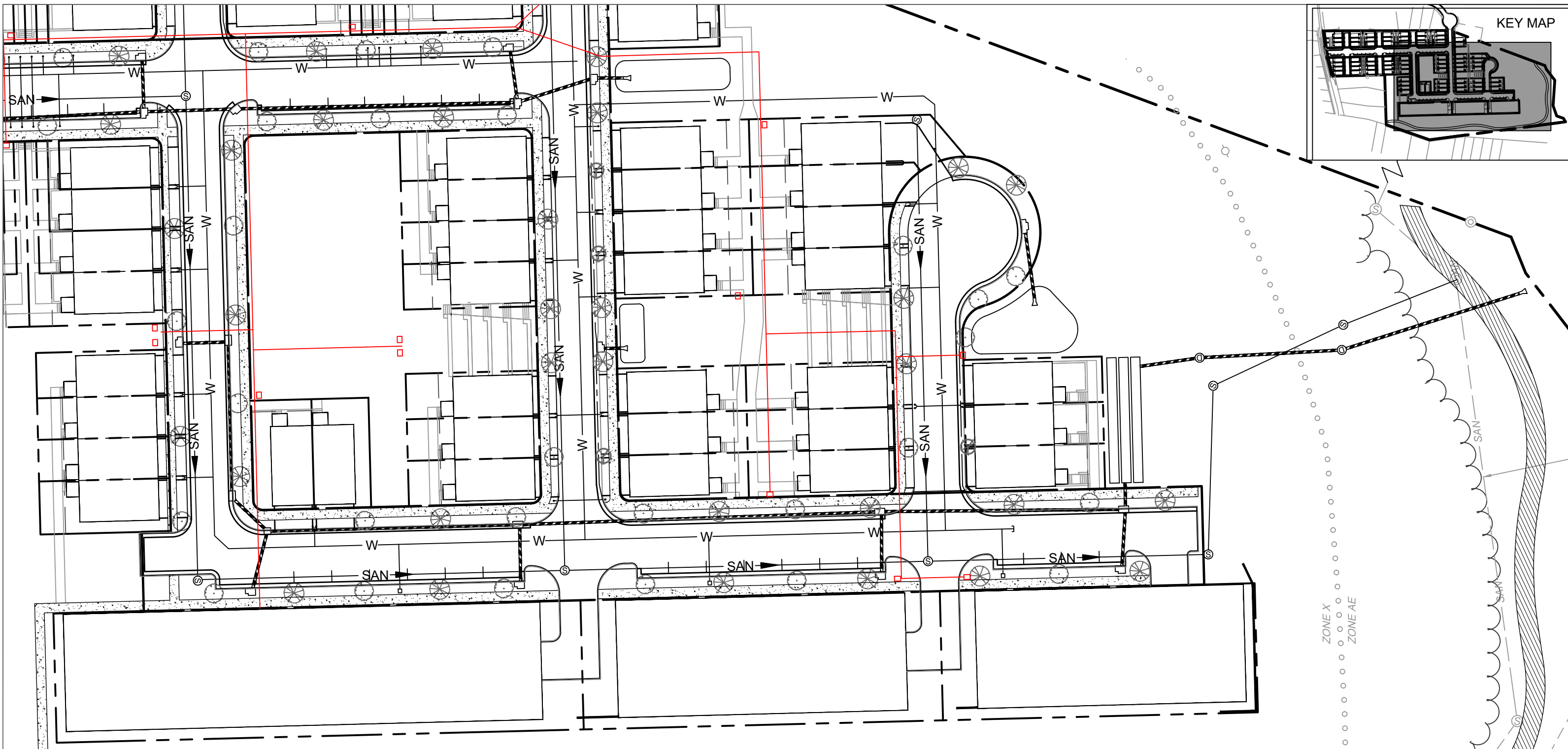
LANDSCAPE PLAN

PAGE 12 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021; OCTOBER 8, 2021



MITCHELL
 MATTHEWS
 ARCHITECTS

TIMMONS GROUP
 YOUR VISION ACHIEVED THROUGH OURS.



KEY MAP

ZONE X
ZONE AE

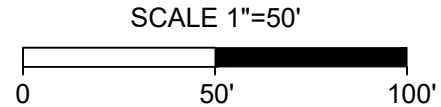
DRY UTILITY NOTES:
 1. DRY UTILITIES SHOWN ARE CONCEPTUAL. FINAL DRY UTILITY LAYOUT AND DESIGN SHALL BE COORDINATED WITH THE CITY OF CHARLOTTESVILLE AND APPLICABLE ELECTRIC AND TELECOM SERVICE PROVIDERS.
 2. DRY UTILITIES WITHIN PUBLIC RIGHT-OF-WAY SHALL BE PLACED IN A DUCT BANK PER CITY OF CHARLOTTESVILLE STANDARDS AND DESIGN MANUAL.

LEGEND

- PROPOSED ELECTRIC AND TELECOM SERVICE ——
- PROPOSED ELECTRIC TRANSFORMER □

CONCEPTUAL DRY UTILITY PLAN

SHEET 14 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021



Use Types			
	PUD	Existing Zoning - R-1S (for reference)	Existing Zoning - R-2 (for reference)
RESIDENTIAL AND RELATED USES			
Accessory apartment, internal	P	P	P
Accessory apartment, external	P	P	P
Accessory buildings, structures and uses	B	B	B
Adult assisted living			
1–8 residents	B	B	B
Greater than 8 residents			
Adult day care			
Amateur radio antennas, to a height of 75 ft.	B	B	B
Bed-and-breakfast:			
Homestay	B	B	B
B & B			
Inn			
Boarding: fraternity and sorority house			
Boarding house (rooming house)			
Convent/monastery	S	S	S
Criminal justice facility			
Dwellings:			
Multifamily	B		
Single-family attached	B		B
Single-family detached	B	B	B
Rowhouse/Townhouse	B		
Two-family	B		B
Family day home			
1–5 children	B	B	B
6–12 children	S	S	S
Home occupation	P	P	P
Manufactured home park			
Night watchman's dwelling unit, accessory to industrial use			
Nursing homes			
Occupancy, residential			
3 unrelated persons	B	B	B
4 unrelated persons	B	B	B
Residential density (developments)			
Maximum of 15 DUA	B		
22–43 DUA			
44–64 DUA			
65–87 DUA			
88–200 DUA			
Residential treatment facility			
1–8 residents	B	B	B
8+ residents			S
Shelter care facility			
Single room occupancy facility			
Temporary family health care structure	T	T	T
NON-RESIDENTIAL: GENERAL and MISC.			
COMMERCIAL			
Access to adjacent multifamily, commercial, industrial or mixed-use development or use			
Accessory buildings, structures and uses			
Amusement center			
Amusement enterprises (circuses, carnivals, etc.)			
Amusement park (putt-putt golf; skateboard parks, etc.)			
Animal boarding/grooming/kennels:			
With outside runs or pens			
Without outside runs or pens			
Animal shelter			
Art gallery:			
GFA 4,000 SF or less			
GFA up to 10,000 SF			

Use Types			
	PUD	Existing Zoning - R-1S (for reference)	Existing Zoning - R-2 (for reference)
Art studio, GFA 4,000 SF or less			
Art workshop			
Assembly (indoor)			
Arena, stadium (enclosed)			
Auditoriums, theaters			
Houses of worship	B	B	B
Assembly (outdoor)			
Amphitheater			
Stadium (open)			
Temporary (outdoor church services, etc.)	T	T	T
Assembly plant, handcraft			
Assembly plant			
Automobile uses:			
Gas station			
Parts and equipment sales			
Rental/leasing			
Repair/servicing business			
Sales			
Tire sales and recapping			
Bakery, wholesale			
GFA 4,000 SF or less			
GFA up to 10,000 SF			
Banks/ financial institutions			
Bowling alleys			
Car wash			
Catering business			
Cemetery	S	S	S
Clinics:			
Health clinic (no GFA limit)			
Health clinic (up to 10,000 SF, GFA)			
Health clinic (up to 4,000 SF, GFA)			
Public health clinic			
Veterinary (with outside pens/runs)			
Veterinary (without outside pens/runs)			
Clubs, private	S	S	S
Communications facilities and towers:			
Antennae or microcells mounted on existing towers established prior to 02/20/01	B	B	B
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B	B
Attached facilities not visible from any adjacent street or property	B	B	B
Attached facilities visible from an adjacent street or property			
Alternative tower support structures			
Monopole tower support structures			
Guyed tower support structures			
Lattice tower support structures			
Self-supporting tower support structures			
Contractor or tradesman's shop, general			
Crematorium (independent of funeral home)			
Data center			
Daycare facility	S	S	S
Dry cleaning establishments			
Educational facilities (non-residential)			
Elementary	S	S	S
High schools	S	S	S
Colleges and universities	S	S	S
Artistic up to 4,000 SF, GFA			
Artistic up to 10,000 SF, GFA			
Vocational, up to 4,000 SF, GFA			
Vocational, up to 10,000 SF, GFA			

MATRIX OF USE TYPES

PAGE 15 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021

MITCHELL
 MATTHEWS
 ARCHITECTS



Use Types			
	PUD	Existing Zoning - R-1S (for reference)	Existing Zoning - R-2 (for reference)
Electronic gaming café			
Funeral home (without crematory)			
GFA 4,000 SF or less			
GFA up to 10,000 SF			
Funeral homes (with crematory)			
GFA 4,000 SF or less			
GFA up to 10,000 SF			
Golf course			
Golf driving range			
Helipad			
Hospital			
Hotels/motels:			
Up to 100 guest rooms			
100+ guest rooms			
Laundromats			
Libraries		B	B
Manufactured home sales			
Microbrewery			
Mobile food units			
Movie theaters, cineplexes			
Municipal/governmental offices, buildings, courts	S	S	S
Museums:			
Up to 4,000 SF, GFA			
Up to 10,000 SF, GFA			
Music halls			
Offices:			
Business and professional			
Medical			
Philanthropic institutions/agencies			
Property management			
Other offices (non-specified)			
Outdoor storage, accessory			
Parking:			
Parking garage	A		
Surface parking lot	A		
Surface parking lot (more than 20 spaces)	A		
Temporary parking facilities	A		
Photography studio			
Photographic processing; blueprinting			
Radio/television broadcast stations			
Recreational facilities:			
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc.	B	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.	B	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	B	S	S
Restaurants:			
Dance hall/all night			
Drive-through windows			
Fast food			
Full service			
24-hour			
Taxi stand			
Towing service, automobile			
Technology-based businesses			
Transit facility			
Utility facilities	S	S	S
Utility lines	B	B	B
NON-RESIDENTIAL USES: RETAIL			
Accessory buildings, structures and uses			

Use Types			
	PUD	Existing Zoning - R-1S (for reference)	Existing Zoning - R-2 (for reference)
Consumer service businesses:			
Up to 4,000 SF, GFA			
Up to 10,000 SF, GFA			
10,001+ GFA			
Farmer's market			
Greenhouses/nurseries			
Grocery stores:			
Convenience			
General, up to 10,000 SF, GFA			
General, 10,001+ SF, GFA			
Home improvement center			
Pharmacies:			
1—1,700 SF, GFA			
1,701—4,000 SF, GFA			
4,001+ SF, GFA			
Shopping centers			
Shopping malls			
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)			
Other retail stores (non-specified):			
Up to 4,000 SF, GFA			
Up to 20,000 SF GFA			
20,000+ SF, GFA			
NON-RESIDENTIAL: INDUSTRIAL			
Accessory buildings, structures and uses			
Assembly, industrial			
Beverage or food processing, packaging and bottling plants			
Brewery and bottling facility			
Compounding of cosmetics, toiletries, drugs and pharmaceutical products			
Construction storage yard			
Contractor or tradesman shop (HAZMAT)			
Frozen food lockers			
Greenhouse/nursery (wholesale)			
Industrial equipment: service and repair			
Janitorial service company			
Kennels			
Laboratory, medical			
<4,000 sq. ft.			
Laboratory, pharmaceutical			
<4,000 sq. ft.			
Landscape service company			
Laundries			
Manufactured home sales			
Manufacturing, light			
Medical laboratories			
Moving companies			
Pharmaceutical laboratories			
Printing/publishing facility			
Open storage yard			
Outdoor storage, accessory to industrial use			
Research and testing laboratories			
Self-storage companies			
Warehouses			
Welding or machine shop			
Wholesale establishments			

A = ANCILLARY USE
 B = BY RIGHT USE
 CR = COMMERCIAL/RESIDENTIAL
 A/S = ANCILLARY OR SPECIAL USE PERMIT
 DUA = DWELLING UNITS PER ACRE
 GFA = GROSS FLOOR AREA

MFD = MULTIFAMILY DEVELOPMENT
 P = PROVISIONAL USE PERMIT
 T = TEMPORARY USE PERMIT

MATRIX OF USE TYPES

PAGE 16 OF 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021

MITCHELL
 MATTHEWS
 ARCHITECTS



BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-20-)
STATEMENT OF FINAL PROFFER CONDITIONS
For the 240 Stribling PUD
Dated as of August 19, 2021

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land ("Owner") subject to the above-referenced rezoning petition ("Subject Property"). The Owner seeks to amend the current zoning of the Subject Property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner seeks approval of a PUD as set forth within a Development Plan for a planned unit development to be known as the "240 Stribling Avenue PUD", said PUD Development Plan being dated April 28, 2020, Revised June 11, 2021, containing 17 pages, total, submitted with the Owner's Rezoning Application.

The Owner hereby proffers and agrees that if the Subject Property is rezoned as requested, the Subject Property will be developed in general accordance with, and the Owner will abide by, the approved 240 Stribling Avenue PUD Development Plan, and that the Subject Property shall also be subject to the following conditions:

1. The Owner shall establish affordable housing within the Subject Property, as follows:
 - a. For the purposes of this Proffer, the term "Affordable Dwelling Unit" means a dwelling unit reserved for occupancy by a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
 - b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units ("Required Affordable Dwelling Units"). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to low- and moderate-income households ("Rental Affordable Dwelling Units"). Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on the date of Owner's signature, below. For the purposes of this section and section 1.b.ii, below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after the date of Owner's signature, below, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.
 - ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership by low- and moderate-income households ("For-Sale Affordable Dwelling Units"), throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City's building official. The For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g), as such regulations are in effect on the date of Owner's signature, below. During construction the For-Sale Affordable Dwelling Units shall be

constructed incrementally, such that at least 5 Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th Building Permit for non-affordable for-sale dwelling units.

- iii. On or before July 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant of each Required Affordable Dwelling Unit.

- c. The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Subject Property shall have notice of and be bound by the obligations. In the event of re-sale of any of the Required Affordable Dwelling Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.

WHEREFORE, the undersigned Owner stipulates and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this _____ day of _____, 2021.

Applicant:
Belmont Station, LLC

Address:
142 South Pantops Drive
Charlottesville, VA 22911

By: _____
Its Member, Charles Armstrong

MITCHELL
MATTHEWS
ARCHITECTS



PROFFER CONDITIONS

PAGE 17 OF 17
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021

SUPPLEMENTAL INFORMATION REQUESTED BY STAFF IN ADDITION TO PUD DEVELOPMENT PLAN CONTENTS

SITE DATA:

TAX MAP PARCEL:
18A025000

TOTAL PARCEL AREA:
11.373 ACRES

ZONING:
R1 AND R2

OWNER:
CARRSGROVE PROPERTIES, LLC

DEVELOPER:
SOUTHERN DEVELOPMENT

DESIGN:
TIMMONS GROUP

SOURCE OF BOUNDARY SURVEY:
PLAT OF RECORD

SOURCE OF TOPOGRAPHY:
EXISTING TOPOGRAPHY PROVIDED BY TIMMONS GROUP MAY, 2017

THE PROPERTY IS LOCATED IN ZONE AE AND X AS SHOWN ON FEDERAL EMERGENCY
MANAGEMENT AGENCY FLOOD INSURANCE MAP NUMBER 51003C0269D, DATED 2-4-2005

MAXIMUM BUILDING HEIGHT:
55', EXCEPT THAT FOR ANY PORTION OF A BUILDING LOCATED WITHIN 75' OF LOW DENSITY
RESIDENTIAL ZONING DISTRICT, WHERE THE HEIGHT REGULATIONS OF THE RESIDENTIAL
DISTRICT SHALL APPLY.

CURRENT USE:
VACANT LOT

PROPOSED USE:
PUD

OPEN SPACE OWNERSHIP:
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION

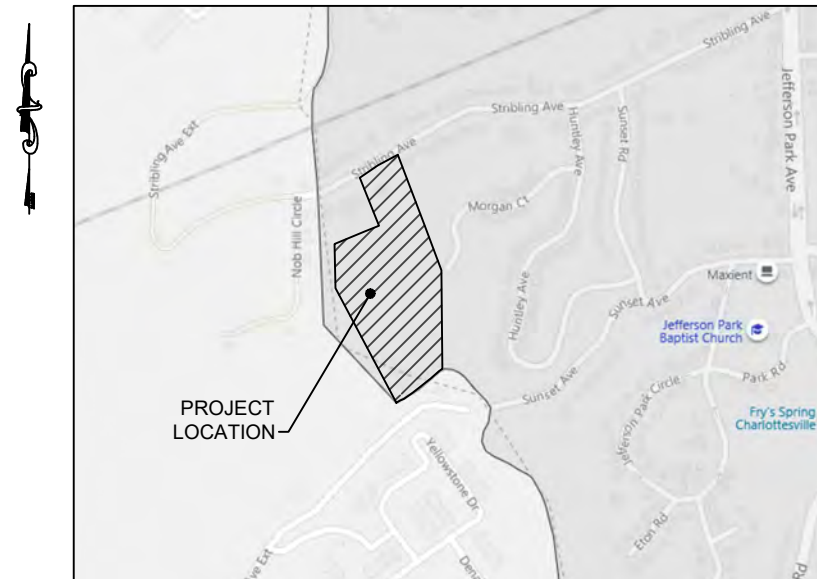
LIGHTING:
LIGHTING FIXTURES SHALL NOT EXCEED 3000 LUMENS.

LAND USE SUMMARY:

TOTAL SITE AREA:	11.373 Ac. (100%)
RW DEDICATION TO STRIBLING AVE.:	+/- 0.060 Ac. (0.5%)
TOWNHOUSE LOT AREA:	± 3.117 Ac. (27.4%)
CONDO/APARTMENT LOT AREA:	±0.996Ac. (8.8%)
PUBLIC RIGHT-OF-WAY AREA:	±1.970 Ac. (17.3%)
PRIVATE RIGHT-OF-WAY AREA:	±0.470 Ac. (4.1%)
OPEN SPACE AREA:	±4.760 Ac. (41.9%)

TRAFFIC STUDY:
ITE USE CODE 220; LOW RISE MULTIFAMILY
170 UNITS
AM PEAK HOUR - 79 (18 ENTER, 61 EXIT)
PM PEAK HOUR - 94 (59 ENTER, 35 EXIT)
AVERAGE DAILY TRIPS - 1,244 ADT

240 STRIBLING AVENUE CITY OF CHARLOTTESVILLE, VIRGINIA



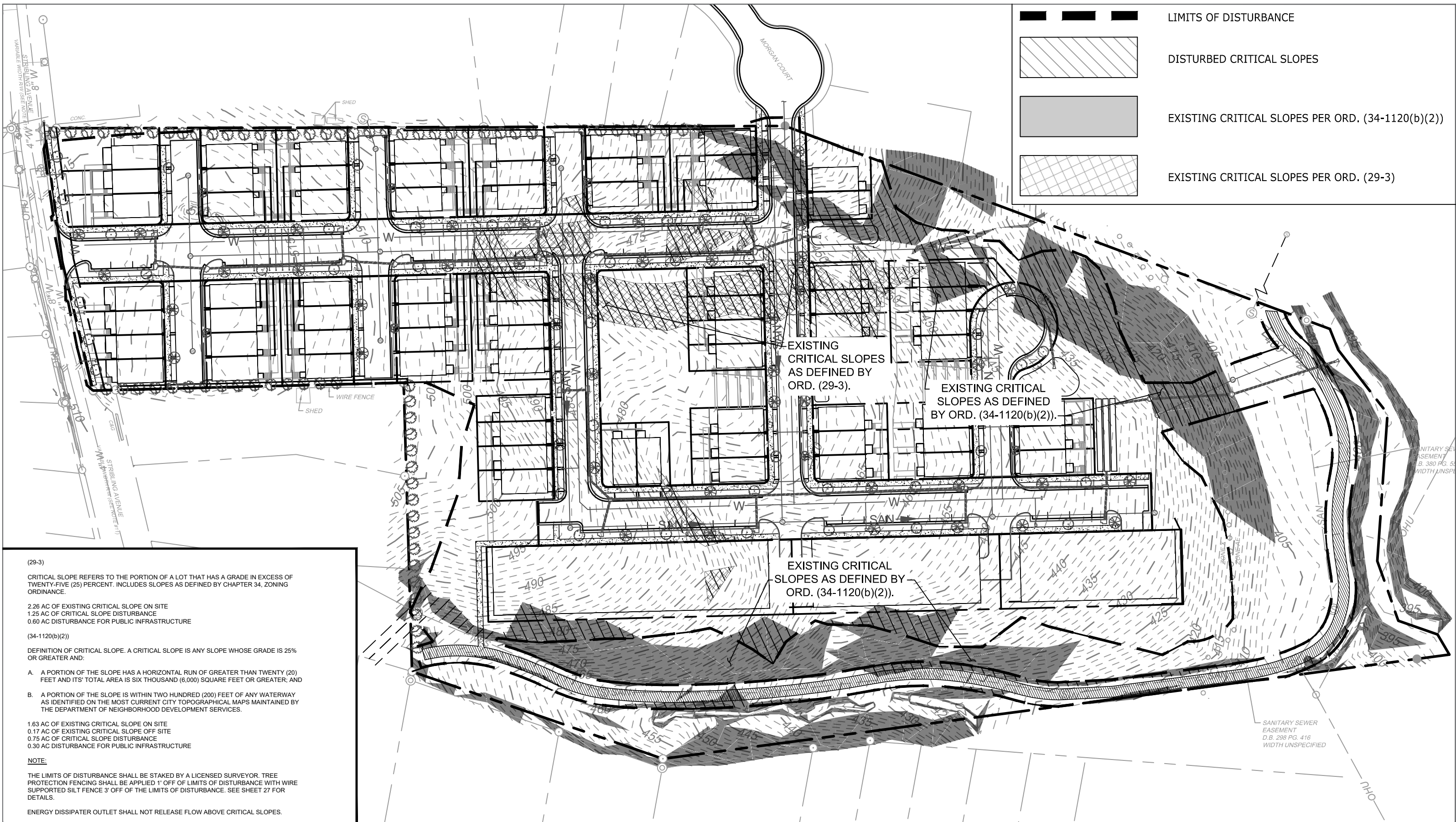
VICINITY MAP
SCALE: 1" = 500'

Sheet List Table	
Sheet Number	Sheet Title
1	COVER
2	CRITICAL SLOPE EXHIBIT - ZONING AND SUBDIVISION ORDINANCE
3	FIRETRUCK AUTOTURN 1A
4	FIRETRUCK AUTOTURN 1B
5	FIRETRUCK AUTOTURN 2A
6	FIRETRUCK AUTOTURN 2B
7	FIRETRUCK AUTOTURN 3A
8	FIRETRUCK AUTOTURN 3B
9	FIRETRUCK AUTOTURN 4A
10	FIRETRUCK AUTOTURN 4B
11	OPEN SPACE PLAN
12	PARKING PLAN
13	PEDESTRIAN ACCESS PLAN
14	PRELIMINARY BMP / STORMWATER MANAGEMENT PLAN
15	PRELIMINARY BMP / STORMWATER MANAGEMENT PLAN
16	CONCEPTUAL EROSION & SEDIMENT CONTROL PLAN
17	PRELIMINARY PLAT
18	TREE SURVEY
19	TREE SURVEY
20	EROSION CONTROL DETAILS

COVER

SHEET 1
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021





(29-3)
 CRITICAL SLOPE REFERS TO THE PORTION OF A LOT THAT HAS A GRADE IN EXCESS OF TWENTY-FIVE (25) PERCENT. INCLUDES SLOPES AS DEFINED BY CHAPTER 34, ZONING ORDINANCE.

2.26 AC OF EXISTING CRITICAL SLOPE ON SITE
 1.25 AC OF CRITICAL SLOPE DISTURBANCE
 0.60 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE

(34-1120(b)(2))
 DEFINITION OF CRITICAL SLOPE. A CRITICAL SLOPE IS ANY SLOPE WHOSE GRADE IS 25% OR GREATER AND:
 A. A PORTION OF THE SLOPE HAS A HORIZONTAL RUN OF GREATER THAN TWENTY (20) FEET AND ITS' TOTAL AREA IS SIX THOUSAND (6,000) SQUARE FEET OR GREATER; AND
 B. A PORTION OF THE SLOPE IS WITHIN TWO HUNDRED (200) FEET OF ANY WATERWAY AS IDENTIFIED ON THE MOST CURRENT CITY TOPOGRAPHICAL MAPS MAINTAINED BY THE DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES.

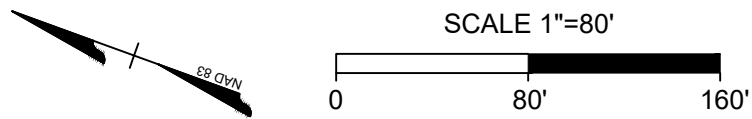
1.63 AC OF EXISTING CRITICAL SLOPE ON SITE
 0.17 AC OF EXISTING CRITICAL SLOPE OFF SITE
 0.75 AC OF CRITICAL SLOPE DISTURBANCE
 0.30 AC DISTURBANCE FOR PUBLIC INFRASTRUCTURE

NOTE:
 THE LIMITS OF DISTURBANCE SHALL BE STAKED BY A LICENSED SURVEYOR. TREE PROTECTION FENCING SHALL BE APPLIED 1' OFF OF LIMITS OF DISTURBANCE WITH WIRE SUPPORTED SILT FENCE 3' OFF OF THE LIMITS OF DISTURBANCE. SEE SHEET 27 FOR DETAILS.

ENERGY DISSIPATER OUTLET SHALL NOT RELEASE FLOW ABOVE CRITICAL SLOPES.

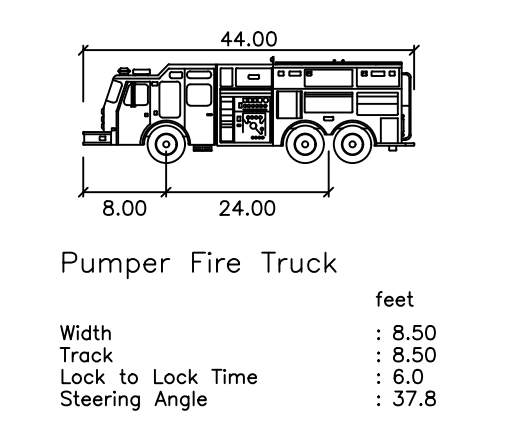
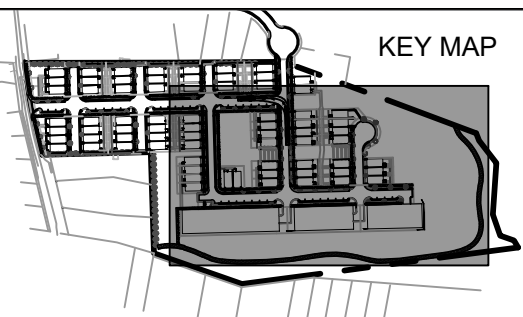
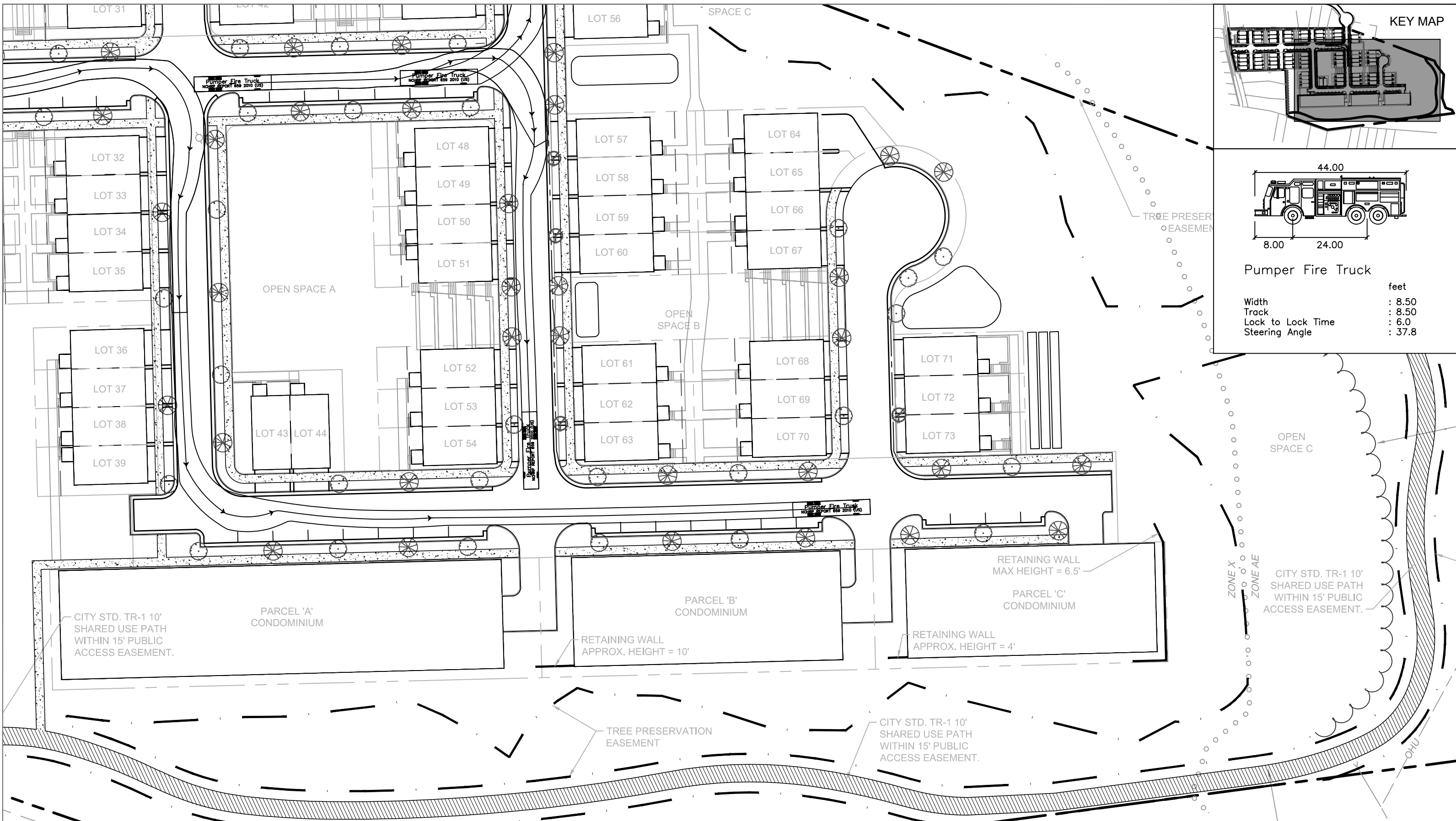
CRITICAL SLOPES EXHIBIT - ZONING & SUBDIVISION ORDINANCE

SHEET 2
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021



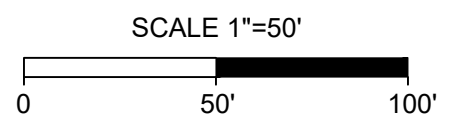
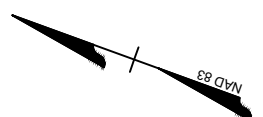
MITCHELL
 MATTHEWS
 ARCHITECTS

TIMMONS GROUP
 YOUR VISION ACHIEVED THROUGH OURS.



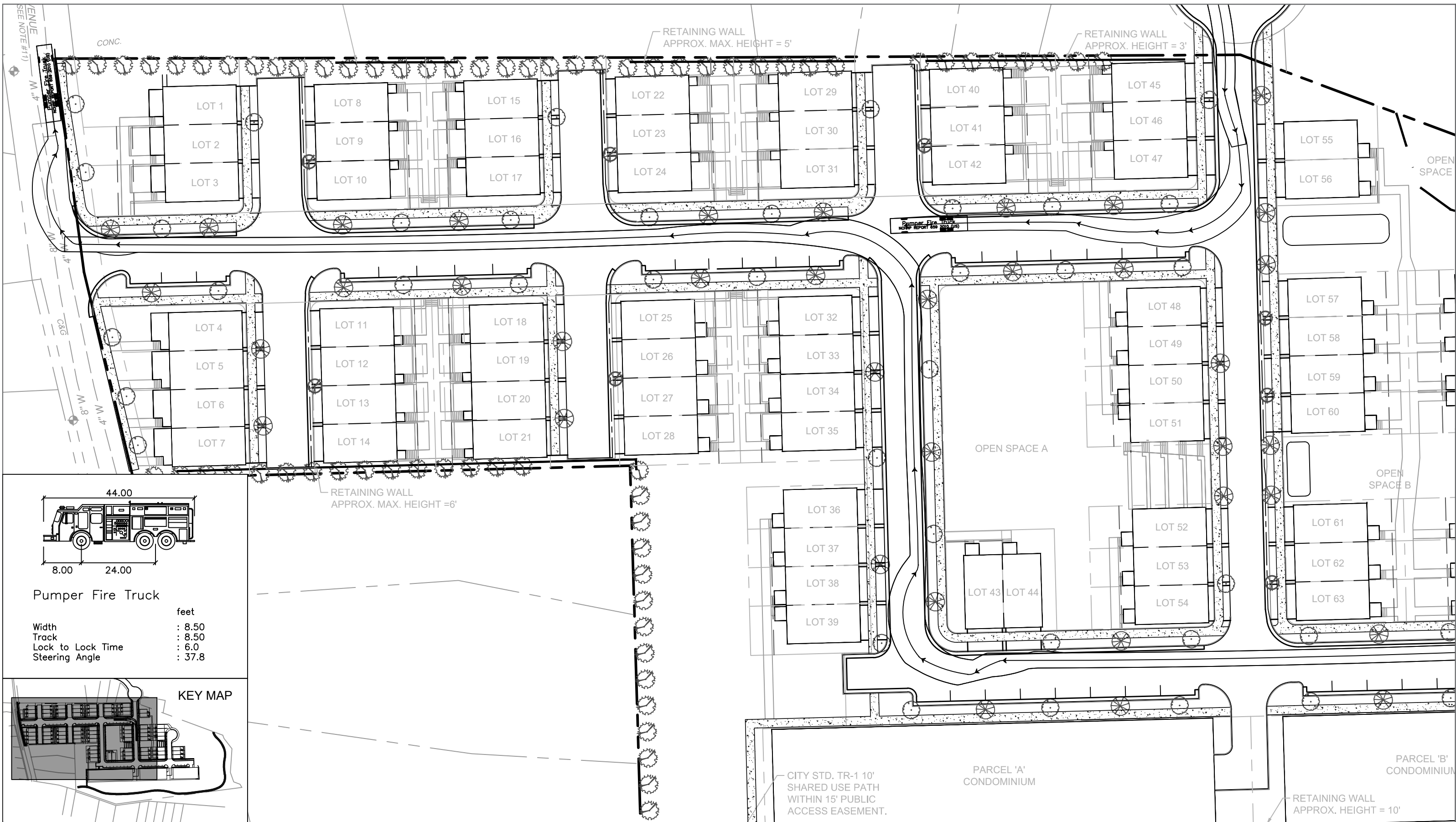
FIRETRUCK AUTOTURN 1B

SHEET 4
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



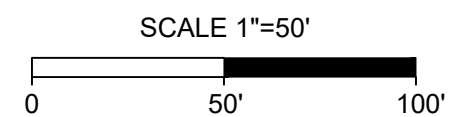
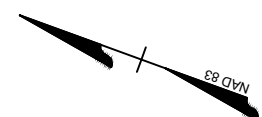
MITCHELL
MATTHEWS
ARCHITECTS





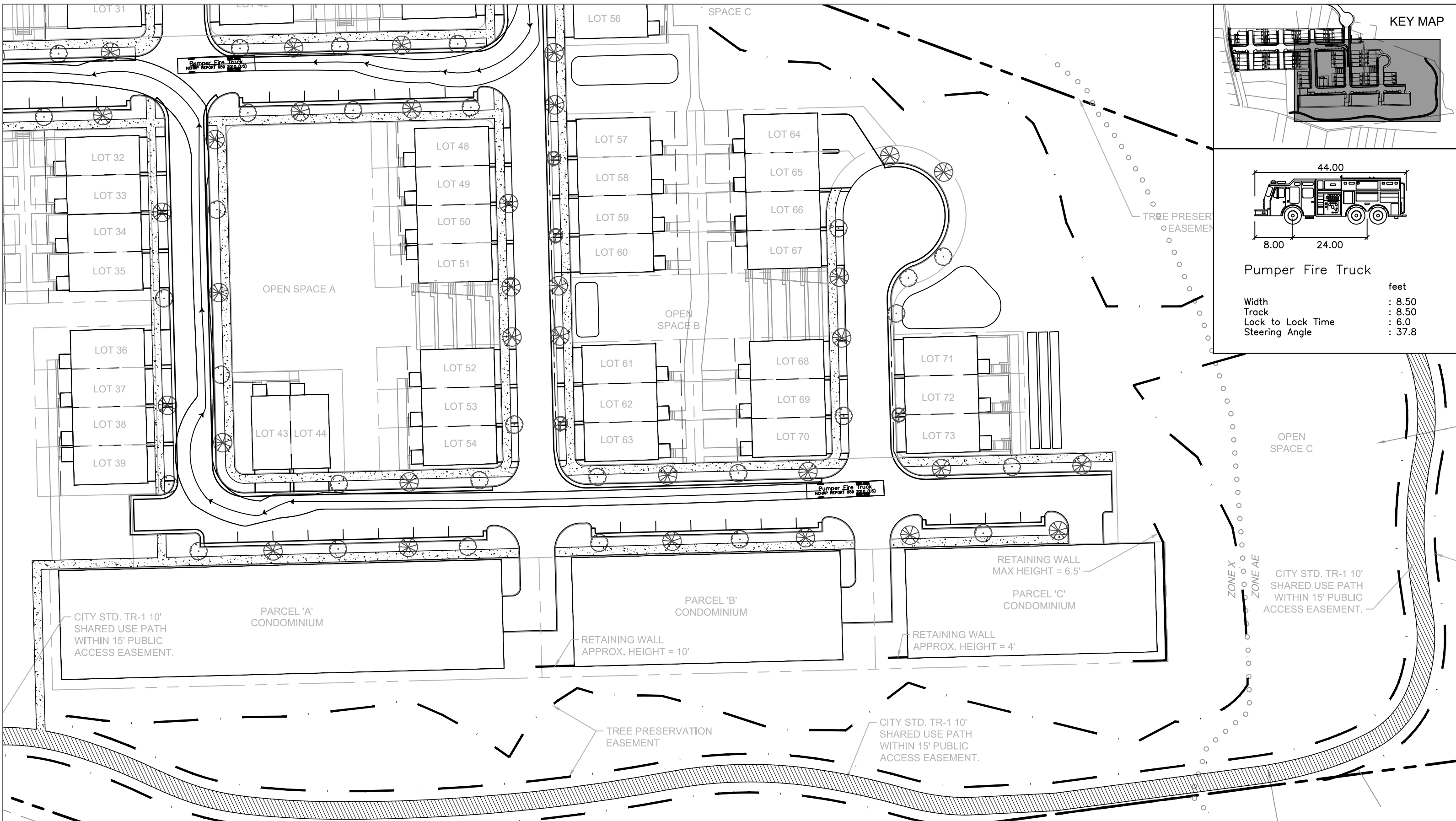
FIRETRUCK AUTOTURN 2A

SHEET 5
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



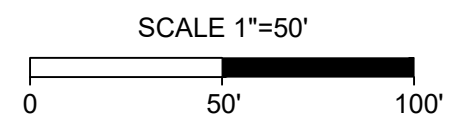
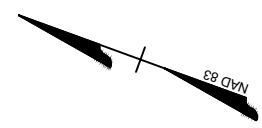
MITCHELL
MATTHEWS
ARCHITECTS





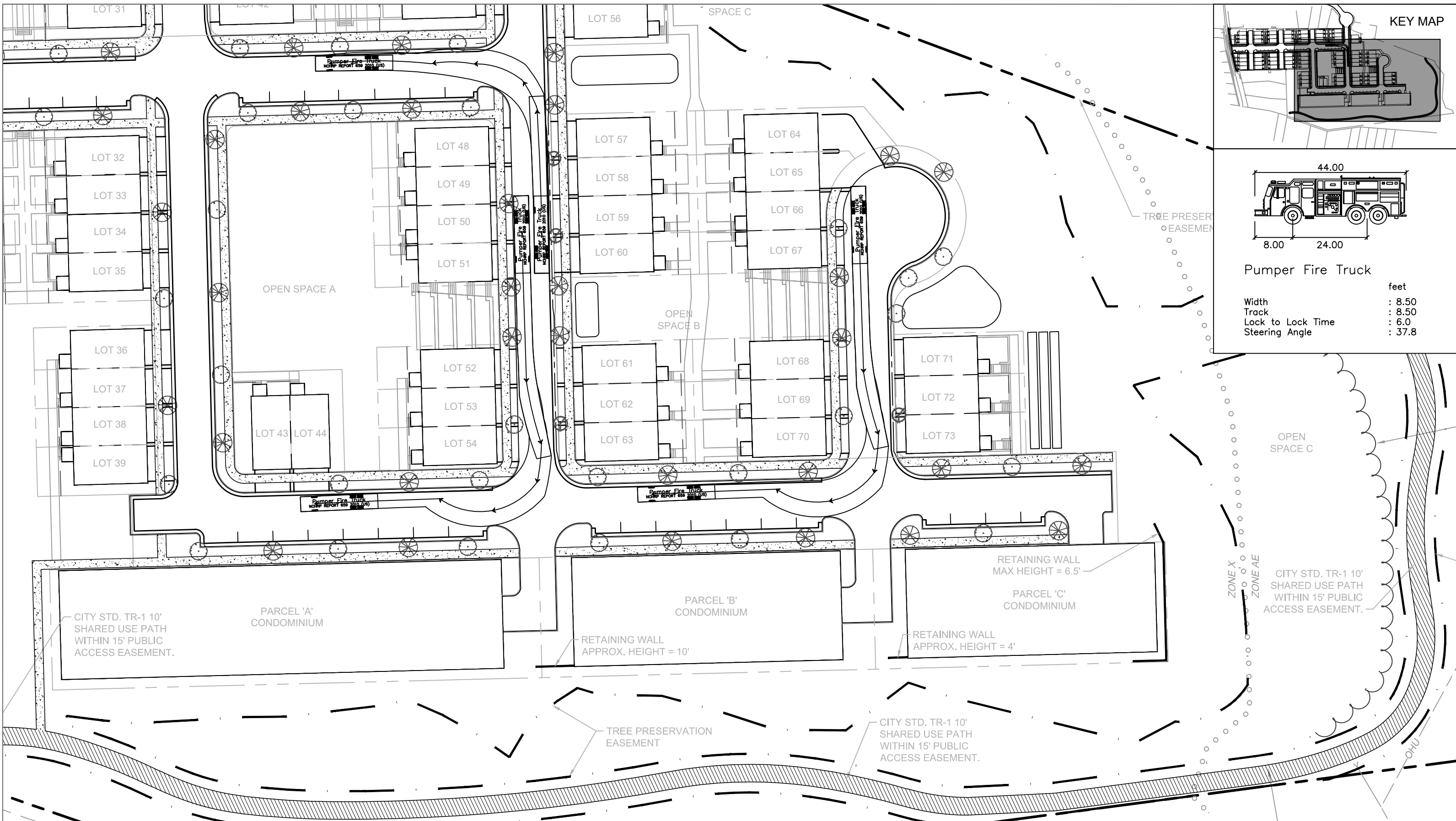
FIRETRUCK AUTOTURN 2B

SHEET 6
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021



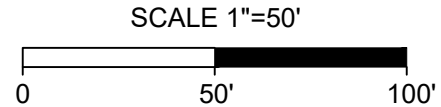
MITCHELL
 MATTHEWS
 ARCHITECTS





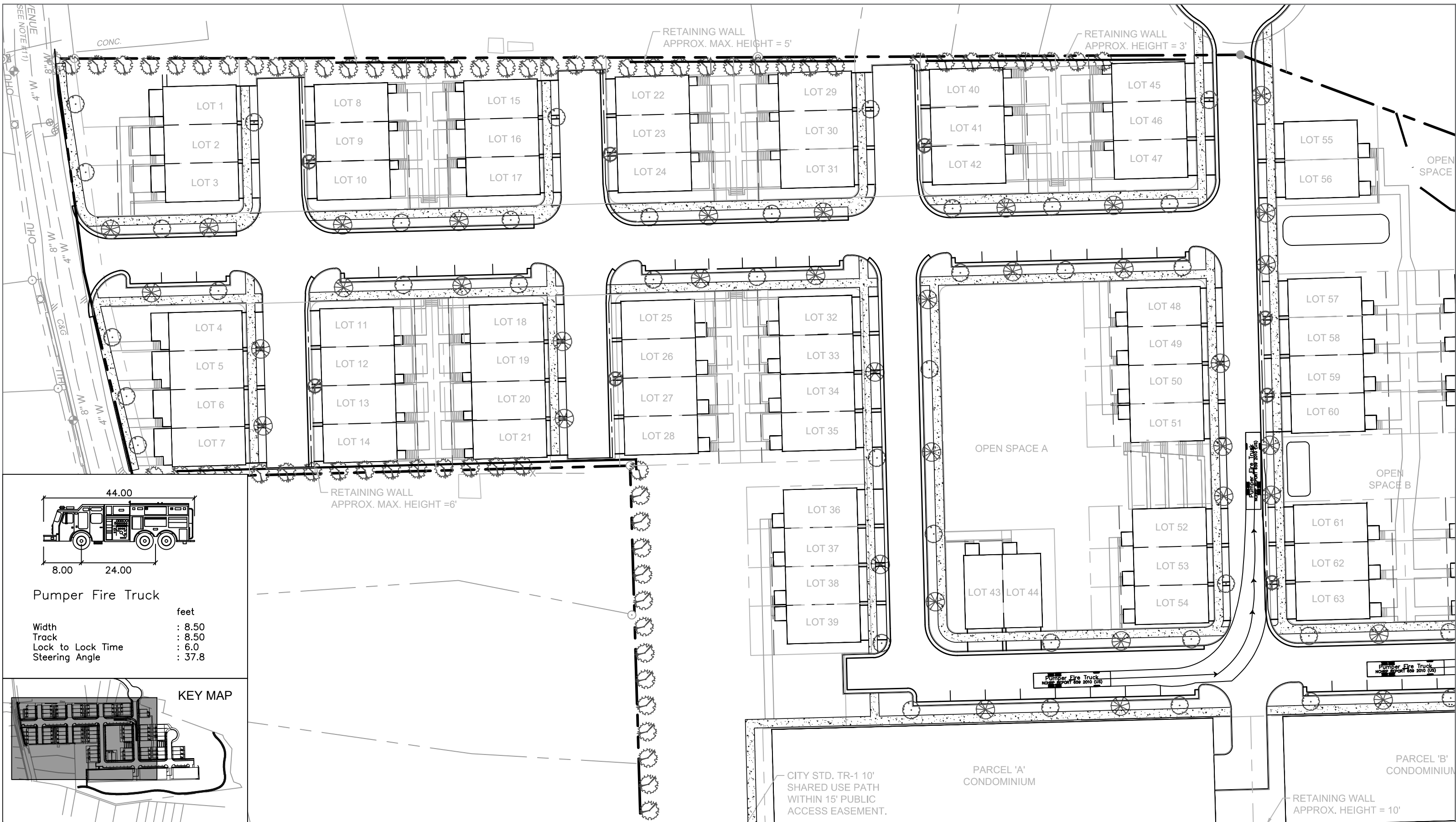
FIRETRUCK AUTOTURN 3B

SHEET 8
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



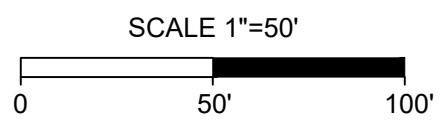
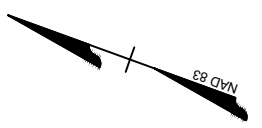
MITCHELL
MATTHEWS
ARCHITECTS





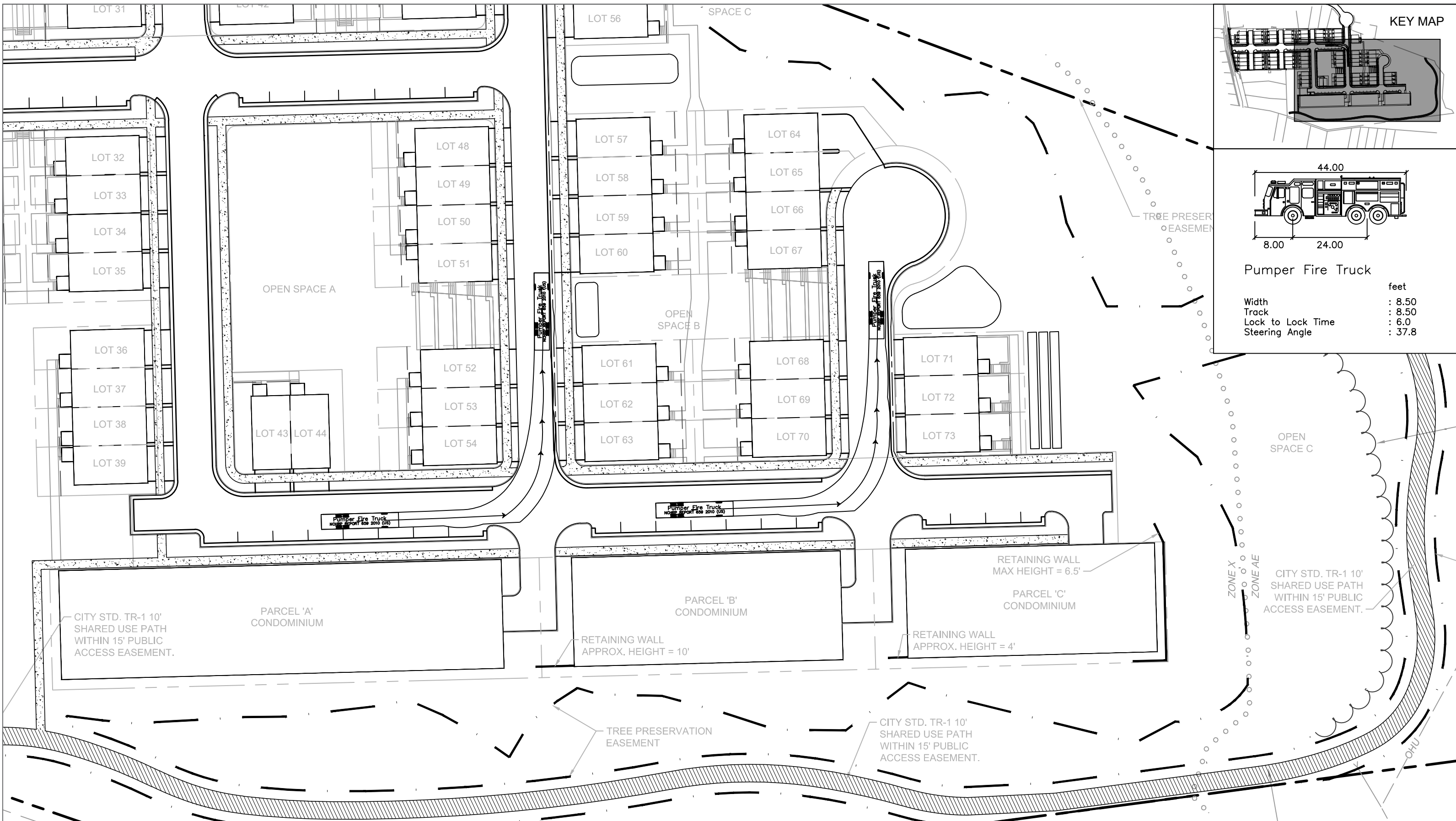
FIRETRUCK AUTOTURN 4A

SHEET 9
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



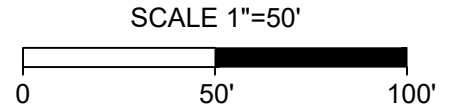
MITCHELL
MATTHEWS
ARCHITECTS





FIRETRUCK AUTOTURN 4B

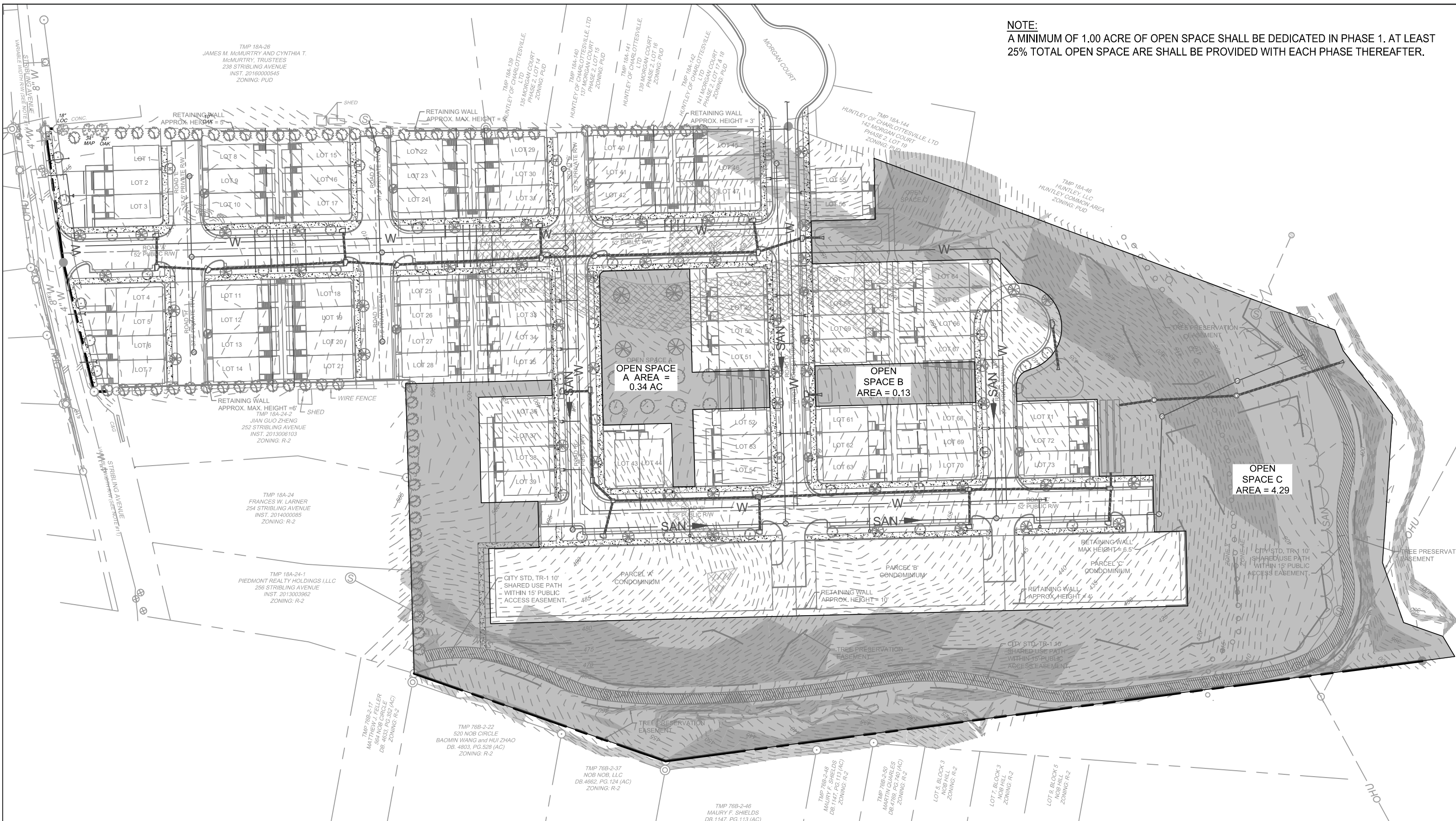
SHEET 10
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021



MITCHELL
 MATTHEWS
 ARCHITECTS

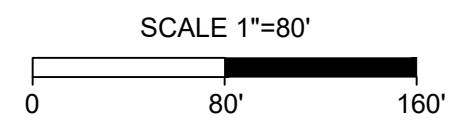
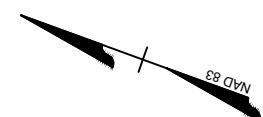


NOTE:
 A MINIMUM OF 1.00 ACRE OF OPEN SPACE SHALL BE DEDICATED IN PHASE 1. AT LEAST 25% TOTAL OPEN SPACE ARE SHALL BE PROVIDED WITH EACH PHASE THEREAFTER.



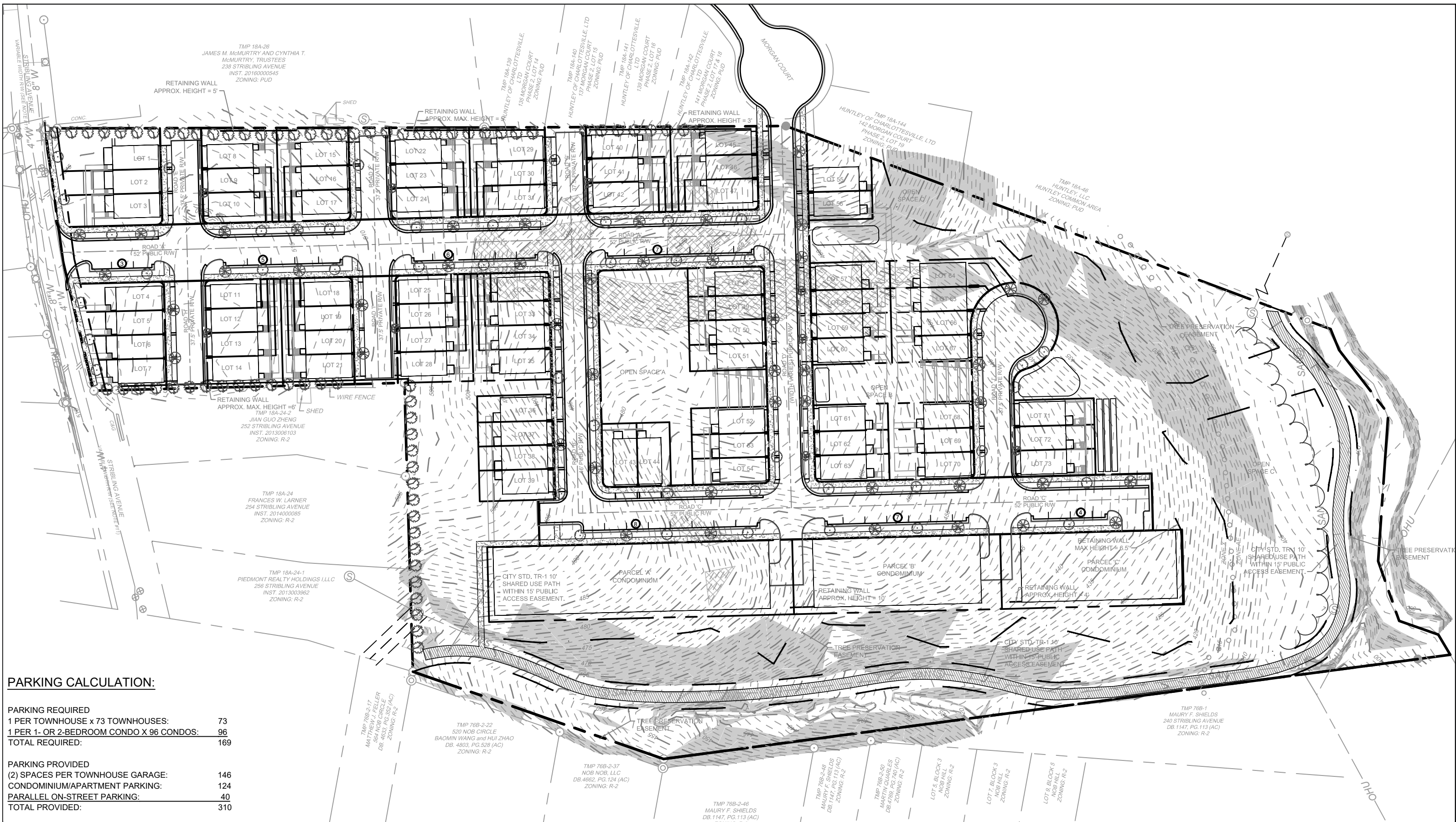
OPEN SPACE PLAN

SHEET 11
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021; OCTOBER 8, 2021



MITCHELL
 MATTHEWS
 ARCHITECTS



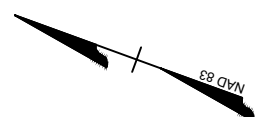


PARKING CALCULATION:

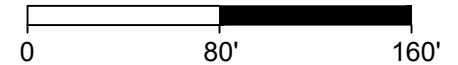
PARKING REQUIRED	
1 PER TOWNHOUSE x 73 TOWNHOUSES:	73
1 PER 1- OR 2-BEDROOM CONDO X 96 CONDOS:	96
TOTAL REQUIRED:	169
PARKING PROVIDED	
(2) SPACES PER TOWNHOUSE GARAGE:	146
CONDOMINIUM/APARTMENT PARKING:	124
PARALLEL ON-STREET PARKING:	40
TOTAL PROVIDED:	310

PARKING PLAN

SHEET 12
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021

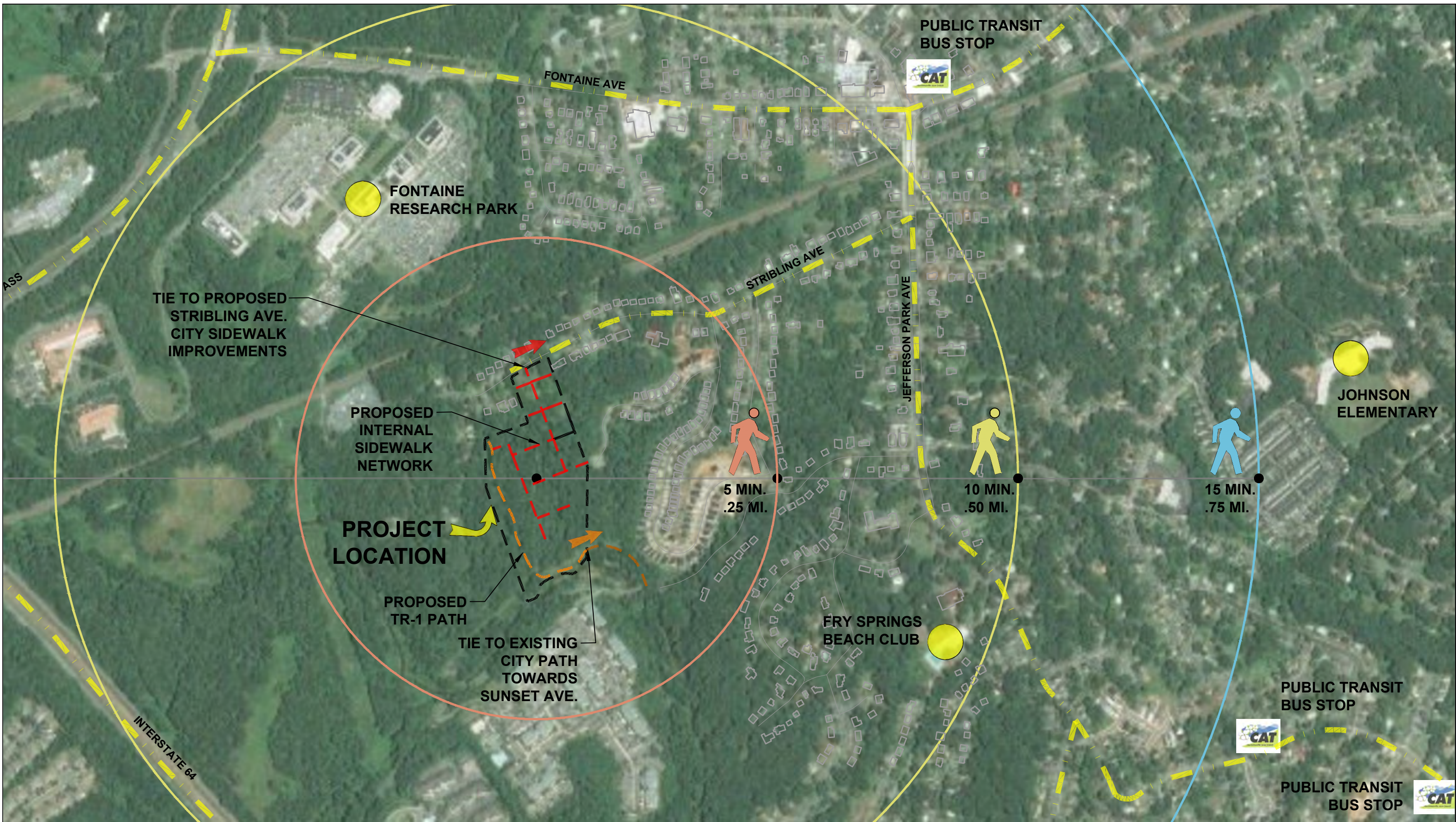


SCALE 1"=80'



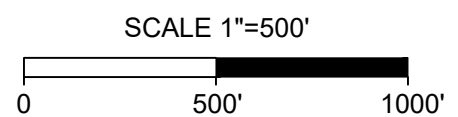
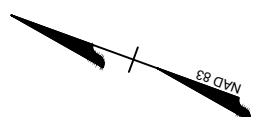
MITCHELL
 MATTHEWS
 ARCHITECTS





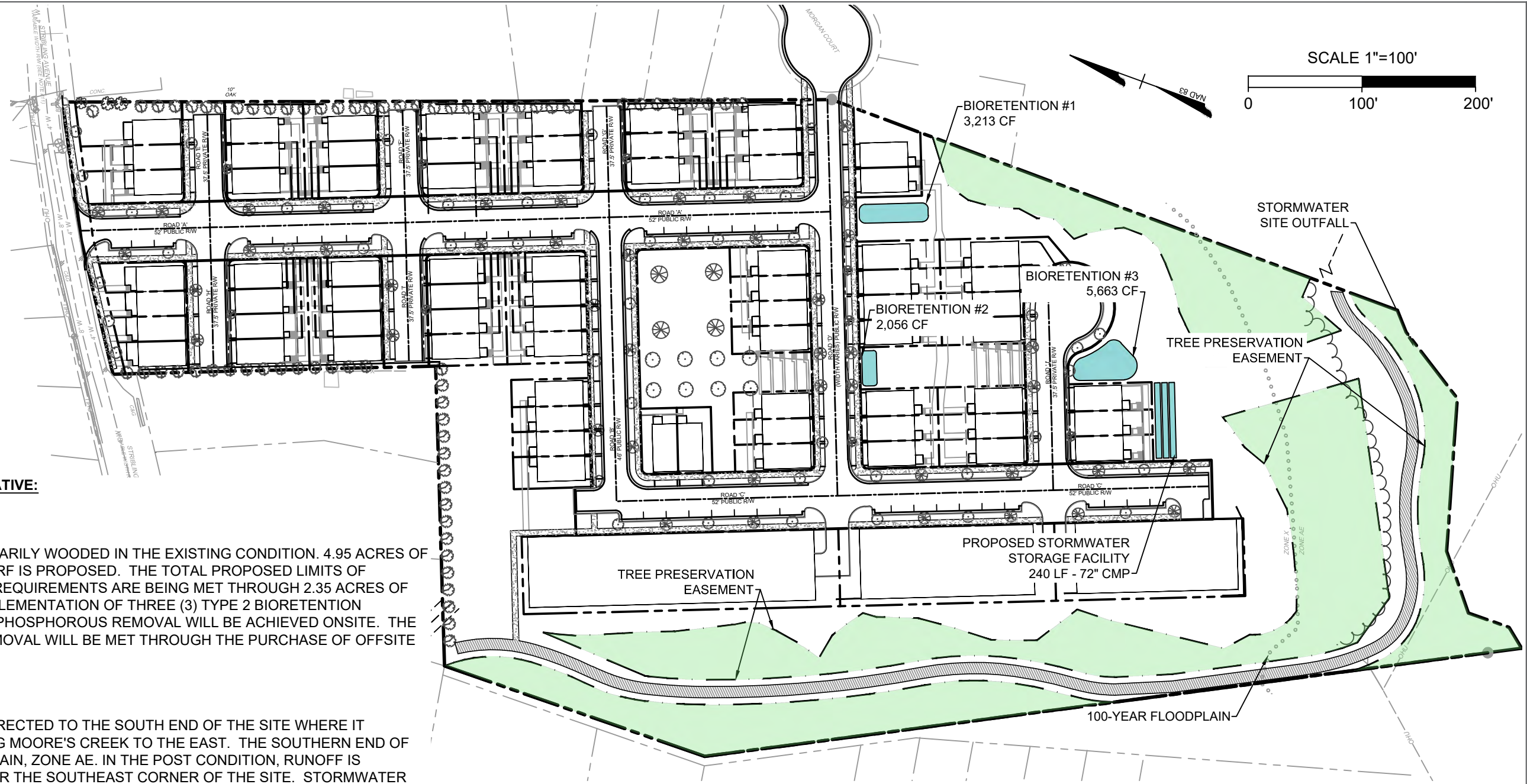
PEDESTRIAN ACCESS PLAN

SHEET 13
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021



MITCHELL
 MATTHEWS
 ARCHITECTS





SCALE 1"=100'
0 100' 200'

STORMWATER MANAGEMENT AND E&SC NARRATIVE:

STORMWATER QUALITY:

PARCEL 18A025000 IS 11.373 ACRES AND IS PRIMARILY WOODED IN THE EXISTING CONDITION. 4.95 ACRES OF IMPERVIOUS AREA 1.65 ACRES OF MANAGED TURF IS PROPOSED. THE TOTAL PROPOSED LIMITS OF DISTURBANCE IS 9.23 ACRES. WATER QUALITY REQUIREMENTS ARE BEING MET THROUGH 2.35 ACRES OF TREE PRESERVATION DEDICATION AND THE IMPLEMENTATION OF THREE (3) TYPE 2 BIORETENTION FACILITIES. 6.17 LBS/YR. OF THE 8.46 LB/YR. OF PHOSPHOROUS REMOVAL WILL BE ACHIEVED ONSITE. THE REMAINING 2.29 LBS/YR. OF PHOSPHOROUS REMOVAL WILL BE MET THROUGH THE PURCHASE OF OFFSITE NUTRIENT CREDITS.

STORMWATER QUANTITY:

IN THE EXISTING CONDITION, SITE RUNOFF IS DIRECTED TO THE SOUTH END OF THE SITE WHERE IT OUTFALLS TO A STREAM, JUST BEFORE MEETING MOORE'S CREEK TO THE EAST. THE SOUTHERN END OF THE SITE LIES WITHIN FEMA 100-YEAR FLOOD PLAIN, ZONE AE. IN THE POST CONDITION, RUNOFF IS CAPTURED AND OUTFALLS TO THE STREAM NEAR THE SOUTHEAST CORNER OF THE SITE. STORMWATER DETENTION IS BEING PROVIDED THROUGH 4 PROPOSED BIORETENTION FACILITIES, AS WELL AS A PROPOSED UNDERGROUND STORAGE FACILITY ON THE SOUTH END OF THE SITE.

CHANNEL PROTECTION: THE ENERGY BALANCE EQUATION HAS BEEN MET FOR THE 1-YEAR, 24 HOUR STORM PER 9VAC25-870-66(B)3, "NATURAL STORMWATER CONVEYANCE SYSTEMS." APPLICABLE APPROVALS FROM ACOE WILL BE OBTAINED TO OUTFALL TO THE STREAM.

FLOOD PROTECTION: PER 9VAC25-870-66(C)3, STORMWATER SHALL BE ANALYZED FOR FLOOD PROTECTION COMPLIANCE TO THE POINT WHERE THE SYSTEM ENTERS A MAPPED FLOODPLAIN. ADEQUATE CONVEYANCE OF THE 10-YEAR STORM IS DEMONSTRATED UP TO THE SITE OUTFALL.

EROSION AND SEDIMENT CONTROL NARRATIVE:
E&SC MEASURES SHALL BE PROVIDED PER THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH) TO ENSURE SEDIMENT LADEN RUNOFF IS CONTAINED ONSITE AND TO ENSURE PROTECTION OF ADJACENT STREAM. FINAL DESIGN WILL BE PROVIDED WITH PRELIMINARY AND FINAL SITE PLAN SUBMITTALS.

PRELIMINARY BMP/STORMWATER MANAGEMENT PLAN

SHEET 14
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021; OCTOBER 8, 2021



DEQ Virginia Runoff Reduction Method New Development Compliance Spreadsheet - Version 3.0

BMP Design Specifications List: 2013 Draft Stds & Specs

Site Summary Project Title: 240 Stribling Ave
Date: 43937

Total Rainfall = 43 inches

Site Land Cover Summary

	A soils	B Soils	C Soils	D Soils	Totals	% of Total
Forest/Open (acres)	0.00	2.35	0.00	0.00	2.35	25
Managed Turf (acres)	0.00	1.65	0.00	0.00	1.65	18
Impervious Cover (acres)	0.00	5.23	0.00	0.00	5.23	57
					9.23	100

Site Tv and Land Cover Nutrient Loads

Site Rv	0.58
Treatment Volume (ft ³)	19,489
TP Load (lb/yr)	12.25
TN Load (lb/yr)	87.60

Total TP Load Reduction Required (lb/yr)	8.46
--	------

Site Compliance Summary

Total Runoff Volume Reduction (ft ³)	8,745
Total TP Load Reduction Achieved (lb/yr)	6.17
Total TN Load Reduction Achieved (lb/yr)	45.15
Remaining Post Development TP Load (lb/yr)	6.07
Remaining TP Load Reduction (lb/yr) Required	2.29

Drainage Area A Summary

Land Cover Summary

	A Soils	B Soils	C Soils	D Soils	Total	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.15	0.00	0.00	0.15	14
Impervious Cover (acres)	0.00	0.90	0.00	0.00	0.90	86
					1.05	

BMP Selections

Practice	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	BMP Treatment Volume (ft ³)	TP Load from Upstream Practices (lbs)	Untreated TP Load to Practice (lbs)	TP Removed (lb/yr)	TP Remaining (lb/yr)	Downstream Treatment to be Employed
6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	0.15	0.9	3,212.55	0.00	2.02	1.81	0.20	

Total Impervious Cover Treated (acres)	0.90
Total Turf Area Treated (acres)	0.15
Total TP Load Reduction Achieved in D.A. (lb/yr)	1.81
Total TN Load Reduction Achieved in D.A. (lb/yr)	13.27

Drainage Area B Summary

Land Cover Summary

	A Soils	B Soils	C Soils	D Soils	Total	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.22	0.00	0.00	0.22	29
Impervious Cover (acres)	0.00	0.55	0.00	0.00	0.55	71
					0.77	

BMP Selections

Practice	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	BMP Treatment Volume (ft ³)	TP Load from Upstream Practices (lbs)	Untreated TP Load to Practice (lbs)	TP Removed (lb/yr)	TP Remaining (lb/yr)	Downstream Treatment to be Employed
6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	0.22	0.55	2,056.40	0.00	1.29	1.16	0.13	

Total Impervious Cover Treated (acres)	0.55
Total Turf Area Treated (acres)	0.22
Total TP Load Reduction Achieved in D.A. (lb/yr)	1.16
Total TN Load Reduction Achieved in D.A. (lb/yr)	8.49

Drainage Area C Summary

Land Cover Summary

	A Soils	B Soils	C Soils	D Soils	Total	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.20	0.00	0.00	0.20	11
Impervious Cover (acres)	0.00	1.60	0.00	0.00	1.60	89
					1.80	

BMP Selections

Practice	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	BMP Treatment Volume (ft ³)	TP Load from Upstream Practices (lbs)	Untreated TP Load to Practice (lbs)	TP Removed (lb/yr)	TP Remaining (lb/yr)	Downstream Treatment to be Employed
6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	0.2	1.6	5,662.80	0.00	3.55	3.20	0.36	

Total Impervious Cover Treated (acres)	1.60
Total Turf Area Treated (acres)	0.20
Total TP Load Reduction Achieved in D.A. (lb/yr)	3.20
Total TN Load Reduction Achieved in D.A. (lb/yr)	23.39

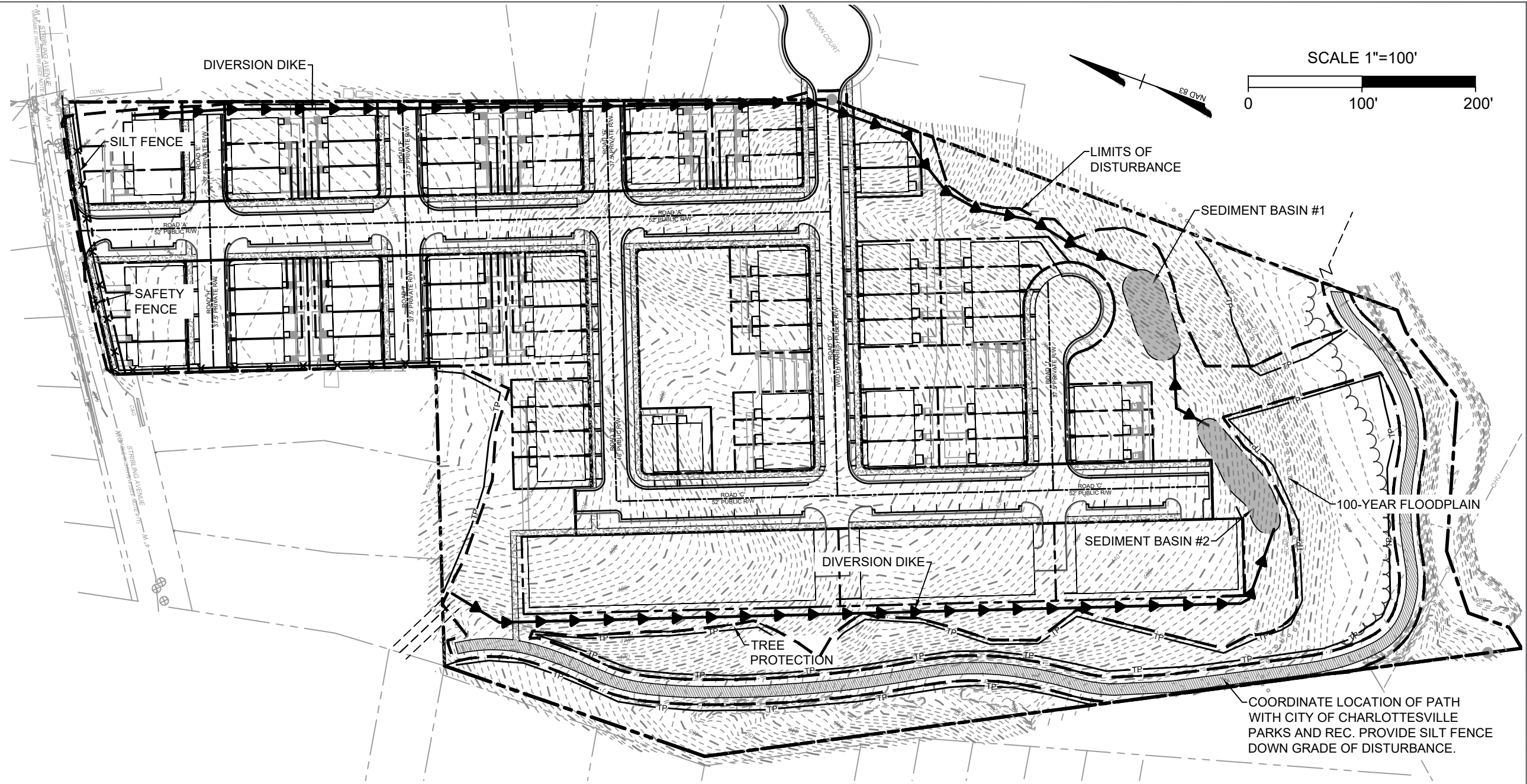
PRELIMINARY BMP/STORMWATER MANAGEMENT PLAN

SHEET 15

240 STRIBLING AVENUE - APRIL 28, 2020

REVISED: JUNE 11, 2021





EROSION AND SEDIMENT CONTROL NARRATIVE:
 E&SC MEASURES SHALL BE PROVIDED PER THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH) TO ENSURE SEDIMENT LADEN RUNOFF IS CONTAINED ONSITE AND TO ENSURE PROTECTION OF ADJACENT STREAM. FINAL DESIGN WILL BE PROVIDED WITH PRELIMINARY AND FINAL SITE PLAN SUBMITTALS.

CONCEPTUAL EROSION AND SEDIMENT CONTROL PLAN

SHEET 16

240 STRIBLING AVENUE - APRIL 28, 2020

REVISED: JUNE 11, 2021



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C5	39.50	16.09	8.16	23°20'41"	S80°13'17"W	15.98
C6	39.50	20.79	10.64	30°09'26"	N73°01'39"W	20.55
C7	39.50	25.15	13.02	36°28'36"	N39°42'38"W	24.72
C8	39.50	117.92	504.63	171°02'55"	N64°03'08"E	78.76
C9	15.00	21.21	12.82	81°01'38"	N70°56'14"W	19.49

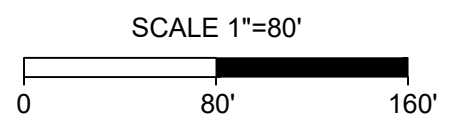
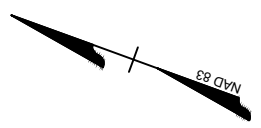


LAND USE SUMMARY:

TOTAL SITE AREA: 11.373 Ac. (100%)
 R/W DEDICATION TO STRIBLING AVE. ± 0.060 Ac. (0.53%)
 TOWNHOUSE LOT AREA: ± 3.161 Ac. (27.8%)
 CONDO/APARTMENT LOT AREA: ± 0.996 Ac. (8.76%)
 RIGHT-OF-WAY AREA: ± 2.386 Ac. (21.0%)
 OPEN SPACE AREA: ± 4.760 Ac. (41.9%)

PRELIMINARY PLAT

SHEET 17
 240 STRIBLING AVENUE - APRIL 28, 2020
 REVISED: JUNE 11, 2021



MITCHELL
 MATTHEWS
 ARCHITECTS



STRIBLING AVENUE
VARIABLE WIDTH RW (SEE NOTE #11)

TMP 18A-26
JAMES M. McMURTRY AND
CYNTHIA T. McMURTRY, TRUSTEES
238 STRIBLING AVENUE
INST. 2016000545

TMP 18A-139
HUNTLEY OF
CHARLOTTESVILLE, LTD
135 MORGAN COURT
PHASE 2, LOT 14

TMP 18A-140
HUNTLEY OF
CHARLOTTESVILLE, LTD
137 MORGAN COURT
PHASE 2, LOT 15

TMP 18A-141
HUNTLEY OF
CHARLOTTESVILLE, LTD
139 MORGAN COURT
PHASE 2, LOT 16

TMP 18A-142
HUNTLEY OF
CHARLOTTESVILLE, LTD
141 MORGAN COURT
PHASE 2, LOT 17 & 18

TMP 18A-144
HUNTLEY OF
CHARLOTTESVILLE, LTD
142 MORGAN COURT
PHASE 2, LOT 19

TMP 18A-145
HUNTLEY COMM

TMP 18A-25
CARRSGROVE PROPERTIES, LLC
240 STRIBLING AVENUE
DB.871, PG. 944
±11.373 ACRES

TMP 18A-24-2
JIAN GUO ZHENG
252 STRIBLING AVENUE
INST. 2013006103

TMP 18A-24
FRANCES W. LARNER
254 STRIBLING AVENUE
INST. 2014000085

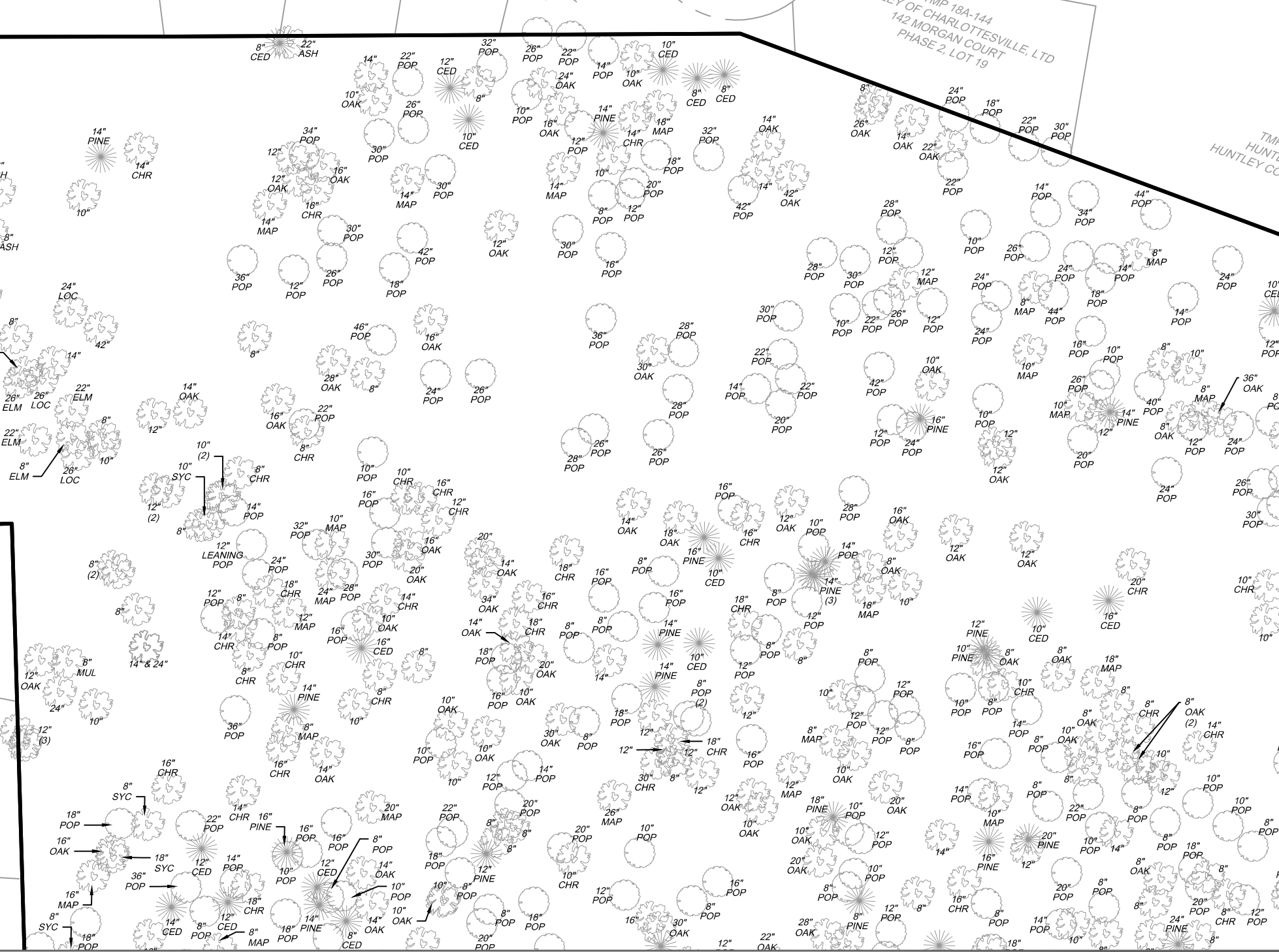
TMP 18A-24-1
PIEDMONT REALTY HOLDINGS I, LLC
256 STRIBLING AVENUE
INST. 2013003962

KEY MAP

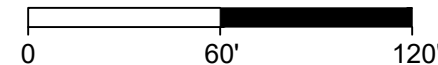


TREE SURVEY

SHEET 18
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021

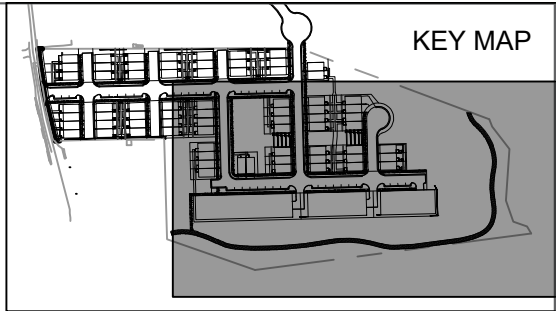
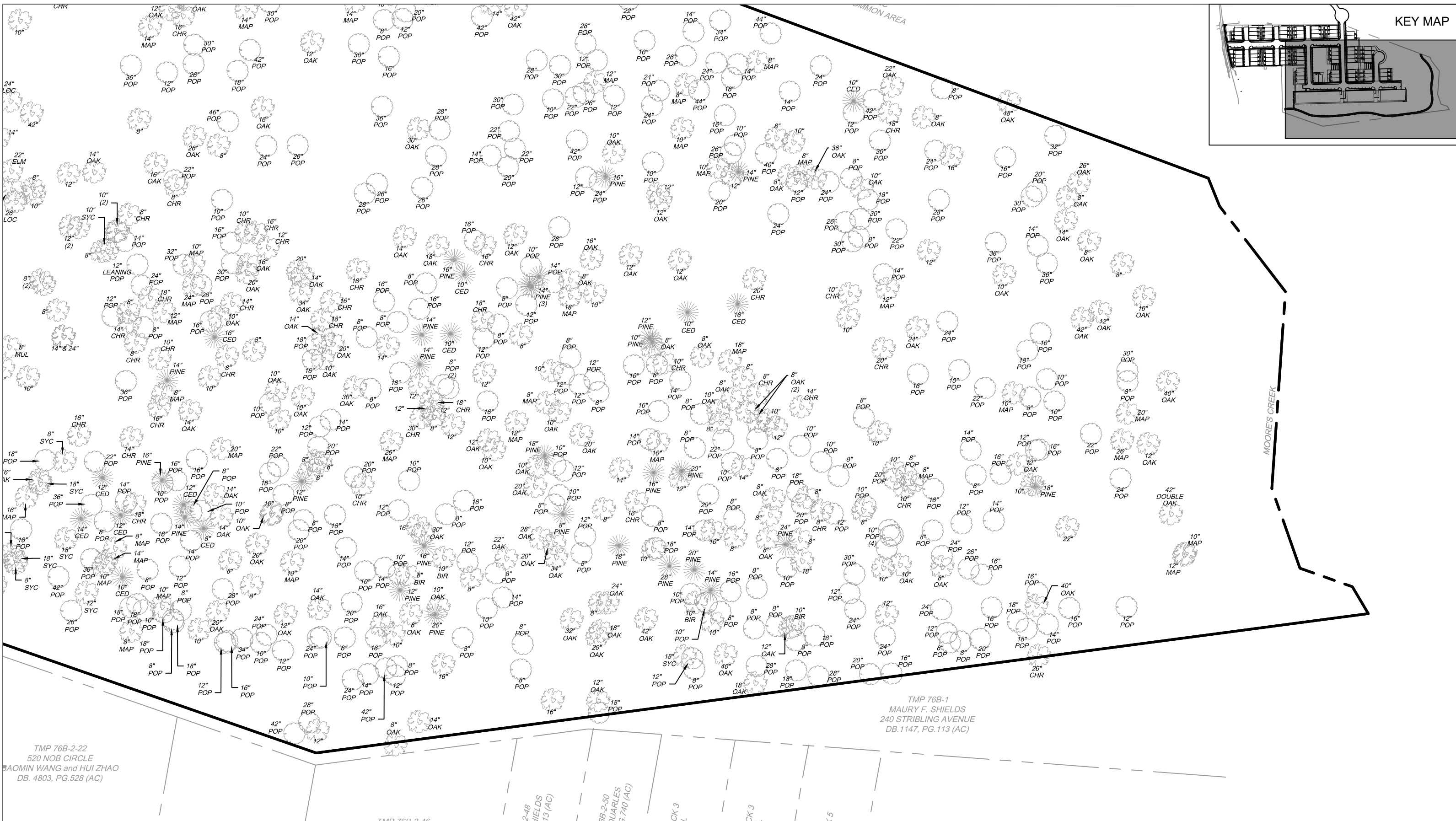


SCALE 1"=60'



MITCHELL
MATTHEWS
ARCHITECTS

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.



TMP 76B-2-22
520 NOB CIRCLE
BAOMIN WANG and HUI ZHAO
DB. 4803, PG. 528 (AC)

TMP 76B-1
MAURY F. SHIELDS
240 STRIBLING AVENUE
DB. 1147, PG. 113 (AC)

TMP 76B-2-46

2-48
SHIELDS
113 (AC)

6B-2-50
QUARLES
G. 740 (AC)

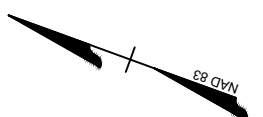
CK 3
LL

CK 3
L

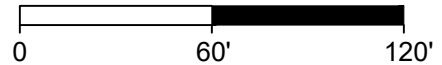
K. 5

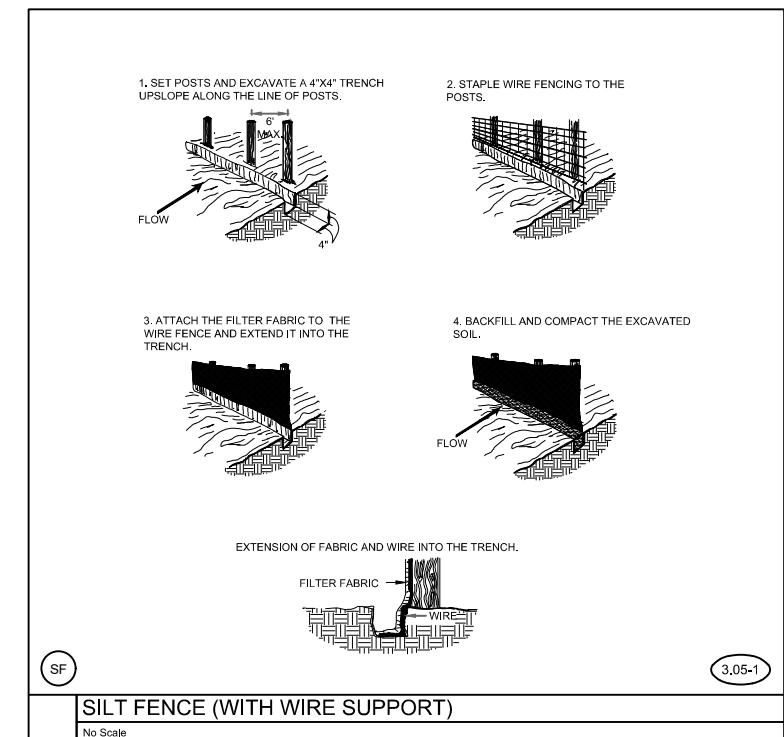
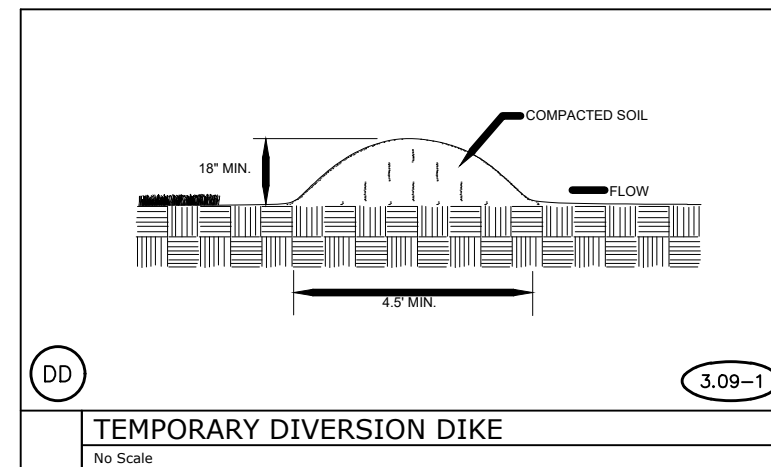
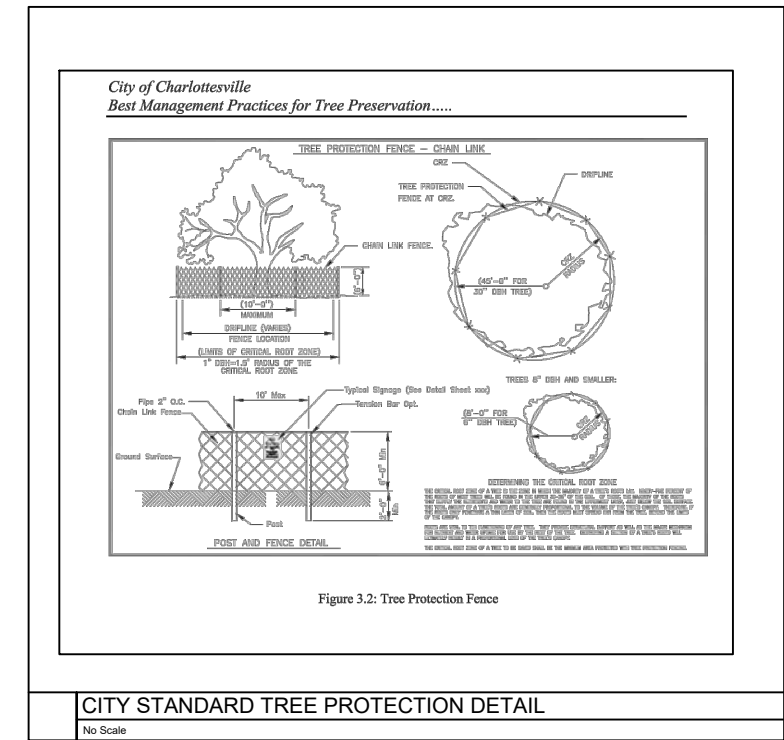
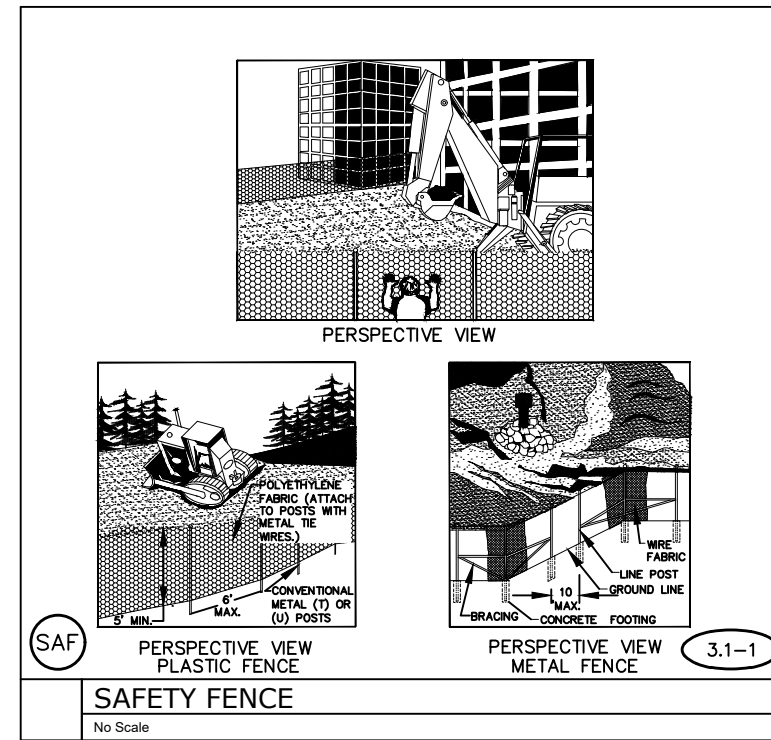
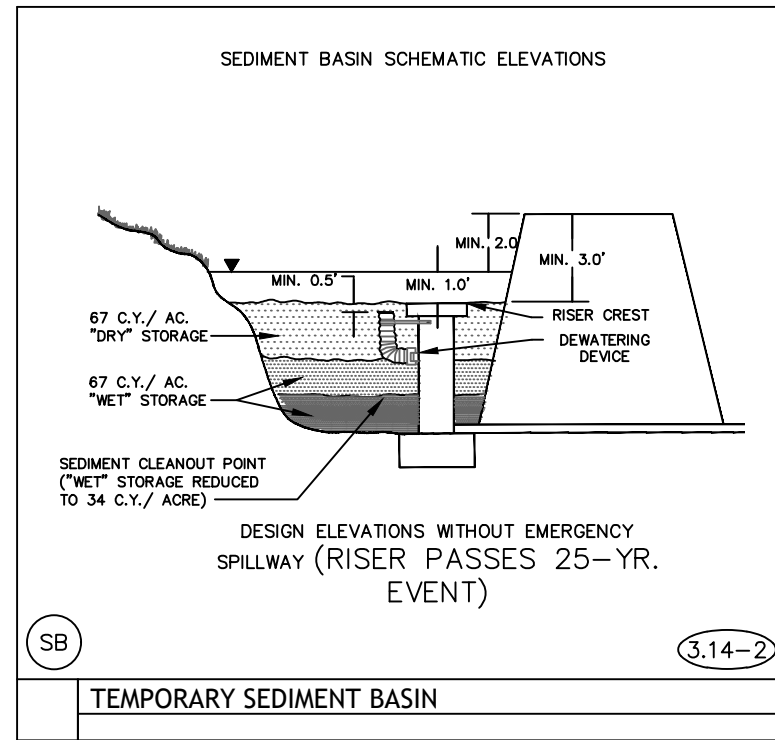
TREE SURVEY

SHEET 19
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



SCALE 1"=60'





EROSION CONTROL DETAILS

SHEET 20
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 18, 2022
Action Required:	DISCUSSION ONLY 4/18/22 of OPERATING PROCEDURES for the Charlottesville Police Civilian Oversight Board
Presenter:	Hansel Aguilar, Executive Director
City Manager Office Contact:	Ashley Marshall, Deputy City Manager
Title:	Operating Procedures for the Charlottesville Police Civilian Oversight Board, pursuant to Va. Code §9.1-601 (Law Enforcement Civilian Oversight Bodies) and City Code Chapter 2, Article XVI (Police Civilian Oversight Board)

Background

In November 2019 City Council enacted the current provisions of City Code Chapter 2, Article XVI (Police Civilian Review Board). Subsequently, in 2020, the Virginia General Assembly enacted Virginia Code §9.1-601, to provide express enabling legislation for the governing bodies of localities to establish law enforcement civilian oversight bodies. The state enabling legislation confers authority for City Council to assign seven categories of specific duties, and related duties as necessary to carry out effective oversight of the local law enforcement agency.

At the December 20, 2021 City Council Meeting, the City Council re-enacted the PCRB Ordinance and established the Police Civilian Oversight Board, with expanded functions. The amended Ordinance empowered the Board with wide ranging set of accountability measures to include investigatory powers, review authority, disciplinary authority, and auditing functions.

Discussion

The proposed Operating Procedures have been reviewed by both the City Attorney and the outside legal counsel for the PCRB/PCOB (the law firm of Sands Anderson, by attorneys Cynthia Hudson and Cullen Seltzer). The Operating Procedures represent many hours of work and collaboration between the PCRB working committee over the span of several months. This agenda memo can't adequately convey the amount of time and effort that the PCRB committee members have devoted to bringing this forward.

City Council may wish to discuss the following provisions and make a motion to amend the language of the proposed ordinance, if necessary, as a result of those discussions:

- Article 26: Mediation
- Article 34: Complaints Against Board Members

Budgetary Impact

A number of the functions authorized within the ordinance have a budgetary impact upon the City (and require additional funding to be allocated to the PCOB budget) if they are to be effectively carried out as contemplated by the ordinance. However, the adoption of this resolution to approve the operating procedures will not, in and of itself, have any budgetary impact.

Alignment with Council Vision Areas and Strategic Plan

Yes. Approval of these operating procedures will support:

- **Goal 1: An Inclusive Community of Self-sufficient Residents.** It specifically supports **Goal 1.5 Intentionally address issues of race and equity.** Additionally, the procedures support;
- **Goal 5: A Well-managed and Responsive Organization.** Specifically, the Board will support **Goal 5.4 Foster effective community engagement**

Alternatives

City Council could, by motion, amend any provision(s) within the attached proposed Operating Procedures.

Recommendation

It is recommended that Council should adopt the attached proposed operating procedures.

Community Engagement

The proposed operating procedures have been discussed at several PCRB/PCOB meetings, workshopped by a subcommittee convened by PCOB Chair William Mendez and were publicly discussed and reviewed at the March 10, 2022 PCOB Regular business meeting and the March 23, 2022 Special Meeting.

Attachment

- Proposed Operating Procedures

CITY OF CHARLOTTESVILLE

POLICE CIVILIAN OVERSIGHT BOARD OPERATING PROCEDURES



Table of Contents

Subject: POWERS AND DUTIES	3
Subject: PURPOSE	4
Subject: BOARD MEMBERSHIP	5
Subject: MEETINGS OF THE BOARD	9
Subject: EXECUTIVE DIRECTOR	11
Subject: JURISDICTION	14
Subject: STANDING TO FILE COMPLAINTS AND REVIEW REQUESTS	15
Subject: FILING COMPLAINTS	17
Subject: INITIAL REVIEW OF COMPLAINTS	18
Subject: WITHDRAW OF COMPLAINTS	20
Subject: REFERRALS TO THE COMMONWEALTH ATTORNEY	21
Subject: REFERRALS TO THE SURROUNDING JURISDICTIONS/ AGENCIES	22
Subject: INVESTIGATIONS (GENERAL)	23
Subject: INVESTIGATION OF COMPLAINTS	27
Subject: INVESTIGATIONS OF INCIDENTS	28
Subject: INVESTIGATION OF POLICIES, PRACTICES AND PROCEDURES	29
Subject: MONITORING OF INVESTIGATIONS AND COMPLAINTS	30
Subject: SUBPOENAS	32
Subject: DISPOSITIONS OF INVESTIGATIONS	34
Subject: HEARINGS (GENERAL)	35
Subject: PRELIMINARY HEARING CONFERENCE	37
Subject: FACTFINDING HEARINGS	38
Subject: REVIEW HEARINGS	42
Subject: RECORD OF HEARING	44
Subject: DISCIPLINARY MEETING	45
Subject: MEDIATION OF COMPLAINTS	47
Subject: AUDITING	51
Subject: PEACEFUL ASSEMBLIES MONITORING	52
Subject: REVIEW OF ANNUAL POLICE EXPENDITURES	53

Subject: COMMUNITY ENGAGEMENT	56
Subject: EFFECTIVE DATE OF REGULATIONS	57
Subject: DEFINITIONS	58
Subject: CODE OF ETHICS	62
Subject: COMPLAINTS AGAINST BOARD MEMBERS	65
APPENDIX 1	67

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-1
Subject: POWERS AND DUTIES	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

The powers and duties of the Police Civilian Oversight Board (PCOB) are set forth within Virginia Code §9.1-601 and within Charlottesville City Code Chapter 2, Article XVI, Sections 2-450 through 2-468, hereinafter known as the enabling ordinance.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-2
Subject: PURPOSE	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

The purpose of the Board is to establish and maintain trust between and among the Charlottesville Police Department, the City Council, the City Manager, and the public (§2-450 of the enabling ordinance.) In furtherance of that goal, the Board shall provide objective and independent civilian-led oversight of the Charlottesville Police Department (the “CPD”) in an effort to enhance transparency and trust, to promote fair and effective policing, and to protect the civil and constitutional rights of the people of the City of Charlottesville. The Board’s functions, as outlined below, shall pursue the following principles and objectives:

- A. Ensuring that police officers act with integrity and treat every person with equal dignity;
- B. Empowering and inspiring self-governance and a culture of mutual respect;
- C. Seeking social and racial justice;
- D. Engaging in community outreach and amplifying the voices of the socially, politically, and economically disenfranchised;
- E. Listening to and building cooperation between all stakeholders to find and develop common ground and public purpose;
- F. Championing just, equitable, and legitimate policing policies and practices; and
- G. Processing complaints, reviewing police practices and internal investigations, issuing findings, writing public reports, and making recommendations.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-3
Subject: BOARD MEMBERSHIP	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. **Appointment and Terms.** Board members will be appointed by the City Council, after an open application process, for staggered three-year terms, as described in § 2-453(a) of the enabling ordinance.
- B. **Composition.** The Board shall consist of up to seven voting members and one nonvoting member. The Board shall reflect the demographic diversity of the City of Charlottesville, as defined in § 253(b) of the enabling ordinance.
- C. **Conduct.** Each member of the PCOB shall conduct themselves in accordance with applicable state statutes, and with the provisions of Charlottesville City Code Chapter 2, Article XVI. (A board member’s failure to adhere to applicable law may result in civil or criminal proceedings against the member, or lawsuits against the City government).
- D. Each member of the PCOB shall execute and comply with the terms of a Confidentiality Agreement, to carry out the requirements of City Code Sec. 2-453(e)
- E. Each member shall adhere to the PCOB Code of Ethics found in Article 34.
- F. **Conditions for Removal.** Members of the PCOB serve at the pleasure of the City Council. The following conduct shall be specific grounds for removal from office (but are not intended as an exclusive list of the potential grounds for removal):
 - i. Violation of any confidentiality obligations required by law, or set forth within City Code Chapter 2, Article XVI;
 - ii. Ex parte communications with persons who have matters pending before the PCOB;
 - iii. Neglect of duties (including, without limitation, absence from three (3) consecutive PCOB meetings, or absence from four (4) PCOB meetings within any 12-month period);

- iv. Failure to adhere to the Code of Ethics set forth within these procedures;
- v. Failure to comply with any law(s) applicable to the transaction of the PCOB's business or to the member's service as a public official (including, without limitation: violation of the Virginia State and Local Government Conflicts of Interest Act, violation of the Virginia Freedom of Information Act); or
- vi. Any other action that constitutes either misfeasance or malfeasance of or in performance of a PCOB member's duties.

G. **Resignation.** A Board member may resign at any time by doing so in writing (or by electronic means.) The resignation will take effect immediately upon notification of the Executive Director or Board Chair.

H. **Continued Service.** Members appointed by City Council to the PCOB shall serve their terms in office. In the event that a member's term has expired, the member may continue to serve in a hold-over capacity until they are either re-appointed by Council, or until Council has appointed a different person to fill the succeeding term.

I. **Election and Terms of Officers.** The Chair and Vice Chair of the Board shall be elected at the first regular meeting of each calendar year and shall serve for terms of one year. No Board Member shall serve more than two consecutive terms as Chair. The election shall proceed as follows:

- i. The current Chair will ascertain if a quorum of the Board is present. If not, the election of officers will be postponed until the next regular meeting at which a quorum is present.
- ii. The current Chair will open the floor to nominations for the coming year's Chair. Nominations shall remain open until no more nominations are received.
- iii. The current Chair will then open the floor to nominations for the coming year's Vice Chair. Nominations shall remain open until no more nominations are received.
- iv. Members may decline nominations for Board offices at any time until the members are polled.

- v. When nominations are completed, the Executive Director shall poll the members as to which nominee they prefer for Chair. After all members of the Board have voted for Chair, the Executive Director shall poll the members as to which nominee they prefer for Vice Chair. Members may abstain from voting for Chair and Vice Chair if they choose.
- vi. The Office of Chair and Vice Chair will be awarded to the nominees with the most votes for each office.
- vii. The current Chair may second nominations and vote in the election of officers.

J. **Duties of Officers.** The Chairperson shall preside over all Board meetings at which they are present. Additionally, the Chairperson shall prepare all Board meeting agendas in consultation with Board professional staff members. The Chairperson shall also draft all Board communications and serve as the Board's media point of contact. Finally, the Chairperson may assign ad hoc tasks to one or more Board members.

The Vice-Chairperson shall preside over all Board meetings in the absence of the Chairperson and shall perform any other duties delegated to them by the Chairperson. The Vice-Chairperson shall take minutes at all Board public meetings unless the Board votes to allow its Executive Director to take minutes.

K. Committees and Advisory Panels.

- i. **Committees.** The Board may establish committees and advisory panels to aid in the fulfillment of its mission. Committees may be ad hoc or permanent. Any member of the Board may propose the formation of a committee to address specific topics or tasks. Proposals should be in writing and indicate the mission and scope of the committee, the duration of its activities, and resources required to fulfill its objectives. The Board shall approve the formation of committees by majority vote. Membership on committees shall be voluntary and limited to members of the Board.

The members of each committee shall select a committee Chair. The committee Chair shall

report periodically to the full Board regarding the activities undertaken by their committee and progress made towards their stated goals. The status of permanent committees shall be reviewed annually and may be terminated by Majority vote of the Board. Ad hoc committees will expire when their stated objectives have been fulfilled or when they are terminated by majority vote of the Board.

- ii. **Advisory Panels.** The Board may also establish advisory panels to expand and facilitate interactions with the public on issues related to police oversight. Members may propose the establishment of advisory panels in the same manner as for committees; proposals should describe the nature of the panel's mission and the target audience for Board outreach and, if possible, public volunteers or organizations who will be participating in the panel. The formation of advisory panels shall be approved by a majority vote of the full Board. Advisory panel members may choose a Chair, Secretary, or other leadership from among themselves; non-Board members may act in leadership positions in advisory panels, as long as such leadership does not constitute a conflict of interest. Advisory panels may not exercise powers specifically delegated to the Board.
- iii. **FOIA Compliance.** Board members serving on committees and advisory panels must adhere to all applicable requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.)

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-4
Subject: MEETINGS OF THE BOARD	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. **Regular Meetings.** Regular Meetings shall be held once per month on a schedule that is convenient to Board members. The time and location of the meetings will be determined by consultation between the Board and the City Manager. The Board may by majority vote change the time and place of regular meetings.
- B. **Special Meetings.** Special Meetings may be called by the Board Chair or by request of any two Board members to the Chair or Executive Director.
- C. **Notice.** Public notice of regular meetings must be provided per City policy [and VA FOIA?]. Whenever possible, the Board shall provide written summaries of proposed agenda items as part of the agenda package. Public notice of special meetings must be provided at the same time as notice is provided to the Board Members.
- D. **Meeting Procedures.** Roberts’ Rules of Order 12th Edition, Sec. 49:21 Rules for Small Boards shall be used as guidance for the conduct of meetings. During meetings:
- i. Board members must be recognized by the Chair before speaking or introducing motions.
 - ii. The Chair will recognize members in order which they ask to be heard.
 - iii. The Chair may participate in discussions and vote on motions but must relinquish the gavel if he/she wishes to introduce a motion.
 - iv. The Chair will work to assure that the opinions of all members are heard.
 - v. Board members are expected conduct themselves civilly and respectfully.
- E. **Public Comment Period.** At least one public comment period will be held at each regular and special meeting of the Board. More than one comment period may be held at the discretion of the chair. If two or more comment periods are scheduled, the Chair may limit the subjects of comments

to items on the agenda in one comment session. During public comment periods, participants will be called on in the order that they request to be recognized. Each commenter will be limited to three minutes. Individuals may ask to be recognized more than once during a meeting or during a comment period; such individuals may be recognized by the chair, time permitting, after all others have had one chance to speak. The Board will develop and publish guidelines for public participation during its meetings.

- F. **Minutes.** Minutes of regular and special meetings shall be taken by the Vice Chair or, if delegated by the Board, the Executive Director, as described in §2-454(d) of the enabling ordinance.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-5
Subject: EXECUTIVE DIRECTOR	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Appointment.** The City Manager shall appoint an Executive Director with the approval of a majority vote of the City Council, as described in §2-455 of the enabling ordinance.

B. **Duties.** As authorized in §2-455, the Executive Director shall support the Board in the implementation and exercise of all its functions authorized under this ordinance and to undertake or ensure the performance of specific tasks assigned by the Board, including the monitoring of investigations conducted by the Department. If authorized by the City Manager or their designee, the Executive Director may engage the services of such investigators as may be necessary to perform the Executive Director’s duties to conduct or to monitor investigations. Specifically, the Executive Director shall support the Board in the areas listed below and as detailed in the Division of Labor Protocol found in Appendix 1:

- i. Board Meetings
- ii. Investigations
- iii. Disciplinary Recommendations
- iv. Auditing
- v. Review
- vi. Mediation
- vii. Subpoenas
- viii. Annual Expenditures
- ix. Committees
- x. Advisory Panels
- xi. Forums
- xii. Commendations
- xiii. Interdepartmental Relations
- xiv. External Relations
- xv. Training
- xvi. Issue and Policy Management
- xvii. Staff Management
- xviii. Annual Report
- xix. Strategic Vision

- xx. Legal Compliance
- xxi. Budget
- xxii. Special Projects
- xxiii. Fundraising

C. **Supervision.** The City Manager shall supervise the work of the Executive Director and may delegate that responsibility to a Deputy City Manager. The City Manager's annual evaluation of the Executive Director's performance shall consider a written performance review submitted by the Board to the City Manager. The Board may request that the City Manager meet with the Board's Chair to discuss the Executive Director's performance.

- i. A written performance review by the Board shall include input and review of all Board members.
- ii. Prior to meeting with the City Manager, the Board Chair shall have a shall solicit comments from each Board member to ensure all positions are represented.

D. **Vacancy.** If there is a vacancy in the position of Executive Director, the City Manager or their designee may designate some other City employee who is not an employee of the Department to act as Executive Director until a new Executive Director is hired.

- i. The City Manager shall consult with the Chair to assess the needs of the Board and determine the "best fit" for "acting Executive Director".
- ii. The City Manager shall fill the position as soon as practicable but shall not delay the selection of a new Executive Director more than 6 months from the beginning of the vacancy. The City Manager shall submit a written explanation to City Council if there is a delay in the selection of the Executive Director beyond this period. The written explanation shall specify an action plan to expedite the selection of the Executive Director.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-6
Subject: JURISDICTION	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

The Board’s jurisdiction extends to all civilian complaints alleging misconduct by sworn officers and civilian employees of the Charlottesville Police Department, irrespective of duty status. For purposes of this Article, “misconduct” is defined as any conduct actionable under CPD General Orders 517.00 (Disciplinary Procedures) Parts 1 and 2, 400.05 (Bias-Based Policing), and 400.00 (Code of Conduct), as amended, as well as any other violation of procedures and policies applying to police conduct. The Board may also independently investigate incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, or serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers and civilian employees of the Department.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-7
Subject: STANDING TO FILE COMPLAINTS AND REVIEW REQUESTS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Complaints.** The following have standing to have their complaints alleging misconduct by sworn officers or civilian employees considered by the PCOB:

- i. Any individuals directly affected by incidents of police misconduct (who were physically present and in physical or verbal contact with police during the alleged misconduct)
- ii. Designated representatives of individuals affected by police misconduct
- iii. Parents, guardians, legal custodians of minors or persons under a disability who have alleged to have been victims of police misconduct.
- iv. Any witnesses to incidents of police misconduct who were present during the alleged misconduct
- v. Any individual with material information concerning police misconduct

B. **Review Requests.** Any individual whose complaint has been investigated by the Charlottesville Police Department had standing to file a review request.

C. **Timeliness.** Complaints must be filed with one year (365 days) of any incident of alleged police misconduct. Review requests must be filed within 75 days of the issuance of a Closure Letter by the Charlottesville Police Department. The CPD must make a good faith effort to ensure that the closure letter has been received by the complainant. The Board may extend the above deadlines for cause, as stated in § 2-458(D) of the enabling ordinance.

D. **Permission to file on behalf of another individual.** Representatives filing complaints or review requests on behalf of others must have written approval to do so from the individual directly

affected by police misconduct. The Executive Director shall ascertain if such approval has been given.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-8
Subject: FILING COMPLAINTS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

The process, as set out in detail in a Standard Operating Procedure established by the City Manager in consultation with the Chief of Police and the Executive Director, shall permit Complainants to file Complaints online, in writing, or orally. The SOP permits the Complainant to choose whether the Complaint will be investigated by the Board only or by the Department with monitoring by the Executive Director. Regardless of how a Complaint is received, it shall be promptly provided to the Department and to the Executive Director. The Executive Director, in consultation with the Board, may decline to investigate a Complaint.

- A. **Exclusions.** The Board shall not consider complaints, incidents, claims or listed in Charlottesville Code 2-458(c.)
- B. **Exceptions to time limits.** The Board may review investigations beyond the time limits specified in Section 2-458 if:
 - i. The board determines that there is good reason for doing so, or
 - ii. As part of an audit taking place under Section 2-462(b).

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-9
Subject: INITIAL REVIEW OF COMPLAINTS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. **Case File.** Upon the receipt of a complaint, the Executive Director shall create a case file for the complaint, designate a number for the complaint, enter the case in a database, and preserve any body-worn camera evidence.
- B. **Initial Evidence Collection.** The Executive Director may request additional information from the complainant, and collect any evidence necessary for the initial review.
- C. **Screening.** The Executive Director shall screen each complaint and shall take one of the following actions:
- i. Recommend to the Board to decline to investigate the complaint;
 - ii. Refer the complaint to the Commonwealth Attorney for possible criminal prosecution;
 - iii. With the agreement of all parties, refer the complaint to mediation per Article 26;
 - iv. Refer the complaint to independent investigation conducted by the Board;
 - v. Refer the complaint to the CPD for investigation because the complaint falls outside of the authority of the Board to review;
- D. **Recommendation Not to Investigate.** In some cases, a preliminary review of the publicly or immediately available evidence may disclose that a complaint lacks merit, and a full investigation would be prejudicial to the complainant and to the public. In those instances, the Executive Director may advise the Board in writing that such investigation will not accomplish the goals of the Board. In recommending whether to decline an investigation, the following factors shall be considered:
- i. The veracity of the allegations as presented in any available video evidence (i.e. BWC, dash cam footage, cell-phone recordings, surveillance videos, etc.)

- ii. Credible oral or written testimony of an independent third-party (eye) witness that refutes the allegations as presented by the complainant.
- iii. Other relevant information related to the circumstances or occurrence of the civilian-police interaction.

E. **Decision not to Investigate.** In cases where the Executive Director recommends a complaint not be investigated, the Board Chair may except the recommendation, or refer the matter to the full Board at its next regularly scheduled meeting. If the Chair or the full Board except the recommendation not to investigate, the complainant shall be notified in writing of that decision, provided with the reasons, and provided the opportunity to have the complaint sent to CPD for investigation. If a majority of the Board votes not to not accept the Executive Director's recommendation, the Chair shall direct the Executive Director to proceed with the investigation.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-10
Subject: WITHDRAW OF COMPLAINTS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A complaint may be withdrawn orally or in writing from further consideration at any time by the complainant. A withdrawal made orally shall be memorialized as soon as practicable with the date and reason for the withdrawal (if provided). The Board may decide by majority vote to continue the investigation of a withdrawn complaint if they consider that doing so is in the public interest, keeping in mind the complainant's legitimate privacy concerns.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-11
Subject: REFERRALS TO THE COMMONWEALTH ATTORNEY	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. If the Executive Director becomes aware that the misconduct alleged in the complaint or disclosed by investigation may be criminal in nature, he or she shall refer the case to the City of Charlottesville Commonwealth Attorney for possible criminal prosecution.
- B. The Executive Director shall give written notification of such referral to the Board, the Chief of Police of the CPD, the City Manager, the City Attorney, the complainant, and subject officer(s). If requested by the Commonwealth Attorney, the Executive Director shall delay notification of the referral to one or more of these parties until the Commonwealth Attorney determines that notification is appropriate.
- C. The Executive Director shall transmit copies of all relevant files to the Commonwealth Attorney, maintain a record of each referral, and record the disposition of each referred matter.
- D. The Executive Director will confer with the Commonwealth’s Attorney, the City Attorney, and the Board’s own legal counsel as to whether competing public interests and civil rights involved permit the resumption of continued, parallel investigation by the Board. 2-458(e)(2). If the Executive Director is advised that a parallel investigation is advisable, he shall certify in writing to the Board that this is the case and initiate or resume an investigation as appropriate.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-12
Subject: REFERRALS TO THE SURROUNDING JURISDICTIONS/ AGENCIES	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

If the Board receives complaints regarding the conduct of non-CPD officers and employees, the Executive Director shall notify the complainant of the lack of jurisdiction to investigate and forward the complaints to the appropriate agency with the permission of the complainant.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-13
Subject: INVESTIGATIONS (GENERAL)	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

The standards and principles in this section, have been guided and adapted in part from the Quality Standards for Investigations (QSI) which provide a framework for conducting high-quality investigations for Offices of Inspector General (OIGs) affiliated with the Council of the Inspectors General on Integrity and Efficiency (CIGIE). Additionally, guidance has been incorporated from the National Association for Civilian Oversight of Law Enforcement (NACOLE) and affiliated practitioners and agencies.

A. Direct Investigations or Delegation of Investigations

The Executive Director shall be responsible for directly investigating complaints and incidents or engaging independent investigators as authorized in §2-455(c) and §2-458(g). In utilizing the discretion to directly investigate or delegate, the Executive Director shall consider the following factors:

- i. Complexity of the investigation (i.e. number of allegations, number of officers involved, seriousness of the allegations at hand, etc.)
- ii. Public interest in the case at hand
- iii. Timeliness assessment (i.e. whether the investigation can be completed in a time-frame that does not cause undue burden for the execution of the other duties of the Executive Director)
- iv. Fiscal impact- availability of funds in the operating budget at the time the complaint is received

B. General Standards

The Executive Director will incorporate the standards and principles outlined here into the Auditing, Investigations and Monitoring (A.I.M) Manual within 90 days of passage of these

articles. The A.I.M. Manual shall be revisited every 3 years to ensure it represents the latest standards in the field. The A.I.M. Manual defines required qualifications for investigators, procedures for initiating independent investigations, required elements of investigations, and reporting and recordkeeping procedures.

The general standards for Board investigations are:

i. **Qualifications:**

Individuals assigned to conduct the investigative activities must collectively possess professional proficiency for the tasks required.

This standard places upon the Board, via the Executive Director, the responsibility for ensuring that investigations are conducted by personnel who collectively have the knowledge and skills required to perform the investigative activities.

ii. **Independence:**

In all matters relating to investigative work, the Board must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude.

This standard places upon the Board, via the Executive Director, the responsibility for maintaining independence, so that decisions used in obtaining evidence, conducting interviews, and making recommendations will be impartial and will be viewed as impartial by knowledgeable third parties. There are three general classes of impairments to independence: personal, external, and organizational.

iii. **Due Professional Care:**

Due professional care must be used in conducting investigations and in preparing related reports.

This standard requires the Board, via the Executive Director, a constant effort to achieve quality and professional performance. It does not imply infallibility or absolute assurances that an investigation will reveal the truth of a matter.

In addition to the general standards in the field, the Board will also adhere to the requirements as outlined in §2-458(a)-(e).

C. Compliance

Any investigation shall comply with all federal, state, and local laws as outlined in §2-458(a).

D. Compelled Statements

The Board may not compel a statement from any Department employee.

This prohibition does not preclude the Board requesting voluntary statements from subject officers or other employees of the Department in the course of investigations of complaints or incidents, or from separately applying for a subpoena to the Circuit Court for the City of Charlottesville. If a subpoena is obtained, the Circuit Court for the City of Charlottesville can compel attendance of witnesses and the production of books, papers, and other evidence necessary to perform the investigative duties pursuant to §2-452(c) & §2-458(f).

E. Exceptions to time limits for investigation

The Board may review investigations beyond the time limits specified in §2-458 subsections (c)(1) and (c)(2) if: (1) The board determines that there is good reason for doing so, or (2) As part of an audit taking place under Section 2-462(b).

- i. For cases that are beyond the time limits, the Executive Director will assist the Board by interviewing the complainant to determine the reasons for the late filing.
- ii. The Executive Director shall deliver the reasoning as communicated by the complainant via a written Memorandum of Good Reason (MGR).
- iii. The Board shall consider whether the complainant had a “good reason” at the next regular business meeting of the Board. By a two-thirds vote, the Board can certify that there is “good reason” and submit the waiver of the time limit exception to the City Manager.
- iv. Upon receiving the two-thirds vote, the Board -via the Executive Director- shall submit the waiver request to the City Manager who shall decide on the waiver within 72 hours. If the City Manager does not respond to the waiver request within 72 hours, the request shall be deemed to have been granted.

F. Suspension of Investigations

If a Complaint asserts criminal conduct by an employee of the Department, or if at any point in an investigation of a Complaint or Incident the Board becomes aware that an employee may have committed a criminal offense, the Board shall:

- i. Suspend the investigation and notify the Chief of Police and Commonwealth's Attorney of the alleged conduct, ensuring that no statements obtained from the Police Department employee(s) whose actions are the subject of the matter are shared with criminal investigators or any prosecuting authority except in accordance with applicable law; and
- ii. Evaluate, in consultation with Board legal counsel, the City Attorney, and the Commonwealth's Attorney, whether competing public interests and civil rights involved permit the resumption of continued, parallel investigation by the Board

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-14
Subject: INVESTIGATION OF COMPLAINTS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. The Board’s authority to conduct independent investigations of complaints of employee misconduct by the Department is derived from §2-452(c) and §2-457(a).
- B. The investigation shall be completed in an expeditious and efficient manner. Good faith efforts will be made to obtain the voluntary attendance of witnesses and the production of relevant evidence.
 - i. If the complainant refuses or fails to cooperate in the investigation, the Executive Director may recommend that the Board refer the investigation to the CPD. The Board shall adopt or disapprove the Executive Director’s recommendation by a majority vote. Alternatively, the Executive Director may continue with the independent investigation, if in the Executive Director’s judgement, a fair and complete investigation is possible without full cooperation of the complainant.
 - ii. If the subject officer, or an employee of the CPD refuses or fails to cooperate in the investigation, the Executive Director shall notify the relevant Chief of Police in writing.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-15
Subject: INVESTIGATIONS OF INCIDENTS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

The Board’s authority to investigate and issue findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, serious abuse of authority or misconduct as defined in the Ordinance, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers and civilian employees of the Department is derived from §2-452(c) and §2-457(b).

- A. These incidents do not require a complaint to be filed and the Board, *sua sponte*, may investigate incidents fitting the criteria.
- B. These matters will follow the same investigatory protocol as investigations of complaints with the addition of the Preliminary Investigative Report as referenced in §2-458(h)
- C. The Board shall authorize an investigation of incidents by a majority vote.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-16
Subject: INVESTIGATION OF POLICIES, PRACTICES AND PROCEDURES	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. The Board’s authority to investigate policies, practices, and procedures of the Department through the Executive Director and to make recommendations regarding changes to such policies, practices and procedures, as set forth within Sec. 2-462 of the Ordinance is derived from §2-452(c).
- i. The Executive Director may seek to contract independent contractors and firms through competitive and non-competitive procurements to undertake investigations under this subsection.
 - ii. The completion of retrospective examinations and audits of patterns in Internal Affairs investigations, arrest and detention, and other public-police interactions shall not preclude the Board from exercising the Powers and Duties under this subsection.
 - iii. The Board shall authorize an investigation of policies, practices, and procedures by a majority vote.
- B. The investigation shall be completed in an expeditious and efficient manner. Good faith efforts will be made to obtain the voluntary attendance of witnesses and the production of relevant evidence. The Executive Director shall provide a report of all investigations of policies, practices, and procedures, and recommended changes to the Board for review and approval.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-17
Subject: MONITORING OF INVESTIGATIONS AND COMPLAINTS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. The Executive Director’s authority to is actively monitor all investigations of Complaints of employee misconduct conducted by the Department is derived from §2-452(c) and §2-457(a).
- B. While monitoring investigations, the Executive Director shall have access to records and witnesses to the same extent as the Department, subject to the limitations or requirements set out in this Ordinance. Such monitoring may include reviewing the:
- i. Investigative plan of the Department;
 - ii. Reviewing with the Department any records within the Department’s digital evidence management system;
 - iii. Reviewing with the Department any pertinent law enforcement records within the Department’s Records Management System;
 - iv. Observing any and all real-time interviews of witnesses with the Department;
 - v. Reviewing all recorded interviews which the Executive Director chooses not to attend in real time;
 - vi. Providing feedback during the interview to be relayed to Department staff conducting the interview;
 - vii. Providing feedback to Department staff in determining next steps in the investigative process; and reviewing facts gained from investigation with Department staff.
- C. For active investigations, the Executive Director shall be limited in their participation to the same extent the Department is limited in its participation in such investigations. The Executive Director may monitor the Department’s administrative investigation of employee misconduct after the close

of the active investigation in the same manner as all other investigations of employee conduct handled by the Department as described in this section.

- D. When monitoring Department investigations, during the pendency of the investigations the Executive Director shall not disclose information to the Board, any Board member, or any person other than as authorized in writing by the Chief of Police or the City Manager.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-18
Subject: SUBPOENAS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Subpoenas.** If, after making good faith efforts, the Executive Director is unable to obtain the voluntary attendance of witnesses and the production of books, papers, and other evidence necessary to perform the investigative duties, the Executive Director, pursuant to §2-452(c) & §2-458(f), may recommend that the Board apply to the Circuit Court for the City of Charlottesville for a subpoena compelling the attendance of such witness or the production of such books, papers and other evidence.

- i. The Executive Director shall deliver a Memorandum of Subpoena Recommendation (MSR) to the Board within 48 hours after the last effort to obtain voluntary attendance of witnesses or production of evidence. This notification shall be made electronically to the Board Chair and Vice Chair.
- ii. Upon receiving the MSR, the Board Chair shall distribute it to the Board and request that the Board convene for a Special meeting. The meeting will be publicly noticed per VFOIA public meeting requirements.

B. **Special Meeting- Subpoena.** If after receiving the MSR from the Executive Director and the presentation at the Special Meeting, the Board determines that there is evidence (including witnesses) within the control of the Police or other city Department and or independent third parties, which the Board is unable to obtain voluntarily, the Board by two-thirds vote may direct the Executive Director, on behalf of the Board, to apply to the Charlottesville Circuit Court for a subpoena.

- i. If a two-thirds (2/3) vote is not achieved, the Executive Director will immediately continue with the investigation with the information collected up to that point.

ii. If a two-thirds (2/3) vote is achieved, the Executive Director will work with the Independent Counsel to apply for the subpoena within 72 hours of the vote. A delay in the application of the subpoena beyond this time period shall be documented in writing and included in the case file.

C. **Service of a Subpoena.** Upon approval of the subpoena by the Circuit Court, the Board shall delegate service of the subpoena to the City of Charlottesville Sheriff's Office.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-19
Subject: DISPOSITIONS OF INVESTIGATIONS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

At the conclusion of the investigation of a complaint or incident, the assigned Investigator shall forward the file with a report of investigation to the Executive Director. The Executive Director shall take one of the following actions:

- A. Direct the investigator to undertake additional investigation;
- B. Refer the complaint to the Commonwealth Attorney’s Office where there is a criminal element to the allegations and suspend the investigation until criminal matter is resolved;
- C. Certify the results of the Investigative Report for complaints pursuant to §2-457(a);
- D. Certify the results of the Preliminary Investigative Report for investigations of incidents as provided in §2-457(b) and §2-458(h);
- E. If an in Investigative Report or Preliminary Investigative Report is certified, by the Executive Director, he/she shall then submit the report to the Board, the City Manager, City Attorney, Chief of Police, employees identified as having committed employee misconduct, and to the complainant.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-20
Subject: HEARINGS (GENERAL)	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Hearing Examiner.** Hearings that are convened to address investigations of complaints and incidents under Section 2-457 and complaint review requests under Section 2-459 of the Board’s enabling ordinance shall be presided over by Hearing Examiners. Hearing Examiners may have professional experience in mediation, police oversight, or other relevant area of jurisprudence. Hearing Examiners shall be engaged by the Executive Director. In selecting Hearing Examiners, the Executive Director shall take due precautions to avoid bias, conflict of interest, or the appearance thereof.

- i. Duties of Hearing Examiner. A Hearing Examiner shall referee the hearing such that the structure and format of the hearings outlined in the structure and format sections in Articles 21-23.
- ii. While the Hearing Examiner is responsible for the ensuring the orderly proceeding of the hearings, the Board is primarily responsible for eliciting evidence from the hearing.

B. **Advisors/Representatives.** Right to advisor/representative of choice. Throughout the Hearing process, all parties may consult with and be represented by legal counsel or another individual advisor/representative of their choosing at any meeting or proceeding related to the Hearing process. A representative is not required and the complainant and subject officer are each responsible for ensuring their advisor’s presence at the hearing.

C. **Interpreter.** Any party requesting an interpreter shall provide at least 14 working days written notice of this request to the Executive Director.

D. **Continuance and Delay.** The Executive Director may continue the hearing due to the unanticipated unavailability of a witness or representative if good cause is shown, or due to the

unavailability of an interpreter. Should the subject officer fail to appear within 30 minutes after the scheduled time for the hearing, the hearing will proceed and the allegations may be sustained absent good cause.

- E. **Waiver of Hearing.** The complainant may indicate in writing to the Executive Director that they waive their right to attend their scheduled hearing within 10 calendar days of being notified of the hearing date. The Board may then, at its discretion, decide the issue based on the evidence in the record.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-21
Subject: PRELIMINARY HEARING CONFERENCE	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

The Board may, at its discretion, convene a Pre-Hearing Conference, during which preliminary matters related to the Hearing are discussed and/or resolved. The parties will be provided advance written notice of the date, time, and location of the pre-hearing conference.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-22
Subject: FACTFINDING HEARINGS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Purpose.** Fact-finding hearings shall be open to the public and conducted for the board to understand the allegations of misconduct and the facts as determined during the board’s investigation and as presented by the involved parties.

B. **Standard of evidence and findings.** The Hearing and related investigation are neutral fact-gathering processes. Findings shall be made based on a preponderance of the evidence.

C. **Rules of evidence.** The hearings need not be conducted according to technical rules of evidence. Relevant evidence shall be admitted, subject to the guidance below, if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. The Hearing Examiner may exclude irrelevant and unduly repetitious evidence. The Hearing Examiner’s decision to exclude evidence shall be final.

The following evidence may be excluded:

- i. Information or documents about the complainants’ past encounters with the police if in the estimation of the Hearing Examiner does not show *modus operandi*, or a pattern or practice of behavior that may be very helpful in reaching factual conclusions;
- ii. The complainant’s criminal record, unless record is permissible impeachment (e.g., prior conviction for forgery or perjury);

D. **Structure and Format.** The fact-finding hearing shall proceed in the following order:

- i. Call the hearing to order;
- ii. Explain the purpose of the hearing
- iii. Give background on the objectives and procedures of the hearing
- iv. Review possible decisions; and Review the applicable standards of evidence.

- E. **Presentation of Evidence.** Once the preliminary information stage is completed, the Hearing Examiner shall conduct the hearing in the following order and manner:
- i. The Hearing Examiner shall ask for statements from the board's investigator, who shall present a summary of the complaint and a summary of their investigation of the complaint;
 - ii. The Hearing Examiner shall ask for statements the complainant and their representative, if applicable;
 - iii. The Hearing Examiner shall ask for statements witnesses identified by the complainant, if any; and
 - iv. The Hearing Examiner shall ask for statements from the subject officer, if attending and voluntarily choosing to make a statement.
 - v. The Hearing Examiner will guide the use of evidence. The parties may refer to any relevant documentary evidence and exhibits during their statements.
- F. **Presence of witnesses.** Witnesses may not be present during the statements of the parties.
- G. **Questions.** The board members may ask questions of the parties and witnesses at the conclusion of each of the parties' and witnesses' statements. The Hearing Examiner shall recognize each board member who indicates they want to ask a question. Once all board members have completed their questions, the parties may submit questions to ask about or clarify a point the board members may have missed, confused, or misstated.
- H. **Orderly business of the hearing.** The Hearing Examiner shall ensure that the hearing proceeds in an orderly fashion. Participants who repeatedly interrupt the orderly business of the hearing may be required to leave the hearing by the Hearing Examiner.
- I. **Board legal counsel consultation.** The Board shall have access to legal counsel from either the City Attorney or the Independent Legal Counsel. Whenever there are legal issues where the Board needs guidance, the City Attorney and Independent Counsel shall confer to determine whether a conflict of interest exist and the advice the Board seeks should be provided by the Independent

Legal Counsel. The Board shall seek the opinion of their Independent Legal Counsel when a case raises substantial legal issues of first impression outside of the City of Charlottesville ordinance.

- i. If the Board needs additional evidence or an opinion from the Independent Legal Counsel or the City Attorney to reach its findings, it may continue the deliberations phase of the hearing to a future date, not to exceed 14 calendar days, if the necessary counsel is unavailable.

J. **Deliberations.** The Hearing Examiner shall close the fact presentation portion of the hearing and open the board's deliberations of the finding unless the board votes to deliberate in a later public meeting due to the length of the hearing or complexity of the case. A separate meeting for deliberations will take place no later than fourteen calendar days from the hearing. The Board shall not consider any information not received in the Hearing Packet or during the hearing. In conducting the deliberation, the Hearing Examiner shall:

- i. Guide the discussion to elicit the Board's finding in the case by asking each Board member to briefly state their opinions on each evaluation criterion. Board members may defer responding or simply state their agreement with previous speakers. After each member has had opportunity to comment on each criterion, the Examiner shall open the floor to additional discussion as appropriate in his judgement;
- ii. Elicit closing remarks and recommended finding from the investigator and questions from the Board for the investigator;
- iii. Present the findings options; and
- iv. Poll the Board on their preferred findings.

K. **Findings.** The board may choose to find:

- i. Complaint not sustained, for one of two reasons:
 - There is insufficient evidence to sustain the Citizen Complaint; or
 - The facts alleged in the Citizen Complaint are true, but do not constitute misconduct by the Subject Officer because the Subject Officer's actions were lawful, justified, and proper.

- ii. Complaint sustained. A complaint shall be sustained when the Oversight Board determines that:
 - The facts alleged in the Citizen Complaint are true; and
 - The Subject Officer's actions were not lawful, justified, and proper.
- iii. This decision shall be reached by majority vote of a quorum of Board members in open session.

L. Serious breach of departmental and professional standards. Upon the entering of a sustained finding, the Executive Director shall open the discussion as to whether the officer's conduct constituted a serious breach of departmental and professional standards to determine if the Board may make disciplinary recommendations. The board may consult with a representative from the Department and review the applicable department and professional standards. The board may vote to conduct this portion of the deliberations on another date, not to exceed 14 days from the date of the fact-finding hearing, to provide time for the board members to become familiar with the applicable department and professional standards or other information required to understand complex cases.

M. Findings Report and Notification.

- i. Within 7 calendar days of the last date of the hearing, the Executive Director shall inform the complainant and subject officer, in writing, whether the allegation was sustained or not sustained. Notice to both shall include whether any of the sustained allegations were found to be a serious breach of departmental and professional standards. Notice to the subject officer will include their ability to file a grievance through Charlottesville's grievance procedure subsequent to further action by the Department, if applicable.
- ii. Within 10 calendar days of the last date of the hearing, the Executive Director shall submit a Findings Report, together with the Hearing Packet, which shall include all findings made by the Board, to the City Manager and the Chief of Police.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-23
Subject: REVIEW HEARINGS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. **Purpose.** Review hearings shall be conducted for the board to analyze the sufficiency (thoroughness, completeness, objectivity, impartiality, and accuracy) of the Internal Affairs Division (IAD) investigation of a complaint and its findings. A Department IAD representative shall be present at every hearing.
- B. **Standard of evidence and findings.** The board may find that CPD IAD investigation was or was not sufficient based on a preponderance of the evidence of the complaint presented at the hearing and on professional investigation standards. The may also consider whether the findings of the IA investigation were consistent with the evidence available to the CPD.
- C. **Structure and Format.** The review hearing shall proceed in the following structure:
- i. The Hearing Examiner shall relay the same preliminary information as required for fact-finding hearings.
Presentation of Investigation/Evidence:
 - ii. The Hearing Examiner shall ask for statements from, the Internal Affairs representative, who shall present a summary of the complaint, the IA investigation of the complaint, and review the basis for the IA finding;
 - iii. The Hearing Examiner shall ask for statements from, the complainant and their representative, if applicable, either of whom may summarize the complainant’s experience during the incident and the effect of that experience on the complainant;
 - iv. The Hearing Examiner shall ask for statements from, witnesses identified by the complainant, if any; and

- v. The Hearing Examiner shall ask for statements from, the subject officer, if attending and voluntarily choosing to make a statement.
- D. **Questions of the parties.** The Hearing Examiner shall adhere to the same rules for questions as required in fact-finding hearings. Additionally, the parties may ask questions directly to the Department IAD representative present.
- E. **Orderly business of the hearing.** The Hearing Examiner shall adhere to the same rules for the orderly business of the hearing as required in fact-finding hearings.
- F. **Deliberations.** The Hearing Examiner shall close the fact presentation portion of the hearing and open the board's deliberations of the finding. The Board shall consider the following options for a finding:
- i. The Board concurs with the findings of the Charlottesville Police Department investigation; or
 - ii. The Board advises the City Manager that the CPD investigation's findings are not supported by the information reasonably available to the CPD and make further recommendations to the City Manager concerning disposition of the Review Request; or
 - iii. The Board advises the City Manager that the CPD investigation is incomplete or unsatisfactory and provides the specific reasons for this finding.

The Hearing Examiner shall conduct the deliberations in the same manner as they conduct the fact-finding hearing deliberations.

- G. **Policy Recommendations.** Once the board has made its finding, the Executive Director shall ask the Board members whether the information presented at the hearing suggests that Board should make policy recommendation(s) to the Chief of Police and City Manager.
- H. **Serious breach of departmental and professional standards.** Upon entering any sustained finding the Executive Director shall open the discussion as to whether the officer's conduct constituted a serious breach of departmental and professional standards to determine if the Board may make disciplinary recommendations or if the Department disciplined the officer appropriately.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-24
Subject: RECORD OF HEARING	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

The Board shall make an audio or video recording of all hearings that shall serve as an official record.

The Board shall provide a transcript of the proceedings to any party that requests it.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-25
Subject: DISCIPLINARY MEETING	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Purpose.** Should the board find that a sustained complaint constituted a serious breach of departmental or professional standards, the Board shall meet to determine disciplinary recommendations to make to the Department no later than 30 calendar days from the last date of the fact-finding or review hearing. These recommendations may pertain to policies and procedures and/or the subject officer to disincentivize similar future misconduct. In making such recommendations, the Board may review policies, practices, and procedures of the Department, including written policies, procedures, and standing orders.

B. **Structure.** The board’s Executive Director shall provide a written report to the board and make a presentation of the report, which shall include a summary of the following:

- i. The opinion of the officer’s direct supervisor;
- ii. The opinion of the complainant;
- iii. The opinions of witnesses, if appropriate;
- iv. The opinion of the officer, if they wish to participate;
- v. Prior sustained community member complaints against the officer; and
- vi. Which section of CPD’s disciplinary matrix or other general order applies to the wrongful conduct.

C. **Notice to officer.** Prior to the meeting, the Executive Director shall have notified the officer of the meeting and of the range of potential disciplinary actions. The officer may submit a written statement to the Executive Director to be considered during the meeting.

D. **Recommendations.** All recommendations of the Board shall be established by majority vote of a quorum of Board members. The recommendations shall be publicly announced unless the Board

specifically finds a compelling reason to impose confidentiality consistent with law. The Board will submit disciplinary recommendations to CPD and the City Manager in writing within 10 calendar days from the date of the disciplinary meeting.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-26
Subject: MEDIATION OF COMPLAINTS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Authority.** As authorized by § 2-460 and § 2-468, the Board may refer complaints to mediation.

Mediation is a way for the complainant and the subject officer to meet face-to-face with a neutral third party in an attempt to resolve their differences that arose from the interaction that yielded the police complaint, with the aim of building the trust between the community and the CPD. The Board’s mediation process and role is not to resolve disputes between the City and a complainant.

- i. The PCOB does not have any authority to decide or resolve any claims or disputes, for monetary or other relief, that a particular complainant may have against the City of Charlottesville, its public officials or employees.
- ii. For purposes of Va. Code §2.2-4116(B) and (C), the PCOB does not have any authority to make commitments on behalf of City Council for participation in any dispute resolution proceeding(s), or as to any binding agreement(s).
- iii. Except for matters expressly described in Va. Code §2.2-4119(B), records of dispute resolution proceedings are subject to the Virginia Freedom of Information Act.

B. **Mediation Services.** The Board shall be permitted, through the Executive Director, to contract for mediation services. In considering contractors for mediation, the Board shall consider vendors in the following order:

- i. Existing ADR or mediation contracts the City of Charlottesville currently has with other departments like the Office of Human Rights;
- ii. Cooperative agreements. Cooperative purchasing can be an important alternative means to secure necessary goods and services by aggregating volume and reducing administrative overhead. The City engages in cooperative purchasing in a manner that ensures compliance

with applicable laws; considers price reasonableness; considers participation of local vendors; and with a full review of both the requirement and the contract under consideration;

- iii. Recommendations of NACOLE affiliated agencies;
- iv. Formal and informal procurements through RFPs/RFQs.

C. **Eligibility for Mediation.** Upon receiving the complaint form, the Executive Director shall explore the eligibility for mediation referral and submit Memorandum of Mediation Referral (MMR) to the Board by its next business meeting.

In selecting a case for mediation, the Board shall consider:

- i. Amenability or willingness of parties to participate. The Executive Director may consult directly with the complainant and the subject officer to ascertain amenability. Both parties must voluntarily agree to participate.
- ii. Seriousness of allegations. Use-of-force allegations shall be ineligible for mediation.
- iii. Officer Complaint History. Cases involving officers with a history of citizen complaints shall be ineligible for mediation. No case will be referred for mediation if the officer has been named in three citizen complaints in the past 12 months.

During this period the complaint will receive a “Suspended” status until the Board renders a decision on the referral. By a majority vote from the Board, the Executive Director will refer the complaint to mediation. The Executive Director shall then notify the complainant and the subject officer of the time, date and location of the mediation session. The complaint will be “Suspended” during mediation process until the mediation completes.

D. **Good Faith Participation by Complainant.** Once the matter has been referred to mediation, if the complainant fails to participate in good faith in the mediation process (as determined by the mediator), the Executive Director may take any such action under Article 9 as applicable.

E. **Good Faith Participation by Subject Officer.** If the subject officer refuses to participate in good faith in the mediation process, the Executive Director shall notify the Chief of Police. In addition, the Executive Director may take any such action under Article 9 as applicable.

- F. **Participants.** The mediation session will involve the complainant, the subject officer, the mediator and an interpreter, if requested. In the case of a minor or incompetent adult, a parent, legal guardian or personal representative must be present. In appropriate cases arising from the same set of facts, more than one complainant and more than one subject officer may be asked to participate in the same mediation session. No other person may be present or participate in mediation sessions, except as determined by the mediator to be required for a fair and expeditious mediation of the complaint.
- G. **Mediation Statements.** No oral or written statement made during the mediation process may be used by the Board, the CPD or the City as a basis for any discipline or recommended discipline of any subject officer or officers, or in any civil or criminal litigation, except as otherwise provided by the rules of court or the rules of evidence.
- H. **Confidentiality.** The parties and mediators shall not disclose to anyone oral or written statements made during the mediation session for any reason, including any statements made or documents prepared for the mediation procedure by any party, attorney or representative for any party or other participant. Parties who attend mediation sessions will be required to sign a confidentiality agreement submitting to these terms. Parties may mutually agree to make specific aspects of the mediation public.
- I. **Subpoenas.** The parties shall not subpoena the mediator, or documents or records submitted to the mediator, for any later judicial or administrative proceedings related to the dispute, and the mediator shall not voluntarily testify on behalf of any party at any subsequent proceeding.
- J. **Duration.** The mediation session(s) will continue as long as the mediator believes it may result in the resolution of the complaint, except that it may not extend beyond thirty (30) days from the date of the initial mediation session without the approval of the Executive Director.
- K. **Resolution.** If mediation resolves the complaint such that neither party wishes to pursue or contest the complaint, resolution of the complaint shall be evidenced by a written agreement signed by the mediator, the complainant and the subject officer.

L. **Mediation Agreement.** The mediator shall provide copies of the mediation agreement to the parties and the Board. The Board shall place a copy of the mediation agreement in the complaint file. The Board shall send notification of case resolution by mediation to the subject officer, complainant, and CPD.

M. **Lack of Resolution.** If the mediation does not resolve the complaint, and the complainant still wishes to pursue the complaint, the Executive Director may take any such action under Article 9 as applicable.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-27
Subject: AUDITING	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Authority.** The Executive Director’s authority to conduct audits is derived from §2-462(b).

B. **Scope of Audits.** The Board may direct the Executive Director on its behalf to conduct retrospective examinations and audits of patterns in Internal Affairs investigations, arrest and detention, and other public-police interactions. The Board may request information from the Department, may seek subpoenas as authorized above, and may conduct such an investigation as is necessary to permit the Board to perform the audit.

- i. The Executive Director may seek to contract independent contractors and firms through competitive and non-competitive procurements to undertake audits under this subsection.
- ii. The completion investigation of policies, practices, and procedures of the Department through the Executive Director and to make recommendations regarding changes to such policies, practices and procedures, as set forth within Sec. 2-462 of the Ordinance shall not preclude the Board from exercising its other Powers and Duties under this subsection.
- iii. The Board shall authorize audits by a majority vote.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-28
Subject: PEACEFUL ASSEMBLIES MONITORING	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

- A. **Members May Monitor Peaceable Assemblies.** Nothing in these articles shall prevent members of the Board from observing or monitoring peaceful assemblies as defined by §18-35 or §18-36 of the City of Charlottesville Code.
- B. **Training and Identification.** Members of the Board monitoring such demonstrations or gatherings will be appropriately trained in applicable law and monitoring procedures. They will clearly identify themselves to police and participants as monitors and shall not participate in assemblies they are monitoring.
- C. **Reports.** Members of the Board shall report their experiences and findings to the Board at the next regular Board meeting after observing any gathering or demonstration.
- D. **Information on Complaint Process.** Board members may inform attendees of peaceful assemblies or demonstration of procedures for reporting police misconduct to the Police Department or to the Board.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-29
Subject: REVIEW OF ANNUAL POLICE EXPENDITURES	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Purpose.** Virginia Code §9.1-601(D) states “The governing body of the locality shall establish the policies and procedures for the performance of duties by the law-enforcement civilian oversight body.” The purpose of these Board Operating Procedures is to establish the parameters within which the Board will exercise its responsibilities.

B. **Enabling legislation.** The powers and duties of the PCOB are set forth within Virginia Code §9.1-601(C)(6) and within Charlottesville City Code Chapter 2, Article XVI, Section 2-463.

C. Review of Annual Police Department Expenditure Estimates.

- i. Annually, the City Manager prepares a proposed budget for public input and City Council consideration, as required by Section 19 of the City Charter. (“City Manager’s Proposed Budget”)
- ii. As part of the annual budget process, all City departments—including the Police Department—are required to prepare and submit to the Budget Office an estimate of the amount of money needed during the ensuing fiscal year. The Budget Office reviews the estimates and begins building detailed information and recommendations for consideration by the City Manager.

D. **Proposed Police Operational Expenditures.** Prior to releasing the City Manager’s Proposed Budget, the Budget Office will share one (1) near-final version of its recommendations for the Police Department’s estimated expenditures for the ensuing fiscal year, at the same time the Budget Office’s analysis and recommendations are initially provided to the City Manager.

- i. The Budget Office will share the estimated expenditures with the Executive Director on a mutually-agreed timeline, calculated to allow the Executive Director to share the

information with the Board and offer them at least one opportunity to review the estimated expenditures at one of their regular meetings, prior to the City Manager's making any final decision on the amounts to be approved within the City Manager's Proposed Budget.

- ii. The Budget Office will build into its annual Budget Process calendar a timeline for the exchange of information and recommendations required by this Procedure. The PCOB's comments and recommendations shall be set forth in writing, and transmitted to the City Manager, on or before a specific date identified by the Budget Office within the Budget Process Calendar.
 - iii. After conclusion of the public hearing on the City Manager's Proposed Budget, City Council may make changes. Following the presentation of the City Manager's Proposed Budget to City Council in March, the PCOB may submit written comments to the City Council anytime prior to the date set for the final public hearing on the City Manager's Proposed Budget. Additionally, the Board may designate its chair, or another member, to offer comments and recommendations to City Council during the public hearing(s).
- E. **Proposed Police Capital Expenditures.** Generally, the City's annual budget does not project revenues or operational expenditures beyond the next ensuing fiscal year. However, the City's Capital Improvements Plan does include revenue and capital expenditure estimates proposed for major equipment purchases and major construction or renovation projects. The Capital Improvements Plan for an upcoming Fiscal Year (and the next four fiscal years)—5 years total—is typically developed separately from the City's operational budget.
- i. When a proposed Capital Improvements Plan may include major equipment purchases or other capital items associated with the Police Department, the Budget Office shall notify the Executive Director, and will share records pertaining to those items, on a mutually-agreed timeline calculated to allow the Executive Director to share the

information with the PCOB and offer them at least one opportunity to review the estimated expenditures at one of their regular meetings, prior to the public hearing to be conducted regarding the proposed CIP.

- ii. It shall be the responsibility of the Budget Office provide a copy of the Budget Process Calendar to the Board to ensure that any comments on proposed Capital Improvements Plan items relating to the Police Department are submitted in writing to the Budget Office during or prior to the annual public hearing on the proposed CIP.
- F. **Role of Budget Office.** The Board's work in reviewing and making recommendations regarding the Police Department's annual budgeted expenditures shall be with the Budget Office, City Manager and City Council. The Police Department is not required to consult with the Board prior to submitting its annual expenditure estimates (operational or capital) to the Budget Office. However, nothing in these Procedures shall preclude a representative of the Board, or the Executive Director, from meeting with the Chief of Police, a Deputy City Manager, or a member of the Budget Office during any of the processes referenced within this Operating Procedure.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-30
Subject: COMMUNITY ENGAGEMENT	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

As authorized in §2-465, the Board and the Executive Director shall engage in community outreach to seek the assistance and input of community members.

- A. **Community Listening Sessions.** At least twice a year, the Board shall host public community listening sessions to discuss policing matters of pressing public concern, including the impacts of local policing on historically disadvantaged communities that currently experience or traditionally have experienced disparate policing.
- B. **Community Training.** At least twice a year, the Board shall host public community trainings on topics like legal observation of peaceful assemblies and “know your rights” in interactions with the police. The board will poll the community to determine what training the community needs.
- C. **Community Events.** At least once a year, the Board shall participate in community-sponsored events where they can educate the community about the Board and its purpose.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-31
Subject: EFFECTIVE DATE OF REGULATIONS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

These Articles shall take effect immediately upon approval by the City Council.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-32
Subject: DEFINITIONS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

Whenever used in these regulations, unless plainly evident from the context that a different meaning is intended, the following terms are defined as follows:

Allegation(s): The conduct that forms the basis of a complaint for misconduct.

Board: The Police Civilian Oversight Board, which consists of 8 members appointed by the City Council of Charlottesville.

Board Member Complaint: a complaint filed by City resident against a Board member for alleged violations of the Code of Ethics.

Board Member Complaint Subcommittee: A committee of at least two complaint examiners, appointed by the Executive Director, that reviews and determines the merits of allegations lodged against Board Members.

Chief of Police: The Chief of the City of Charlottesville Police Department.

Complainant: The person filing an investigation complaint or a review request with the PCOB who is alleging misconduct by sworn officers or civilian employees considered by the PCOB:

- (1) Any individuals directly affected by incidents of police misconduct (who were physically present and in physical or verbal contact with police during the alleged misconduct)
- (2) Designated representatives of individuals affected by police misconduct
- (3) Parent or guardian of minor alleging police misconduct or custodians of an individual with diminished mental capacity
- (4) Any witness to incidents of police misconduct who was present during the alleged misconduct

Complaint: An allegation of misconduct made by a person against a sworn officer or Department employee irrespective of duty status.

Designated representatives: Any designated individual shall provide written documentation certifying the complainant's agreement to represent them.

Hearing Examiner: The person designated by the Executive Director to referee the hearing in the structure and format as outlined in Articles 23-25.

Day: In computing any period of time prescribed or allowed by the Ordinance or these operating procedures, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than eleven (11) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

Discriminatory: Conduct by a member of the CPD that results in the disparate treatment of persons because of their race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, physical handicap, matriculation, political affiliation, source of income, place of residence or business or any other ground of discrimination prohibited under the statutory and the common law of the Commonwealth of Virginia and the City of Charlottesville.

Incident: Refers to an event or occurrence where a member or employee of the CPD is involved regardless of whether a member of the public was present.

Preliminary hearing: A proceeding overseen by a hearing examiner at which preliminary matters related to the Hearing are discussed and/or resolved. Preliminary matters may include (but are not limited to) discussion of admission of testimony and other evidence into the record.

Ex parte: A Latin phrase referring to communication that is made by a party outside the presence of the other party.

Force: In investigating incidents where physical force was utilized, the Board will consider whether the force was "Excessive" or "Unnecessary" or "Unreasonable" use of power, violence, or pressure under the particular circumstances. Factors to be considered when determining the "reasonableness" of a use of force include the following:

- (1) the severity of the crime at issue;
- (2) whether the suspect posed an immediate threat to the safety of officer or others;
- (3) whether the subject was actively and physically resisting arrest or attempting to evade arrest by flight; (4) the fact that officers are often required to make split second decisions regarding the use of force in a particular circumstance;
- (5) whether the officer adhered to the general orders, policies, procedures, practices and training of the CPD, including adherence to the Response to Resistance (i.e. Use of Force) Framework; and
- (6) the extent to which the officer attempted to use only the minimum level of force necessary to accomplish the objective.

Mediation: An informal dispute resolution process, facilitated by a neutral third party, whereby the complainant and the subject officer meet in good faith to discuss the alleged misconduct with the goal of reaching a resolution of the complaint.

Mediator: A neutral third party who has contracted with the Board to attempt to mediate disputes between complainants and subject officers.

Misconduct: Abuse or misuse of police power (as outlined in Article 7 of these Procedures) by a sworn officer directed toward any person who is not a sworn officer or employee of the Department, even if the person(s) are not present. In determining whether misconduct has occurred, the Board will look to the totality of the circumstances surrounding the alleged incident, including, where appropriate, whether the officer adhered to applicable orders, policies, procedures, practices and training of the CPD. Generally, misconduct is any behavior actionable under police General Orders, guidelines, or policies.

Modus operandi: Latin phrase meaning a particular way or method of doing something, especially one that is characteristic or well-established.

Preponderance of Evidence: Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.

Recusal: the withdrawal of a Board member from deliberating and voting in a case on the grounds that they are unqualified to perform legal duties under the Ordinance because of a possible conflict of interest or lack of impartiality.

Relevant Evidence: Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

Resolution: As it relates to mediation, refers to cases where both parties (the complainant and subject officer) have come to an understanding. In these instances, the Executive Director may recommend the Board not investigate further and notate that the case was resolved through mediation.

Retaliation: Action that discriminates against a person for making or attempting to make a complaint pursuant to the Ordinance, including action taken against a person because he or she has opposed any practice made unlawful by the Ordinance or because he or she has made a complaint or expressed an intention to file a complaint, testified, assisted, or participated in any manner in an investigation, mediation, hearing or another proceeding under this Ordinance.

Sua Sponte: Latin phrase for "of one's own accord; voluntarily." Used to indicate that the Board has taken notice of an issue on its own motion without a formal complaint or suggestion from a specific party.

Subject Officer: A sworn member of the CPD against whom an allegation of misconduct has been made in a complaint.

Technical Rules of Evidence: Refers to such rules of evidence as those found in Virginia's Rules of Evidence, contained in Part II of the Rules of the Supreme Court of Virginia and in the Code of Virginia or any other official codebook, manual, or protocol.

Witness: a person who testifies with first-hand knowledge of the incident in question.

Witness Officer: A sworn member of the CPD who may have witnessed an incident that resulted in a complaint of allegations of misconduct.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-33
Subject: CODE OF ETHICS ¹	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. Preamble

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and to the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

B. Personal Integrity

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

C. Independent and Thorough Oversight

¹ The Code of Ethics was developed by the National Association of Civilian Oversight of Law Enforcement (NACOLE.)

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional or political consequences.

D. Transparency and Confidentiality

Conduct oversight activities openly and transparently providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

E. Respectful and Unbiased Treatment

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

F. Outreach and Relationships with Stakeholders

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialog with your stakeholders. Educate and learn from the community.

G. Agency Self-examination and Commitment to Policy Review

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

H. Professional Excellence

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you

oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

I. Primary Obligation to the Community

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

Type of Policy: PCOB Operating Procedures	Policy No. PCOB-34
Subject: COMPLAINTS AGAINST BOARD MEMBERS	
Approval: City Council Resolution, as required per Va. Code §9.1-601(D)	Approval Date: DRAFT
	Effective Date:

A. **Notice and Review.** In the event that a complaint is made to the Executive Director, the City Manager or the City Council, regarding the conduct of a member of the PCOB, notice of the complaint shall be given as follows:

- i. If the complaint is made to the Executive Director or the City Manager, or if the Executive Director is notified by a PCOB member of a complaint, the Executive Director shall notify the City Manager. The City Manager shall notify the City Council and the PCOB.
- ii. If the complaint is made to the PCOB, or any member of the PCOB, the complaint shall promptly be brought to the attention of the Executive Director and the Chair of the PCOB.
 - a) The Chair of the PCOB may appoint a committee of PCOB members, to review and comment upon the complaint.
 - b) If City Council gives the PCOB notice that it is considering removal of the PCOB member, and of the charges against the PCOB member, then any committee of the PCOB designated to review a complaint shall be required to complete its review within the 10-day notice period prior to City Council’s hearing.
 - c) No PCOB member who is the subject of a complaint may be part of any PCOB committee reviewing a complaint, nor may the PCOB member vote on any recommendation of the PCOB regarding any matter that is the subject of the complaint.

B. **Sanctions.** In the event that the PCOB determines that one of its members has failed to adhere to the PCOB's Code of Ethics set forth within this Operating Procedure, then the PCOB may take any of the following actions:

- i. Verbal or written censure of the member, or
- ii. Exclusion of the member from specific PCOB proceedings.

Division of Labor

About this Resource

Used alongside individual role expectations, a division of labor document clarifies areas of responsibility among two or more people.

A division of labor document can be especially helpful for leadership teams (such as an executive director and a Board Chair) where members have similar spheres of influence—or among highly collaborative teams where staff share some work areas or skills. It often helps to consider each person’s [comparative advantage](#) when delineating responsibilities.

We have included two samples to show how duties or priority areas can be delineated 1) between senior leaders in a close working relationship, and 2) among members of a team or department.

Here’s what’s included:

- [Executive Director Position Description](#)
- [PCOB Ordinance](#)

Executive Director	Police Civilian Oversight Board Chair (or as delegated)
<ul style="list-style-type: none"> ● Support Chair and Board Members as requested ● Provide guidance and resources for agenda ● Post the agenda and packet on the website 	<ul style="list-style-type: none"> ● Manage board relations and serve as point person for Board members ● Set the agenda
<ul style="list-style-type: none"> ● Manage the reception of initial complaints and review requests from members of the public and inform the Board as they are received. ● Manage the investigation of complaints selected by the Board for independent investigation. 	<ul style="list-style-type: none"> ● Represent and communicate Board consensus to ED regarding investigations.

<ul style="list-style-type: none"> ● Provide report of investigation findings on complaints from civilians regarding the conduct of law enforcement officers and civilian employees of the Department. ● Manage investigations and issue report of investigation findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any individual held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers and civilian employees of the Department. ● Manage investigations on policies, practices, and procedures of the Department and to make recommendations regarding changes to such policies, practices and procedures, 	
<ul style="list-style-type: none"> ● Provide guidance and resources for Board disciplinary recommendations 	<ul style="list-style-type: none"> ● Recommend disciplinary action to the Chief of Police
<ul style="list-style-type: none"> ● Complete full range of activities associated with completing audits of patterns of citizen complaints, police encounters, and Internal Affairs investigations. 	<ul style="list-style-type: none"> ● The Board may direct the Executive Director on its behalf to conduct retrospective examinations and audits of patterns in Internal Affairs investigations, arrest and detention, and other public-police interactions. The Board may request information from the Department, may seek subpoenas as authorized above, and may conduct such an investigation as is necessary to permit the Board to perform the audit.
<ul style="list-style-type: none"> ● Provide logistical support and access to case files ● Serve as independent subject matter expert on police investigations ● Liaison between CPD and Board regarding review matters ● Ensure Board members are in compliance with Code of Conduct (specifically ethics and conflicts of interest) ● Provide technical assistance on Board's review report. 	<ul style="list-style-type: none"> ● Review investigations conducted internally by the Department, and to issue findings regarding the accuracy, completeness, and impartiality of the investigations and the sufficiency of any discipline resulting from such investigations
<ul style="list-style-type: none"> ● Assist the Board in creating procedures for the use of mediation or other alternative dispute resolution techniques against CPD officers. 	<ul style="list-style-type: none"> ● Make approvals on the referrals to mediation.
<ul style="list-style-type: none"> ● Provide Board a report justifying the need for subpoenas to compel the attendance of witnesses, production of books, papers, and other evidence. 	<ul style="list-style-type: none"> ● Vote (2/3) to allow ED to apply to the Circuit Court for the City of Charlottesville for a subpoena compelling the attendance of such witness or the production of such books, papers and other evidence
<ul style="list-style-type: none"> ● Provide technical assistance on Board's review of CPD annual expenditures. 	<ul style="list-style-type: none"> ● Request reports of the annual expenditures of the CPD through the

<ul style="list-style-type: none"> • Conduct research and guidance on police expenditures. 	<p>ED, and to make recommendations to the City Council concerning future CPD appropriations;</p>
<ul style="list-style-type: none"> • Provide guidance and resources for Board Committees 	<ul style="list-style-type: none"> • Develop new ideas and consult ED on implementation
<ul style="list-style-type: none"> • Provide guidance and resources for Board Advisory Panels 	<ul style="list-style-type: none"> • Develop new ideas and consult ED on implementation
<ul style="list-style-type: none"> • Ensure forums are executed well be working with internal/external partners on logistics • Provide guidance and resources for Board 	<ul style="list-style-type: none"> • Develop new ideas and consult ED on implementation
<ul style="list-style-type: none"> • Facilitate the process for commendations by providing guidance and resources to the Board. 	<ul style="list-style-type: none"> • Soliciting public comment: The Board may solicit comments from the public concerning incidents of exceptional performance by employees of the Department. • Exemplary employees: The Board may consult with the Chief of Police via ED regarding individual employees who have made outstanding contributions exemplary of equitable, just, and professional policing. • Recognition of outstanding contributions: The Board may issue public citations recognizing individuals deemed to have made such contributions.
<ul style="list-style-type: none"> • Supports the PCOB's efforts to promote transparency and to foster community relationships with the Charlottesville Police Department, including community outreach programs. 	<ul style="list-style-type: none"> • Represent and communicate Board consensus to ED regarding interdepartmental relations
<ul style="list-style-type: none"> • Solicits involvement from groups subject to disproportionate impacts from police activities. • Explains CRB mission, complaint procedures, and process to the public. • Assures effective responsiveness to complainants and the public, working effectively with the CRB, and serving as liaison with the CPD. 	<ul style="list-style-type: none"> • Serve as spokesperson on occasion and own key external meetings in consultation with the ED
<ul style="list-style-type: none"> • At least once every two years, and within six months of any new Board appointments, the City, assisted by the Executive Director and the Chief of Police or their designees, shall provide Board members with training or information: 	<ul style="list-style-type: none"> • Represent and communicate Board consensus to ED regarding training needs

<p>(1) Describing the legal and ethical obligations of members of a public board, including the need to comply with FOIA and other statutes and ordinances governing their service;</p> <p>(2) Explaining Police Department procedures, policies, and regulations;</p> <p>(3) Describing the substance of Police Department personnel record-keeping;</p> <p>(4) Describing such other City policies, procedures and systems relevant to the duties of the Board; and</p> <p>(5) Explaining the Code of Ethics for the Board</p>	
<ul style="list-style-type: none"> • Provides comments and suggestions to the City Council regarding potential changes to the enabling ordinance and bylaws. • Develops and implements policies that promote teamwork on a systemic and organization level. 	<ul style="list-style-type: none"> • Represent and communicate Board consensus to ED regarding changes to ordinance and operating procedures
<ul style="list-style-type: none"> • Manage all day-to-day operations, including Executive Office, Comms, Dev, Research, Finance, and HR • Determine appropriate staff roles and reporting lines and evaluate senior staff • Make hiring and firing decisions, consulting Chair as appropriate 	<ul style="list-style-type: none"> • Make recommendations to ED as necessary to ensure synergy with Board purpose.
<ul style="list-style-type: none"> • Manage production of annual report and ensure goals regarding timeliness are met; drive the following year's goal-setting process 	<ul style="list-style-type: none"> • Give up-front input on and have final sign-off on annual report
<ul style="list-style-type: none"> • Be resource to Board in setting vision 	<ul style="list-style-type: none"> • Set strategic vision
<ul style="list-style-type: none"> • Serve as the liaison between City Attorney and Independent Counsel for all matters (except where a conflict exists) 	<ul style="list-style-type: none"> • Consult with City Attorney and Independent Counsel through ED on key matters
<ul style="list-style-type: none"> • Integrates and translates the operational plans and objectives of various departments and functions into budgetary requirements. • In consultation with Chair (especially on relevant development issues), develop budget and manage it • Provide up-front input and sign-off on final budget 	<ul style="list-style-type: none"> • Provide input regarding proposed budget plan
<ul style="list-style-type: none"> • Ensure projects are executed well, with emphasis on building needed capacity (e.g., hiring top talent to carry out special projects) 	<ul style="list-style-type: none"> • Develop new ideas and consult ED on implementation

- Ensure projects are executed

- Develop new ideas and consult ED on implementation

Executive Director	Chair	Board Members	Committees	Advisory Panels
Reports to City Manager	Reports to City Council via Board Chair			
<p>Serves as the single point of contact (SPOC) for all external matters where no conflict exists.</p> <p>A SPOC is one person or department that handles all requests and inquiries</p>	Sent to external partners/stakeholders via ED	Sent to Chair directly from board members except in cases where a community member requests specific contact on a sensitive matter with a board member	Sent to Chair via Committee chair	Sent to Chair via AP liaison
<p>Serves as the single point of contact (SPOC) for all internal matters where no conflict exists.</p> <p>A SPOC is one person or department that handles all requests and inquiries</p>	Sent to internal partners/stakeholders via ED	Sent to Chair directly from board members except in cases where a stakeholder requests specific contact on a sensitive matter with a board member	Sent to Chair via Committee chair	Sent to Chair via AP liaison