



CITY COUNCIL AGENDA November 7, 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 portion of the meeting is held electronically. 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: Botanical Garden of the Piedmont Annual Report
2. Presentation: City Attorney report on vacating Rights-of-Way

5:30 PM CLOSED SESSION pursuant to 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. Registration is available for a lottery-based seating selection at www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting. Reservation requests may also be made by contacting the Clerk of Council office at clerk@charlottesville.gov or 434-970-3113.

Moment of Silence

Announcements

Recognitions/Proclamations

Consent Agenda*

3. Minutes: September 19 Council meeting, September 27 joint work session with Planning Commission
4. Ordinance: To amend, re-ordain, and re-enact Chapter 30, Article 4 of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) (2nd reading)
5. Resolution: Resolution to Appropriate Funds for the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading)
6. Resolution: Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)- \$452,704 (2nd reading)
7. Resolution: Appropriating \$700,000 from the CIP Contingency to Avon Fuel Station Replacement Project (2nd reading)
8. Resolution: Appropriating \$107,203.32 for Jefferson School African American Heritage Center Rent Agreement (2nd reading)
9. Resolution: Appropriating American Rescue Plan (ARP) Funds \$565,000 (2nd reading)
10. Resolution: Appropriating Funds for Bag Distribution in Connection with Plastic Bag Tax - \$20,000 (2nd reading)

- 11. Resolution: Appropriating Insurance Reimbursement in the amount of \$4,650.55 - Fire Department Truck Company 9 (1 of 2 readings)
- 12. Resolution: Appropriating Funds for 2022 Bureau of Justice Assistance FY22 Edward Byrne Memorial Justice Grant Program - Local Solicitation - \$23,459 (1 of 2 readings)
- 13. Resolution: Appropriating funds from the Victim Witness Assistance Program Grant - \$257,024 (1 of 2 readings)
- 14. Resolution: Extending the Contract for city management services with The Robert Bobb Group (1 reading)

City Manager Report

- Report: November update

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration is available for the first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>. Speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Virtual participants must register to attend the meeting at www.charlottesville.gov/zoom.

Action Items

- 15. Ordinance: Amending Chapter 12 of the City Code to Require Fire Inspection Reports (1 of 2 readings)
- 16. Ordinance: Amending the Charlottesville Human Rights Ordinance, Code of the City of Charlottesville, Chapter 2, Article XV (1 reading)
- 17. Resolution: Amending Community Development Block Grant (CDBG) 2022-2023 Substantial Action Plan - \$178,394.34 (1 of 2 readings)
- 18. Resolution: Considering a Critical Slope Waiver request at 1003 - 1005 Carlton Avenue, 0 Walnut Street, 730 - 732 Walnut Street, 735 Walnut Street, and 0 Cherry Street (1 reading)
- 19. Resolution: Considering a Special Use Permit request at 1113 5th Street SW (1 reading)

General Business

Other Business

Community Matters (2)

Adjournment



Botanical Garden *of the* Piedmont

We'll grow together

BGP Mission, Vision, & Inclusion Statements



The Mission: To invite all community members and visitors to engage in nature, to educate and inspire through the beauty and importance of plants, to advance sustainability and promote human and environmental well-being.

The Vision:

Create and maintain the garden designed to unite plants natural to our region with appropriate architecture and landscape design.

Provide access to the garden and its natural spaces for exploration, observation, and restoration.

Present affordable, engaging programming to provide educational and inspirational experiences for all ages.

Commit to inclusion, excellence, and upstanding management while maintaining a positive impact on the eco-system and our community.

Inclusion Statement:

The Botanical Garden of the Piedmont brings people of all ages and backgrounds together as a community to celebrate and nurture our native flora and fauna. BGP embraces inclusion by inviting everyone to participate in the Garden whether they be visitors, supporters, volunteers, or staff, to further our goal of being a place that promotes human and environmental well-being. In nature and in society, diversity matters—we welcome and celebrate it!

The Location



The Site



Former Garden Boundary (8.5 acres)

Current Garden Boundary (14.74 acres)



“By resolution of the Charlottesville City Council, McIntire Botanical Garden, Inc. (now Botanical Garden of the Piedmont) is the sole private partner to develop the 8.5 acre (now 14.74 acres) botanical garden in McIntire Park East.”

- September 2013



Revised Schematic Plan

Where We Started



Trash and Invasive Plant Removal began in July 2019



Thanks to a grant from the *Bama Works Fund of Dave Matthews at the Charlottesville Area Community Foundation*, we were able to hire the Virginia Forestry and Wildlife Group to begin clearing the invasive plants in a four acre area on the north side of the garden.

Our Progress



Invasive Plant Removal on North Side of Stream

Before June 2019



After July 2019



Resulting In Spaces For Site Programming



Programming



Educational Events
Highlights
Art



Programming



Educational Events Highlights Literacy



Programming



Educational Events Highlights

STEAM



Outreach



Group Events Highlights



Community Support



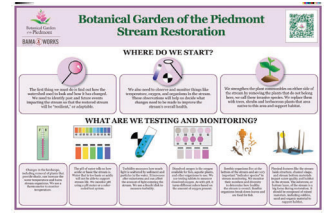
Volunteer Event Highlights



Where we are today

RECENT SITE IMPROVEMENTS

- ❖ Planted a meadow garden with over 30 native herbaceous species.
- ❖ Volunteers built and installed almost 30 birdboxes and a children's amphitheater.
- ❖ Installed stream restoration signage.
- ❖ A new chalkboard, accessible table and benches were built and installed for Children's programs for local Eagle Scout projects.



Where we are today

Invasive Plant Removal South of Stream



Area of Fall 2022 invasive plant removal at Botanical Garden of the Piedmont

BEFORE & AFTER Invasive Plant Removal South of Stream



We're Looking Forward To:

- ❖ Beginning stream restoration construction this Fall, followed by the bridge construction over the stream.
- ❖ Continuing to steward the Garden south of the stream by building more trails and gathering areas.
- ❖ Growing our program offerings in the spring.
- ❖ Getting more groups to the site so they can learn about all the Garden has to offer the community!



How We're Growing The Garden

- ❖ In silent phase of \$10 million Capital Campaign.
- ❖ We have raised 1/3 of the needed funding, and recently received a \$250,000 matching grant towards the Garden Pavilion from the Perry Foundation.
- ❖ This Capital Campaign will fund all of the design and site work, as well as the construction of a Garden Pavilion, Children's Discovery Garden and a small parking lot.



Contact Us:
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*All my life through,
the new sights of Nature
made me rejoice like a
child."*

— Marie Curie



www@piedmontgarden.org

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



| | |
|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Discussion |
| Presenter: | Lisa Robertson, City Attorney |
| Staff Contacts: | Lisa Robertson, City Attorney |
| Title: | City Attorney report on vacating Rights-of-Way |

Background

This report is a follow-up to Council discussion at the October 3, 2022 City Council meeting where vacation of a particular right-of way was tabled indefinitely pending further discussion of policy and procedures.

Discussion

Council discussion has included applying policy to right-of-way vacations as well as handling requests on an individual basis.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

n/a

Budgetary Impact

n/a

Recommendation

Alternatives

Attachments

None

CHARLOTTESVILLE CITY COUNCIL MEETING
September 19, 2022 at 4:00 p.m.
In person: Council Chamber, 605 E. Main Street
Virtual/electronic: Zoom

The Charlottesville City Council met on Monday, September 19, 2022. The meeting was held in hybrid format with Council members and limited public seating in Council Chamber to mitigate health risks related to coronavirus, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Michael Payne, Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade. Councilor Sena Magill provided advance notice that she would not be in attendance.

On motion by Wade, seconded by Pinkston, Council voted unanimously to adopt the meeting agenda: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

REPORTS

1. REPORT: JAUNT Update

Ted Rieck, CEO, presented an update on JAUNT which included the Transit Development Plan and television commercials that will be shown through March 2023. He accepted questions from Council, advising that JAUNT is engaging a Citizens Advisory Committee to explore climate-friendly transit options. He addressed questions about bus driver staffing and about the JAUNT financial status. Mr. Rieck announced the annual shareholders meeting on October 12, where Interim City Manager Rogers will serve as proxy for the City of Charlottesville.

2. REPORT: Vibrant Community Fund update

Hunter Smith, Human Services Planner, presented the Vibrant Community Fund update. He started with a timeline of completed tasks and reviewed upcoming timeline items including orientation for the application review panel. He stated that the budget process will be zero-based, with no information being requested from applicants regarding funding in previous years. He encouraged Council to check in with the Vibrant Community Fund process at any time and shared that the application process would open in a couple of weeks.

CLOSED SESSION

On motion by Pinkston, seconded by Payne, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), for discussion and consideration of appointments by Council to various boards and commissions.

On motion by Pinkston, seconded by Payne, Council certified by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill), 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

Council began the business meeting with a moment of silence.

ANNOUNCEMENTS

Vice Mayor Wade announced a Men's Day Health event at Mt. Zion Baptist Church on Saturday, September 24.

Mayor Snook announced that he joined Alex-Zan's CYM (Close Your Mouth and Listen) event. He announced successful events for Pride Week and the Cville Sabroso Festival. He issued a mayoral proclamation to WRNR radio for 25 years in the community.

BOARD and COMMISSION APPOINTMENTS

On motion by Payne, seconded by Pinkston, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill) to appoint the following individuals to boards and commissions:

- Board of Architectural Review: Roger Birle; Tyler Whitney
- Historic Resources Committee: Deidre Smith
- JAUNT: Lucas Ames, Christine Appert, Ray Heron
- YMCA: Shaniece Bradford
- PVCC Board: Chinta Gaston
- Region Ten: Joseph Szakos

CONSENT AGENDA*

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

3. RESOLUTION: United Way reimbursement of Community Resource Hotline Staff Costs - \$26,333.76 (2nd reading)

RESOLUTION

Appropriating the Amount of \$26,333.76 Received from The United Way, as reimbursement of Community Resource Hotline Staff Costs

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received reimbursement from the United Way of Greater Charlottesville in the amount of **\$26,333.76**;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$26,333.76** is hereby appropriated in the following manner:

Revenues

\$26,333.76 Fund: 213 Cost Center: 3411001000 G/L: 451022

Expenditures

\$26,333.76 Fund: 213 Cost Center: 3411001000 G/L: 599999

4. RESOLUTION: Virginia Department of Social Services (VDSS) Temporary Aid to Needy Families Grants - \$100,000 (carried)
5. RESOLUTION: Housing Opportunities for People with AIDS/HIV Grant Amendment - \$3,981 (carried)
6. RESOLUTION: Blue Ridge Area Coalition for the Homeless (BRACH) reimbursement of funds for staff costs to support the Homeless Information Line - \$15,381.60 (carried)

Mayor Snook invited public comment on the Consent Agenda. No speakers came forward.

On motion by Wade, seconded by Pinkston, Council by the following vote **ADOPTED** the Consent Agenda: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

CITY MANAGER REPORT

Interim City Manager Rogers stated that the financial report will be presented to Council in early December. A report of the 1st Quarter financial statement will be presented in October. He advised that the pupil transportation report will be presented in October.

COMMUNITY MATTERS

1. Jack Morava, city resident, ceded his time to his wife Ellen Contini-Morava, who expressed concerns about the Jefferson Park Avenue (JPA) Special Use Permit request.
2. Martha Smythe spoke about the need for increased affordable housing. She expressed concern that plan documents will not adequately address the need for affordable housing and she shared ideas for addressing the need.
3. Marilyn Poling, city resident expressed concerns about the JPA project.
4. Philip Harway, city resident, followed up on comments from Martha Smythe and gave additional suggestions to address affordable housing.
5. Matthew Gillikin, city resident, speaking on behalf of Livable Cville spoke in support of the Comprehensive Plan work being done; in support of dropping the speed limit on a portion of Cherry Avenue and suggested reducing it further to 25 mph; and in support of the JPA project to increase the city's housing capacity.

6. Jack Morava, city resident, read a statement on behalf of a neighbor who could not attend, expressing concerns about the size of the JPA project.
7. Katrina Turner, city resident, spoke about the car tax discussed at the September 6 Council meeting, requesting that the tax dollars for fourteen years be returned to taxpayers.
8. Peter Krebs, city resident, expressed support for reducing the speed limit on Cherry Avenue, suggesting a reduction to 25 miles per hour. He stated that the Fifeville Trail will officially open on October 1 and there will be a community block party.
9. Jennifer King, city resident, requested denial of the JPA special use permit.
10. Josh Krahn, city resident, spoke in support of the Special Use Permit request on Jefferson Park Avenue to build housing inventory and density and suggested fast-tracking other requests that come before Council. He spoke in support of reducing the speed limit to 25 miles per hour on Cherry Avenue.
11. Greg Weaver, city resident, expressed disappointment that an item to address the Charlottesville Area Transit (CAT) bus driver shortage was not included in the meeting tonight. He expressed concern about the amount of time it will take to implement a payroll audit for CAT and the Collective Bargaining Ordinance. He suggested pairing long-term initiatives with medium-term ones. He supported lowering the speed limit on the entire length of Cherry Avenue.
12. John Hossack, city resident, spoke about medium intensity upzoning and anonymous offers being made to residents to purchase their homes. He requested reconsideration of medium intensity upzoning.
13. Anthony Haro, Executive Director of the Blue Ridge Area Coalition for the Homeless (formerly TJACH), spoke about a funding request for the community's non-congregate Covid relief shelter being operated by PACEM.
14. Anne Benham, city resident homeowner, requested that Council reject the application for the JPA Special Use Permit.
15. Jean Gratz, city resident, spoke in support of the speed reduction to 25 miles per hour on the entire length of Cherry Avenue. She made other traffic suggestions.
16. Sarah Malpass, city resident and Vice President of the Fifeville Neighborhood Association, thanked Council for support of the Fifeville Trail which opens on October 1, and thanked supporters of the speed reduction on Cherry Avenue, requesting 25 mph.

ACTION ITEMS

7. PUBLIC HEARING/RESOLUTION: Review of Program Performance and Setting Priorities for Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for Program Year 2023-2024

Erin Atak, Grants Coordinator, stated the purpose of the public hearing, provided the Consolidated Annual Performance and Evaluation Report (CAPER), reviewed priorities previously set by City Council, and requested guidance from Council in setting priorities for Program Year 2023-2024.

Mayor Snook opened the public hearing. With no speakers coming forward the mayor

closed the public hearing.

Alex Ikefuna, Interim Director of Community Solutions, explained the role of the CDBG Task Force in response to questions from Mr. Pinkston.

After discussion Council voted on the following resolutions.

a. RESOLUTION: Approving the 2021 Consolidated Annual Performance and Evaluation Report (CAPER)

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution approving the 2021 Consolidated Annual Performance and Evaluation Report: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

**RESOLUTION Approving
2021 Consolidated Annual Performance and Evaluation Report (CAPER)**

WHEREAS, the City of Charlottesville has been advised of the approval by the U.S. Department of Housing and Urban Development of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funding for the 2021-2022 fiscal year; and

WHEREAS, City Council approved a Consolidated Plan for the City/Planning District, covering the period 7-1-2018 through 6-30-2023; and

WHEREAS, grantees report on accomplishments and progress at the end of each program year in the Consolidated Annual Performance and Evaluation Report (CAPER);

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the 2021 Consolidated Annual Performance Evaluation Report is approved.

b. RESOLUTION: Establishing Council Priorities for CDBG and HOME Funds FY 2023-2024

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution establishing Council priorities for CDBG and HOME funds for FY 2023-2024: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

**RESOLUTION
Establishing Council Priorities for CDBG and HOME Funds FY 2023-2024**

WHEREAS, the City of Charlottesville is a U.S. Department of Housing and Urban Development (HUD) Entitlement Community for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs and as such expects to receive an award of funding July 1, 2023; and

WHEREAS, in accordance with the City of Charlottesville's Citizen Participation Plan for HUD funding, the CDBG Task Force composed of citizen and community

representatives will need to review potential projects and make recommendations for funding in Spring 2023;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the priorities and spending allowances for FY 2023-2024 shall be as follows:

- Council's priorities for the CDBG and HOME program for FY 2023-2024 shall be access to affordable housing (including but not limited to low income housing redevelopment), workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City's GO programs), microenterprise assistance, access to quality childcare, homeowner rehabilitation, and down payment assistance.
- For FY 23-24, \$89,896.51 CDBG entitlement shall be set aside for Economic Development
- For FY 23-34 \$89,896.51 CDBG Entitlement shall be set aside for Public Facilities and Improvements.
- The CDBG Admin and Planning budget shall be set at 20% of the total CDBG entitlement.

8. PUBLIC HEARING/ORDINANCE: Air Rights Conveyance to University of Virginia for Pedestrian Bridge over Emmet Street (carried)

James Freas, Director of Neighborhood Development Services, summarized the proposed ordinance and answered questions for Council regarding location, accessibility and other details. Council agreed to hold a public hearing on October 3 after appropriate advertisement in the local newspaper.

9. ORDINANCE: Reducing speed limit on a portion of Cherry Avenue

Brennen Duncan, Traffic Engineer, presented the request for speed reduction on a portion of Cherry Avenue. As a result of a traffic engineering study, he recommended reducing the speeds on portions of Cherry Avenue according to the presented ordinance.

On motion by Wade, seconded by Pinkston, Council by the following vote APPROVED the ordinance to reduce the speed limit for a specific section of Cherry Avenue: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill). The ordinance passed on one reading, waiving the second reading with a 4/5 vote.

ORDINANCE AMENDING AND REORDAINING SECTION 15-99 OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO REDUCE THE SPEED LIMIT ON A PORTION OF CHERRY AVENUE

10. RESOLUTION: Special Use Permit request at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue

Matt Alfele, City Planner, summarized the request for a special use permit. The Planning Commission and City Council held a joint meeting on May 10, 2022 and the Planning Commission deliberated on the request as the Entrance Corridor Review Board. He listed issues that were discussed.

Erin Hannean (Mitchell Matthews Architects), representing the applicant, made a brief presentation, addressing previously expressed concerns regarding affordable housing and architectural features such as massing and scale of the project. The client offered \$484,279.78 as the Affordable Dwelling Unit Ordinance contribution plus \$586,800.00, totaling \$1,053,079.74 to the City.

Kevin Riddle (Mitchell Matthews Architects), presented various facade renderings to show scale and color palette.

Consultants with Aspen Heights Partners answered questions about construction costs, contributions to the Affordable Housing Fund, impacts at key intersections, and the possibility of widening the street. Staff provided information about the Entrance Corridor Review Board.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution approving a Special Use Permit at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

RESOLUTION

Granting a Special Use Permit (SUP) for Property Located at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue

WHEREAS Norman Lamson, as Trustee for the Gadiant JPA Land Trust (“Landowner”) is the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, currently addressed as “2005/2007 Jefferson Park Avenue” and “104 Observatory Avenue” (collectively referred to as the “Property”), and the Landowner, proposes to redevelop the Property to accommodate a 119-unit multifamily building with underground parking, and

WHEREAS to facilitate this redevelopment, the Landowner seeks City Council’s approval of a Special Use Permit to increase allowable residential density to 70 DUA, to increase building height from 45 feet to 75 feet, to reduce the rear-yard setback from 75 feet to 36 feet, and to reduce (lower by 22%) the amount of on-site parking required by City Code Sec. 34-984 (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Secs. 34-420, 34-353(3), and 34-162(a), which collectively, allow the increased residential density, additional building height, and modified [reduced] setbacks and onsite parking requirements for the Project; and

WHEREAS the Property is located within the R-3 zoning district, a district in which, according to the Use Matrix set forth within City Code §34-420, the Project as proposed may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the application materials submitted by the Landowner in connection with SP22-00001 (“Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing on May 10, 2022, after notice and advertisement as required by law; and

WHEREAS following the joint public hearing, the Planning Commission considered and recommended approval of this application at their May 10, 2022 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the joint public hearing, and the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, THAT a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

- (1) Not more than seventy (70) dwelling units per acre (DUA) shall be permitted within the area of the Property.
- (2) The rear-yard setback applicable within the Property shall be thirty-six (36) feet, and a twenty-five (25) foot buffer shall be provided within the rear yard, to include mature trees and shrubs at the time of planting consistent with the plant materials prescribed for an “S-3” buffer (as listed in City Code §34-871, as in effect on the date of approval of this SUP). The S-3 buffer, and plant materials, shall be detailed within the final Site Plan. Within the rear setback Landowner shall consider construction of a multipurpose path (for bicycles and pedestrians) linking Washington Avenue and

Observatory Avenue within the rear setback, in order to establish the block-level scale of the Project as represented within the Application Materials.

- (3) The Landowner shall construct within the Project, along Jefferson Park Avenue, a new seven (7) foot sidewalk with a three (3) foot curbside buffer in accordance with the standards set forth within the City's Streets that Work Plan.
- (4) The Landowner, in consultation with the City's Traffic Engineer, shall develop a Master Parking Plan for the site related to the reduction of onsite parking by 22% from what is required by Sec. 34-984 (in effect on the date of Council's approval of this Special Use Permit). The Master Parking Plan shall indicate how available parking spaces will be distributed within the Project, how residents of the Project are informed of their parking opportunities, any offsite parking options for residents, and other potential issues associated with parking. The Master Parking Plan shall be provided as a component of the final approved site plan for the Project, and any subsequent amendments approved to the Master Parking Plan shall be made in consultation with the City's Traffic Engineer and a copy maintained along with the final approved site plan, within the zoning file for the Property.
- (5) The Landowner shall upgrade the pedestrian crossing of Jefferson Park Avenue at Harmon Street during construction of the Project, to provide residents within the Project safe access to public transit options. The Landowner shall work with the City's Traffic Engineer to determine the scope of improvements.
- (6) The arrangement of the buildings within the Property shall be generally consistent with the layout and design presented within the Application Materials for SP22-00001.

11. RESOLUTION: Harmony Ridge Subdivision Street Acceptance

*Disclosure: Councilor Payne disclosed a previous employment relationship with Habitat for Humanity and stated that it does not constitute a conflict of interest and he is able to discuss and vote on the item with impartiality.

Jack Dawson, City Engineer, presented the request. The Harmony Ridge development was approved with the requirement that all new streets be built to the city's standards and satisfaction. These streets would be extended from existing city street system with the intent to become a public street.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution accepting the improved public street right-of-way named "Harmony Ridge Lane" and "Alto Place" into the City's public street system: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

RESOLUTION

Accepting the improved public street right-of-way named “Harmony Ridge Lane” and “Alto Place” into the City’s public street system for operation and maintenance

WHEREAS new portions of the Harmony Ridge development have been completed by Habitat for Humanity and that developer has asked the City to accept the improvements constructed within the public street rights of way for Harmony Ridge Lane and Alto Place into the City’s public street system;

WHEREAS City staff has inspected the improvements constructed within the public street rights of way referenced above, and has determined that these improved public street sections have been built to the specifications and standards required by the city approved plans, and the City Engineer recommends that they be accepted into the City’s public street system; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, on recommendation of the City Engineer, that the new constructed public street sections within the Harmony Ridge development, specifically Alto Place and Harmony Ridge Lane, are hereby accepted into the City’s public street system for operation and maintenance.

12. RESOLUTION: Appropriation of \$656,000 of CARES funding for Charlottesville Area Transit (carried)

Garland Williams, Transit Director, summarized projects proposed for the use of remaining CARES Act funding:

- Engaging a transit consultant to complete a Transit Strategic Plan required by the Commonwealth of Virginia,
- Engaging a safety and security consultant to complete a tabletop safety exercise as required by the U.S. Department of Homeland Security,
- Engaging an outside law firm to complete a payroll audit of personnel within CAT (by authority of City Code 2-156),
- Engaging AECOM to provide project management services, FTA compliance services (including satisfaction of NEPA requirements) for capital and amenities projects,
- Engaging a consultant to assist with analysis and software selection required to launch micro-transit services in Albemarle County.

Council unanimously agreed to carry the item to the October 3 meeting for second reading on the Consent Agenda.

13. RESOLUTION: Appropriation from Charlottesville Area Transit local funding to Thomas Jefferson Planning District Commission to support the Governance Study - \$30,000 (carried)

Transit Director Garland Williams summarized the request.

The Thomas Jefferson Planning District Commission (TJPDC) will hire a transportation planning firm to conduct a governance study to examine the organizational structure of existing transit systems and governance options for a regional authority.

Council unanimously agreed to carry the item to the October 3 meeting for second reading on the Consent Agenda.

14. RESOLUTION: Approval of the Fifth Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program (CSRAP) (1 reading; carried from September 6)

Alex Ikefuna, Interim Director of Community Solutions, provided a brief summary, noting that the issues referenced on September 6 were addressed in the proposed resolution.

Mr. Wade left the meeting at 9:15 p.m.

On motion by Pinkston, seconded by Payne, Council by the following vote APPROVED the resolution approving the Fifth Amended Grant Agreement, Charlottesville Supplemental Rental Assistance Program: 3-0 (Ayes: Payne, Pinkston, Snook; Noes: none; Absent: Magill, Wade).

RESOLUTION

Approving the Fifth Amended Grant Agreement for the Charlottesville Supplemental Rental Assistance Program for the Fiscal Year Beginning July 1, 2022

WHEREAS, on June 19, 2017 the City of Charlottesville approved the creation of the city-funded Charlottesville Supplemental Rental Assistance Program (“CSRAP”), and on April 12, 2022 City Council approved an allocation of \$900,000 from Capital Improvement Program funds to be used for the CSRAP program, which will be administered by CRHA; and

WHEREAS, the terms and conditions under which the Charlottesville Redevelopment and Housing Authority (“CRHA”) will administer the CSRAP Program are set forth within a written grant agreement effective for the fiscal year beginning July 1, 2022 which has been reviewed by City Council this same date;

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

- The CSRAP program shall be administered by CRHA in accordance with the terms and conditions set forth within the CSRAP grant agreement effective for the fiscal year beginning July 1, 2022, which is hereby approved by this City Council; and
- The City Manager is authorized to execute the CSRAP grant agreement on behalf of the City of Charlottesville and the City Manager and City staff are authorized and directed to apply the funding allocated above to the CSRAP program in accordance with the terms set out within the CSRAP grant agreement.

15. RESOLUTION: Appropriating \$675,000 in Charlottesville Supplemental Rental Assistance Program (CSRAP) Funding (FY23) for use in acquisition of property (2nd reading)

Mr. Wade rejoined the meeting at 9:16 p.m.

Deputy City Manager Sam Sanders summarized the item.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution to appropriate \$675,000 in CSRAP funding to acquire property as permanent units of affordable housing: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none; Absent: Magill).

16. RESOLUTION: Appropriating Charlottesville Supplemental Rental Assistance Program (CSRAP) funding for the acquisition of 818 Montrose Avenue - \$355,000 (carried)

Mr. Sanders presented the request.

Councilors unanimously agreed to carry the item to the October 3 meeting for second reading on the Consent Agenda.

OTHER BUSINESS

Mayor Snook reminded the City Manager that Council awaits follow-up on issues regarding school buses, school safety and school transportation.

COMMUNITY MATTERS (2)

- Tanesha Hudson expressed concern about the vote on the JPA special use permit. She stated that the City should recognize Chief Hezedeon Smith for hiring the first Black battalion chief in the Fire Department's history. She spoke about issues with school transportation and certain ethnic groups who are disproportionately affected. She suggested solar training for facilities and maintenance staff.
- Greg Weaver, city resident, suggested ways to slow traffic on Cherry Avenue.

The meeting adjourned at 9:25 p.m.

CHARLOTTESVILLE CITY COUNCIL
Joint Work Session with Planning Commission
September 27, 2022 at 5:30 p.m.
In person: CitySpace, 100 5th St NE
Virtual/electronic: Zoom

The Charlottesville City Council met in a hybrid work session with the Charlottesville Planning Commission on Tuesday, September 27, 2022 at 5:30 p.m., with in-person participation and electronic participation via the Zoom platform.

Chair Lyle Solla-Yates called the meeting to order. The following City Council members were in attendance at CitySpace: Mayor Lloyd Snook, Vice Mayor Wade and Councilors Payne and Pinkston. Councilor Magill participated electronically from her home in Charlottesville via Zoom because of a medical condition that prevented her from attending in person.

James Freas, Director of Neighborhood Development Services, stated the purpose for the meeting: to gather City Council and Planning Commission feedback on the draft Zoning Diagnostic and Approach report and the draft inclusionary Zoning Analysis. This meeting marked a milestone for the end of the first phase of the Zoning Rewrite Project and the beginning of the next phase. Mr. Freas mentioned that this was also the third part of the Cville Plans Together Program:

- Part 1: Affordable Housing Plan, March 2021
- Part 2: Comprehensive Plan, November 2021
- Part 3: Zoning Rewrite Project

The agenda included:

1. Introductions
2. Presentation
 - a. Report Overview
 - b. Summer 2022 Engagement Activities and Input Overview
 - c. Overview of Reports & Updates
 - d. Next Steps
3. Discussion of Key Questions and Other Planning Commission & City Council Input

Community members were invited to share written comments to be included in the meeting minutes. Comments were accepted on paper at the meeting or via email (engage@cvilleplanstogether.com).

The draft document identified issues with the existing Zoning Ordinance and established a proposed approach to the zoning rewrite to bring the Zoning Ordinance into consistency with the Comprehensive Plan; however, the project at the time of presentation was not proposing a draft zoning map or draft zoning text.

The document walked through analysis and recommendations related to Inclusionary Zoning and identified draft recommendations for incentivizing the inclusion of affordable units (less than market rate) in development or redevelopment projects.

Members of the consulting team were present and answered questions for councilors and commissioners.

The meeting adjourned at 8:49 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



| | |
|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Adopt proposed ordinance |
| Presenter: | Todd Divers, Commissioner of the Revenue |
| Staff Contacts: | |
| Title: | To amend, re-ordain, and re-enact Chapter 30, Article 4 of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) (2nd reading) |

Background

Chapter 32, Article 2 of the Code of Virginia (§58.1-3210 et seq) authorizes cities, counties, and towns to “by ordinance, provide for the exemption from... taxation of real estate and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and in such amount as the ordinance may prescribe”. Charlottesville’s ordinance, found in Chapter 30, Article IV of the Charlottesville City Code, establishes the parameters and conditions under which Real Estate Tax Relief for Elderly and Disabled Persons (RETR) is offered to City residents.

As currently administered by the Commissioner of the Revenue, the RETR program requires an annual application wherein an applicant must provide detailed income and net worth documentation. The percentage of tax exemption or deferral amount granted is determined according to the following rubric of gross income and net worth:

| | | 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 |
| Gross | \$0.00—\$25,000.00 | 100% | 100% | 100% | 100% | 100% |
| Combined Income | \$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 |

The recipient is awarded an exemption of either a flat amount or a percentage of their tax liability, whichever is greater. This combination of percentage or flat amount arose in recent years as a way to keep pace with recent changes occurring to the CHAP program (Charlottesville Housing Affordability Program, recently renamed and changed to Charlottesville Homeowner Assistance Program).

Currently, the RETR program is open to elderly or disabled homeowners whose income is \$55,000 or less and whose net combined financial worth is \$125,000 or less. Total relief provided to elderly and disabled applicants through this program has averaged between \$600,000 and \$650,000 annually in recent years.

To maintain parity with recent income parameter changes for the CHAP program, and to streamline the application process and overall administration of the program, the following ordinance changes are required for RETR:

1. Eliminate the net worth component associated with qualifying for RETR;
2. Stipulate that applicants cannot own other real estate;
3. Increase the qualifying income threshold from \$55,000 to \$60,000;
4. Streamline benefit amounts to a simple percentage of tax liability based on income;
5. Standardize annual adjustments to align with changes in area Median Family Income;
6. Base eligibility on applicants' household Federal Adjusted Gross Income (FAGI) instead of counting income from all possible sources. For instance, we currently must verify SNAP and EAP benefits, which are not taxable and would not be included in an applicant's FAGI.
7. Provide for filing on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding filing has changed to alter their benefit amount.

In addition to the changes outlined above, we propose a number of housekeeping measures that are addressed in more detail in the next section.

Discussion

Changes Since First Reading

- **Several definitions are added, with respect to terms used throughout the ordinance, including "applicant", "area median income", "claimant", "owner" and "person", and edits have been made within the ordinance to utilize the defined terms more precisely.**
- **Staff has verified that "Area Median Family Income" or "MFI" is, in fact, a single point of reference defined/ established by HUD annually, without reference to household size. Separately, however, various housing programs utilize household income limits based on definitions of "low income", "very low income" and "extremely low income" that may relate to percentages of Area MFI and household size. See *website "HUD User", page***

titled "FY2022 Low-Income Limits Calculation". For this tax relief program, staff recommends using an income limit that is a calculation of 50% of MFI, rather than the separate income limits based on household size.

- **A number of editorial changes have been made, in an effort to streamline the language and make it more understandable.**

Eliminate the Net Worth Limitation

Currently, there is a net worth component associated with qualifying for RETR, while CHAP has no net worth component. This disparity creates a number of problems:

- Seniors and disabled persons whose net worth exceeds the qualifying threshold for RETR must come back later in the year to apply for CHAP;
- Providing documents to substantiate their net worth is a burden on applicants, as well as a burden on staff who must spend inordinate amounts of time pouring through those documents;
- As evidenced by the chart above, determining an applicant's ultimate benefit amount or percentage can be confusing;
- State Code does not require localities to consider net worth as a factor in awarding real estate tax relief to seniors and disabled persons.

Additional Real Estate

Currently, applicants for RETR are allowed to own other real estate in addition to the residence for which they seek tax relief. However, in such a scenario, the value of such an additional real estate asset is included in an applicant's net worth computation. Going forward, in the absence of a net worth limitation on eligibility for RETR, it makes sense to require that applicants cannot own additional real estate (other than the home for which relief is sought). This would mirror eligibility requirements for CHAP.

Increase Maximum Qualifying Income to \$60,000 and Standardize Benefit Percentages to Applicants' Income Relative to Median Family Income

In order to simplify administration, it would be advisable to adopt uniform relief percentages applied against the real estate tax assessed for the taxable year in question. To standardize year-to-year adjustments to the program's income thresholds, automatic adjustments based on predetermined criteria should be adopted as part of the ordinance. An easily reproducible method would be to assign four relief percentage tiers based on applicants' income relative to Median Family Income (MFI). In the HUD Metropolitan Fair Market Rent Area that corresponds to the Charlottesville, Virginia Metropolitan Statistical Area, for the latest year available (FY22), the median family income for the Charlottesville, VA MSA is \$111,200. Relief percentages would break down as follows:

- If income is between \$0 and 30% of MFI, rounded up to the nearest \$5,000, a qualifying applicant would receive an exemption equivalent to 100% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- If income is greater than 30% of MFI, rounded up to the nearest \$5,000 but no more than 40% of MFI, rounded up to the nearest \$5,000, a qualifying applicant would receive an exemption equivalent to 80% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.

- If income is greater than 40% of MFI, rounded up to the nearest \$5,000 but no more than 45% of MFI, rounded up to the nearest \$5,000, a qualifying applicant would receive an exemption equivalent to 60% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- If income is greater than 45% of MFI, rounded up to the nearest \$5,000 but no more than 50% of MFI, rounded up to the nearest \$5,000, a qualifying applicant would receive an exemption equivalent to 40% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.

So, in practice, benefit percentages in the coming tax year would look like this:

| % of MFI (\$111,200) | INCOME | RELIEF % |
|-----------------------------|-------------------|-----------------|
| >45% to 50% of MFI | \$55,001-\$60,000 | 40% |
| >40% to 45% of MFI | \$45,001-\$55,000 | 60% |
| >30% to 40% of MFI | \$35,001-\$45,000 | 80% |
| Up to 30% of MFI | \$0-\$35,000 | 100% |

Going forward, as MFI for the Charlottesville, VA MSA changes, the benefit tiers can be easily adjusted. It would be fairly easy to keep track of changes. The relief percentages themselves wouldn't change. And it should not be too difficult to estimate annually for budgeting purposes.

The thresholds indicated above are intentional and come from recent ill-fated discussions about merging RETR and CHAP, as well as Council's desire to offer more assistance to more people. The \$35,000 income threshold (below which an applicant is afforded 100% relief) mirrors the same threshold in CHAP (below which a CHAP applicant is eligible for the largest grant amount under that program). Currently, 100% relief is afforded to applicants with incomes of \$25,000 or less.

Likewise, the recently revised CHAP program's maximum income threshold is \$60,000. Both programs previously maxed out at \$55,000.

Regardless of our inability to merge these programs (as I had initially hoped), adjustments to the parameters of both programs should be conducted in unison. This will be less confusing for applicants, and it will be easier to administer for the Commissioner of the Revenue's Office if both programs are in sync.

Use Federal Adjusted Gross Income (FAGI)

Under the rules currently in place for RETR, income from all possible sources is counted. Many of those sources would not typically be included in FAGI. This tends to inflate the income of many RETR applicants relative to that of CHAP applicants (since CHAP uses FAGI), thereby reducing the benefits for which RETR applicants qualify. Additionally, the process of locating and combing through income documents is time-consuming for applicants and staff. Switching to FAGI would allow many applicants to simply provide a copy of their tax return or the front page of their Form 1040 without having to dig up the ancillary documents.

Three-Year Filing Cycle With Annual Recertification

§58.1-3213(B) of the Code of Virginia stipulates that:

In lieu of the annual affidavit or written statement filing requirement, a county, city or town may prescribe by ordinance for the filing of the affidavit or written statement on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding affidavit or written statement filed has changed to violate the limitations and conditions provided herein.

Such a cycle would prove extremely beneficial for our applicants. Having to file annually can be particularly burdensome for elderly and disabled people, many of whom have mobility and cognitive issues. In addition, we find that because many of the applicants for this program are on fixed incomes, their incomes are very stable. Further, by somewhat easing the crush of annual applications, such a cycle would have the added benefit of allowing staff to devote more time and energy to outreach and audit activities.

Housekeeping

In addition to the changes indicated above, a number of housekeeping changes are in order for this section of City Code:

- In an ordinance passed on October 7, 2019, Council removed the requirement that applicants for real estate tax relief for the elderly and/or disabled submit a notarized affidavit in order to apply for the program. At that time, all references to such a required affidavit should have been removed from the ordinance. Due to an oversight on my part, those references were not removed. This proposal deletes those references.
- In addition to tax exemption, State Code authorizes localities to offer a deferral of real estate taxes to eligible elderly and disabled homeowners. Such a deferral option was included in the City's ordinance at the time of adoption. To our knowledge, however, the deferral option has never been exercised. We suspect there are a number of reasons for this:
 - Since such a deferral constitutes a lien on the property, homeowners are reluctant to burden their heirs in such a way;
 - Though our ordinance stipulates that such deferred taxes are to eventually be paid without penalty, it does require payment of interest at eight per cent per year;
 - Qualified applicants are not interested in a deferral when an exemption is available.

We recommend the elimination of references to deferral of real estate taxes in this section of City Code.

- The existing ordinance requires that on occasions where an applicant is unable to apply by the March 1st deadline due to medical infirmity or hardship, such applicant must provide a sworn affidavit from a medical doctor in order to justify their tardiness. We believe that this is impractical and poses an unnecessary burden on elderly and disabled applicants. We recommend the elimination of the requirement.
- The existing ordinance requires that the Commissioner of the Revenue seek the approval of the City Manager as to the form and content of application materials. Since such materials and forms change almost yearly, we submit that this requirement is not necessary or practical. Frankly, we were not even aware of the requirement until recently. As such, it has

not been followed in at least the last nine years. Likewise, we don't think this is something that the City Manager would even want to spend time on. As such, we recommend the elimination of this requirement.

Alignment with City Council's Vision and Strategic Plan

This change aligns with the City's Organizational Values of **Leadership, Trust, Creativity, and Excellence**.

This change aligns with the following City Goals:

1.4 Enhance the financial health of residents

5.1 Integrate effective business practices and strong fiscal policies

5.3 Provide responsive customer service

Community Engagement

Budgetary Impact

This measure should not increase overall expenditures for tax relief since our FY23 budget proposals initially anticipated a merging of CHAP and RETR under these same parameters. Instead of merging, the programs would remain distinct while sharing similar income and benefit parameters.

Recommendation

Adoption of the proposed ordinance. It is requested that Council vote and enact this ordinance on First Reading (see "Section 2" of the ordinance, last page), by four-fifths vote of Council.

Suggested Motion: "I move the ORDINANCE to amend, re-ordain, and re-enact Chapter 30, Article 4 of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) to maintain parity with the CHAP program and streamline administration of the program".

Alternatives

Council could elect to implement some of the recommended changes or leave the program unchanged.

Attachments

1. Proposed ORD Amend RETR
2. Summary of HUD FY2022 Income Limits Documentation System for the Charlottesville, VA MSA

ORDINANCE
TO AMEND, RE-ORDAIN, AND RE-ENACT CHAPTER 30, ARTICLE IV OF THE CODE
OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED (REAL ESTATE TAX
RELIEF FOR THE ELDERLY AND DISABLED PERSONS) TO MAINTAIN PARITY
WITH THE CHAP PROGRAM AND STREAMLINE ADMINISTRATION OF THE
PROGRAM

WHEREAS the City Council recently reconfigured its relief program to provide relief to homeowners who may need assistance with the costs of homeownership, and in doing so City Council modified income limits in order to assist a greater number of homeowners; and

WHEREAS the Commissioner of Revenue has proposed that City Council similarly reconfigure the City's real estate tax relief program for the elderly and disabled persons, to make similar modifications of household income limits and to enhance the ability of the Commissioner's Office to administer the program efficiently, to better serve the persons who need this assistance; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, THAT:

Section 1. Chapter 30 (Taxation) of the Code of the City of Charlottesville (1990), as amended, Article IV, is hereby amended, re-ordained and re-enacted, as follows:

**ARTICLE IV. REAL ESTATE TAX RELIEF FOR THE ELDERLY AND
DISABLED PERSONS**

Sec. 30-96. Definitions.

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

"Applicant" means and refers to a claimant the individual(s) applying for tax relief under the provisions of this article.

~~***Affidavit means the real estate tax exemption or deferral affidavit.***~~

Area Median Family Income ("MFI") means and refers to the median family income most recently established by the United States Department of Housing and Urban Development (HUD) for the Charlottesville, Virginia Metropolitan Statistical Area, rounded up to the nearest \$5,000.

"Claimant" refers to an individual entitled to claim an exemption under this article.

Certification means a signed written statement ~~or affidavit~~ attesting to the accuracy of information provided by the applicant.

Combined household income means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, of the applicant and all relatives living in the same dwelling, and of any other person who is an owner of and resides in the applicant's dwelling, or (ii) for applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant and of any other relatives who reside in the applicant's dwelling, and of any other person who is an owner of and resides in the applicant's dwelling. The Commissioner of Revenue shall establish the combined household

income of persons for whom no federal tax return is required through documentation satisfactory for audit purposes.

Dwelling means the sole place of residence of a claimant ~~the person claiming exemption~~; provided, however, that the fact that a person who is otherwise qualified for tax exemption by the provisions of this article is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall not be construed to mean that the real property estate for which exemption is claimed ~~is not ceases to be~~ the sole place of residence dwelling of such individual person while they are in any such facility during such period of other residence, so long as the real property estate in question is not used by, or leased to, others for consideration.

Exemption means the percentage exemption from the property tax imposed by the city allowable under the provisions of this article.

~~*Income* means total gross income from all sources, without regard to whether a tax return is actually filed; however, however, the term shall not include life insurance benefits or receipts from borrowing or other debt.~~

“Owner” means and refers to an individual in whom is vested (i) all or part of the legal title to real property, or (ii) all or part of the beneficial ownership of real property and a right to present use and enjoyment of such real property.¹

Permanently and totally disabled, as applied to a person claiming an exemption under this article, means a person furnishing the certification or medical affidavits required by section 30-99, and who is found by the Commissioner of Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

“Person” means and refers to a natural person (i.e., an individual).

Taxable year means the calendar year, from January first through December thirty-first, for which property tax exemption is claimed under this article.

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

State law reference(s)—Provisions similar to the provisions in the above definition of “dwelling,” Code of Virginia, § 58.1-3214; similar definition of “permanently and totally disabled,” § 58.1-3217.

Sec. 30-97. Purpose of article.

It is hereby declared to be the purpose of this article to provide real estate tax exemptions ~~or deferrals~~ for qualified property owners who are not less than sixty-five (65) years of age or permanently and totally disabled and who are otherwise eligible according to the terms of this article. Pursuant to the authority of section 58.1-3210, Code of Virginia, the city council finds and declares that persons qualifying for exemption ~~or deferral~~ hereunder are bearing an extraordinary real estate tax burden in relation to their income ~~and financial worth~~.

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3218.

Sec. 30-98. Qualifications for exemption.

Residential real property shall qualify for Exemption pursuant to this article ~~shall be~~

¹ Definition of “owner” is derived from Va. Code 55.1-1200.

~~granted to certain persons who own and occupy residential real property, if the owner and the property satisfy where such persons and property comply with the following requirements provisions:~~

- (1) ~~The ownership of title to the residential real property for which exemption is claimed must be is held, or partially held, by with a Claimant 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, the Claimant must be the Owner of title to both the lot and the manufactured home must be held, or partially held, by the claimant.~~
- (2) As of January 1 of the taxable year and on the date a claim for exemption is submitted, the claimant must occupy the real property for which the exemption is sought as their sole place of residence (dwelling) and must intend to occupy the real property as such throughout the remainder of the taxable year. A claimant who is residing in a hospital, nursing home, convalescent home, or other facility for physical or mental care shall be deemed to meet this condition so long as their dwelling is not being used by or leased to another for consideration. 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 household income of such claimant ~~and of all relatives living in the same dwelling, for the immediately preceding calendar year, must not exceed an amount equivalent to fifty percent (50%) of Area Median Family Income. Provided, however, that, if a claimant can prove by clear and convincing evidence that the only alternative to their having to permanently become a resident of a hospital, nursing home, convalescent home or other facility providing physical or mental care is to have said claimant's relative reside within the claimant's dwelling and provide care for the claimant, then that relative's income shall be excluded from the income calculation.~~ must not exceed the sum of fifty thousand dollars (\$50,000.00); provided that:
 - a. ~~The first seven thousand five hundred dollars (\$7,500.00) of any income (i) received by any claimant and classified as permanent disability compensation or (ii) received by any claimant who is at least sixty five (65) years of age, is permanently and totally disabled, and can show that they did receive permanent disability compensation for at least twenty four (24) consecutive months immediately prior to their sixty fifth birthday, shall not be included in such total;~~
 - b. ~~The first eight thousand five hundred dollars (\$8,500.00) of income of each relative who is not the spouse of the claimant and who does not qualify for the exemption shall not be included in such total;~~
 - c. ~~If a person who has previously qualified for an exemption under this article can prove by clear and convincing evidence that after qualifying their physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does move in for that purpose, then none of the income of the relative or of the relative's~~

~~spouse transferred assets in excess of five thousand dollars (\$5,000.00) without adequate consideration within a three-year period prior to or after the relative moves into their residence; and~~

- ~~d. The amount of income received by any claimant owner from the Veteran's Administration and classified as disability benefits, up to but not exceeding seven thousand five hundred dollars (\$7,500.00) shall not be included in such total.~~
- (6) Neither an applicant, nor an applicant's spouse who resides within the same dwelling applicant's household, shall be an owner of any other real property. ~~The net combined financial worth of such claimant and of the spouse of such claimant, as of December thirty-first of the year immediately preceding the taxable year for which the exemption is claimed, must not exceed one hundred twenty-five thousand dollars (\$125,000.00) net combined financial worth shall include the value of all assets, including the present value of all equitable interests, excluding the fair market value of the dwelling for which exemption is claimed and of the land upon which it is situated, not exceeding ten (10) acres.~~
- (7) For real property jointly owned by two or more persons, not all of whom are at least age 65 or permanently and totally disabled: provided that the property is the dwelling of all such joint owners, the tax exemption for the real property shall be prorated by multiplying the amount of the exemption by a fraction that has, as a numerator, the percentage of ownership interest in the dwelling held by all such joint owners who are at least age 65 or permanently and totally disabled, and as a denominator, one hundred percent (100%). The provisions of this subsection shall not apply to married persons who are joint owners of a dwelling, when there are no other joint owners.
- (8) An applicant who is delinquent on any portion of the real estate taxes due with respect to the real property to which the exemption is to be applied must be in good standing on a payment plan with the Treasurer's office with the aim of paying off said delinquency in a period not exceeding twelve months.

State law reference(s)—Similar provisions and authority of city as to income, net worth, etc., requirements, Code of Virginia, §§ 58.1-3210—58.1-3212.

Sec. 30-99. Application for exemption, annual certification ~~Applicant's affidavit and certificate of disability.~~

- (a) In the first year for which exemption is sought, and every third year thereafter ~~Annually, and not later than March first of each taxable year,~~ every person claiming an exemption ~~or deferral~~ under this article shall file an application ~~real estate tax exemption or deferral affidavit~~ with the Commissioner of the Revenue of the City ~~setting forth the basis for their claim of exemption. In each of the two years between their filing of such applications, if no circumstances relevant to determination of eligibility for the exemption has changed, the applicant shall certify that; however, if an applicant's circumstances have changed to affect their eligibility for exemption, the applicant will need to file a new application.~~ The date for filing such an application affidavit or certification shall be no later than March first of the taxable year ~~by an applicant,~~ but may be extended by the Commissioner of Revenue to July first of a taxable year for a first-time applicant and to July first of each taxable year in a hardship case in which the Commissioner of the Revenue determines that the applicant was unable to file by March first of the particular taxable year because of illness of the applicant or confinement of the applicant in a nursing home, hospital, or other medical facility or institution; ~~provided, that such real estate tax exemption or deferral affidavit is accompanied by a sworn affidavit of one (1) medical doctor licensed to practice medicine in the commonwealth.~~

- (b) The application affidavit shall set forth the names of the related persons occupying the real property for which exemption ~~or deferral~~ is claimed, the name of any other person who is an owner of and resides in the dwelling on the property, and the ~~total combined net worth~~ and combined household income of all such persons ~~as defined in this article~~. The form of such application or certification affidavit shall be determined by the Commissioner of Revenue ~~and approved by the city manager~~, and shall contain such other information as may be required adequately to determine compliance with the provisions of section 30-98.
- (c) If the person filing an application certification for exemption under this section is under sixty-five (65) years of age, the application certification shall have attached thereto proper documentation by the Social Security Administration, veteran's administration or the railroad retirement board that the person has been certified as being permanently or totally disabled as defined by those agencies, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth, to the effect that the person is permanently and totally disabled, as defined in section 30-96. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 30-96.
- (d) In addition, the Commissioner of Revenue may make such further inquiry of persons seeking to claim exemptions ~~or deferrals~~ requiring answers under oath and the production of certified tax returns, as may be deemed reasonably necessary to determine eligibility for an exemption ~~or deferral~~.

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3213.

Sec. 30-100. Certification by Commissioner; deductions from real estate tax.

The Commissioner of Revenue, after audit and investigation, shall certify a list of the persons and property qualifying for exemption ~~or deferral~~ under this article and the amount thereof to the City Treasurer, who shall forthwith deduct the amounts of such exemptions ~~or deferrals~~ from the real estate tax chargeable for the taxable year to such persons and property.

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 formulas using Area Median Family Income scale:

| 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% of \$750.00 | 32% of \$750.00 | 24% of \$750.00 | 16% of \$750.00 | 8% of \$750.00 |
| \$45,001.00— \$55,000.00 | 40% of \$500.00 | 32% of \$500.00 | 24% of \$500.00 | 16% of \$500.00 | 8% of \$500.00 |

- (1) An approved applicant whose combined household income is between \$0 and 30% of MFI shall receive an exemption equivalent to 100% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (2) An approved applicant whose combined household income is greater than 30% of MFI, but no more than 40% of MFI, shall receive an exemption equivalent to 80% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (3) An approved applicant whose combined household income is greater than 40% of MFI, but no more than 45% of MFI, shall receive an exemption equivalent to 60% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (4) An approved applicant whose combined household income is greater than 45% of MFI, but no more than 50% of MFI, shall receive an exemption equivalent to 40% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.

State law reference(s)—Amount of exemption ~~or deferral~~ to be as prescribed by ordinance, Code of Virginia, § 58.1-3210.

Sec. 30-102. Effect of changes in status.

Changes ~~with~~in respect to income, ~~financial worth~~, ownership of property or other factors occurring during the taxable year ~~for which an affidavit is filed~~ and having the effect of violating or exceeding the limitations and conditions of section 30-98 shall result in a prorated exemption for the then current taxable year ~~nullify any exemption or deferral for the then-current taxable year and for the taxable year immediately following; provided, that no change in income or financial worth which does not have the effect of violating the maximum limitations of section 30-98 shall operate to increase or decrease the percentage of exemption or nullify the deferral previously determined by the commissioner of revenue pursuant to section 30-101 of this Code.~~

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3215.

Sec. 30-103. Payment of deferred taxes; interest; liens.

- (a) ~~Deferred real estate taxes may be paid at any time but must be paid by the claimant or claimant's estate, as appropriate, by the earlier of:~~
- ~~(1) Sale of the dwelling; or~~
 - ~~(2) Within one (1) year after the death of the last owner who qualifies for tax deferral by the provisions of this article.~~
- (b) ~~Deferred tax payments shall include interest at the rate of eight (8) percent per annum from~~

~~the date of deferral until paid.~~

- (c) ~~Such deferred taxes shall constitute a lien upon such real estate as if they had been assessed without regard to the deferral permitted by this article; provided, however, that such liens, to the extent that they exceed in the aggregate ten (10) percent of the price for which such real estate may be sold, shall be inferior to all other liens of record.~~

~~(Code 1976, § 10-41.1)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3216.~~

Sec. 30-104. Filing false claims.

It shall be unlawful and a Class 1 misdemeanor for any person to falsely claim an exemption ~~or deferral~~ under this article.

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-11.



FY 2022 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](#) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

FY 2022 Income Limits Summary

Selecting any of the buttons labeled "Click for More Detail" will display detailed calculation steps for each of the various parameters.

| FY 2022 Income Limit Area | Median Family Income Click for More Detail | FY 2022 Income Limit Category | Persons in Family | | | | | | | |
|---------------------------|---|--|-------------------|--------|--------|---------------|--------|--------|---------|---------|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Charlottesville, VA MSA | \$111,200 | Very Low (50%) Income Limits (\$) Click for More Detail | 36,700 | 41,950 | 47,200 | 52,400 | 56,600 | 60,800 | 65,000 | 69,200 |
| | | Extremely Low Income Limits (\$)* Click for More Detail | 22,050 | 25,200 | 28,350 | 31,450 | 34,000 | 37,190 | 41,910 | 46,630 |
| | | Low (80%) Income Limits (\$) Click for More Detail | 58,700 | 67,100 | 75,500 | 83,850 | 90,600 | 97,300 | 104,000 | 110,700 |

The **Charlottesville, VA MSA** contains the following areas: Albemarle County, VA; Fluvanna County, VA; Greene County, VA; Nelson County, VA; and Charlottesville city, VA.

* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as [established by the Department of Health and Human Services \(HHS\)](#), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Income Limit areas are based on FY 2022 Fair Market Rent (FMR) areas. For information on FMRs, please see our associated FY 2022 [Fair Market Rent documentation system](#).

For last year's Median Family Income and Income Limits, please see here:

[FY2021 Median Family Income and Income Limits for Charlottesville, VA MSA](#)

Select any FY2022 HUD Metropolitan FMR Area's Income Limits:

Charlottesville, VA MSA
[Select HMFA Income Limits Area](#)

Or press below to start over and select a different state:

[Select a new state](#)

[Update URL For bookmarking or E-Mailing](#)

Prepared by the [Program Parameters and Research Division](#), HUD.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Approve Resolution |
| Presenter: | Susan Morrow - Offender Aid and Restoration, Christie Cash - Offender Aid and Restoration |
| Staff Contacts: | Krisy Hammill, Director of Budget |
| Title: | Resolution to Appropriate Funds for the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading) |

Background

The City of Charlottesville, as fiscal agent for the Charlottesville/Albemarle Adult Drug Treatment Court, has received a Supreme Court of Virginia Drug Treatment Court Grant in the amount of \$240,000. The grant funds may be expended for operations of the Charlottesville Albemarle Drug Treatment Court Program, which is operated by Offender Aid and Restoration (OAR). The City of Charlottesville serves as fiscal agent for the Drug Treatment Court Docket Grant.

Discussion

In its twenty-fifth year of operation, the Charlottesville/Albemarle Adult Drug Treatment Court is a supervised 12 month drug treatment program that serves as an alternative to incarceration for offenders. Drug Treatment Court is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult felony offenders with moderate to severe substance use disorders. The program uses the power of the court to assist non-violent offenders to achieve recovery through a collaborative system of intensive supervision, drug testing, substance abuse treatment, and regular court appearances.

The total program budget is **\$371,595.00** and includes three funding sources:

- Supreme Court of VA - \$240,000
- City of Charlottesville: \$75,947, which has already been appropriated for FY23
- Albemarle County: \$55,648, which has already been appropriated for FY23

Alignment with City Council's Vision and Strategic Plan

This relates to providing support for persons interacting with the legal or criminal justice system and the City of Charlottesville's priority Safety/Criminal Justice. Drug Court directly affects the community by reducing recidivism among Drug Court participants and graduates. Additionally, Drug Court mitigates risk by reducing drug and alcohol use among program participants and graduates.

Reduction of drug and alcohol use fosters participant rehabilitation, public safety, and participant accountability; all of which are factors in helping the community achieve its stated goals. Reduced recidivism results in reduced public cost associated with re-arrest and incarceration, a reduction in potential victims of crime, and overall enhanced quality of life for community residents. As the writers of the Adult Drug Court Best Practice Standards state, “Drug Courts improve communities by successfully getting justice-involved individuals clean and sober, stopping drug-related crime, reuniting broken families, ... and preventing impaired driving” Not only is Drug Court an effective agent of change, it is an extremely cost effective approach. Numerous meta-analyses have concluded that Drug Courts produce an average return on investment of \$2 to \$4 for every \$1 invested. Because of the above, ensuring that the 25 year old Drug Court program remains available to residents of the City of Charlottesville and Albemarle County will help the community achieve its goals.

Community Engagement

The Drug Treatment Court is a direct service provider and is engaged daily with non-violent criminal offenders with drug driven crimes who are at a high level of risk for reoffending due to active addictions and long standing patterns of criminal behavior. By collaborating with the Court system, Region Ten Community Services Board, Addiction Allies, and the Sheriff’s department, the Drug Treatment Court provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Drug Treatment Court through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the Circuit Court. If they successfully complete the program which takes a minimum of 12 months, participants may have their pending charges reduced or dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Drug Treatment Court participants return the community’s investment in them by maintaining full time, tax paying employment, providing for and taking care of their children and families including paying off back child support, behaving as good role models in the community, and supporting the recovery community in Charlottesville.

Budgetary Impact

None

Recommendation

No additional City funding is required, because the City’s required match for this grant (\$75,947) was appropriated as part of the FY 2023 Council Approved Budget as part of the City’s contribution to Offender Aid and Restoration.

Alternatives

Council could decline to approve the grant award.

Attachments

1. Drug Court Resolution_October 17. 2022

RESOLUTION

**Appropriating the Sum of \$240,000 to the
Charlottesville/Albemarle Adult Drug Treatment Court**

WHEREAS the Supreme Court of Virginia awarded its Drug Treatment Court Docket a grant in the amount of \$240,000.00, to be allocated to the Charlottesville/Albemarle Drug Treatment Court to fund salaries, benefits, and operating expenses; and

WHEREAS the City of Charlottesville serves as the fiscal agent for the Charlottesville/Albemarle Drug Treatment Court; and

WHEREAS for Fiscal Year 2023 the City of Charlottesville and Albemarle County each appropriated local funding matches as required by this grant, in a combined total amount of \$131,595.00; and

WHEREAS the Supreme Court grant award covers the period July 1, 2022 through June 30, 2023; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that, upon receipt thereof from the Virginia Supreme Court, the sum of \$240,000.00 is hereby appropriated for expenditure by the Charlottesville/ Albemarle Adult Drug Treatment Court, in the following manner:

Revenues

\$240,000 Fund: 209 Internal Order: 1900500 G/L Account: 430120

Expenditures

\$240,000 Fund: 209 Internal Order: 1900500 G/L Account: 530550

All funds hereby appropriated shall be accounted for and expended only in accordance with requirements of the Virginia Supreme Court Drug Treatment Court Docket grant program.

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



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|------------------|--|
| Agenda Date: | November 7, 2022 |
| Action Required: | Appropriation |
| Presenter: | Misty Graves, Director of Human Services |
| Staff Contacts: | Hunter Smith, Human Services Planner |
| Title: | Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)- \$452,704 (2nd reading) |

Background

In July 2010, the City of Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (V.J.C.C.C.A.) funds for both Charlottesville and Albemarle County. This funding stream was established by the 1995 Virginia General Assembly to create balanced, community-based systems of sanctions, programs and services for juvenile offenders. These funds are used to support the Community Attention programs. In Fiscal Year 2023, \$292,058 in V.J.C.C.C.A. funds will be received from the Virginia Department of Juvenile Justice with a required local maintenance of effort of \$52,231 from Albemarle County, and \$108,415 from the City for a total of \$452,704. The grant period is from July 1, 2022 through June 30, 2023.

Discussion

The VJCCCA grant funds the delinquency prevention and youth development services provided by The Department of Human Services for Charlottesville/Albemarle youth involved in the juvenile justice system. These services include the following programs: the Teens GIVE service learning program that provides community service opportunities during both the school year and the summer; the Community Support Services which provides pro-social skills training like anger management, individual and group support services and services for youth on electronic monitoring; the Community Attention Youth Internship Program (CAYIP) which provides paid internship opportunities; the Check and Connect Program provides evidence-based, school engagement programs.

Alignment with City Council's Vision and Strategic Plan

The VJCCCA grant aligns with the City of Charlottesville's Strategic Plan - Goal 2: A Healthy and Safe City Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources. Community Attention's VJCCCA funded programs provide community based services that prevent delinquency and promote the healthy development of youth. Expected outcomes include decreased delinquent behavior during and after program participation.

Community Engagement

The VJCCCA funded programs engage local youth involved in the juvenile justice system and their families by providing delinquency prevention and youth development programs. The programs also engage and coordinate with other local agencies and organizations in the provision of services to the youth.

Budgetary Impact

The funds will be expensed and reimbursed to the VJCCCA Fund. The required General Fund City contribution has already been appropriated as part of the Fiscal Year 2023 Council Adopted Budget so no new funds are required to cover the match.

Recommendation

Staff recommends approval and appropriation of funds.

Alternatives

If the VJCCCA funds are not appropriated, Community Attention would have to serve fewer youth and eliminate programs and staff.

Attachments

1. FY23 VJCCCA Resolution (final)

RESOLUTION

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

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

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

WHEREAS, the grant award covers the period from July 1, 2021 through June 30, 2022.

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

Revenue – \$452,704

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

Expenditures - \$452,704

| | | | |
|-----------|-----------|-------------------------|---------------------|
| \$ 53,075 | Fund: 220 | Cost Center: 3523001000 | G/L Account: 519999 |
| \$399,629 | Fund: 220 | Cost Center: 3523001000 | G/L Account: 530010 |

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

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



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|------------------|--|
| Agenda Date: | November 7, 2022 |
| Action Required: | Approve resolution |
| Presenter: | Michael Goddard, Facilities Development Manager |
| Staff Contacts: | Harold Young Scott Hendrix Chris Cullinan, Director of Finance Kristel Riddervold, Environmental Sustainability Manager |
| Title: | Appropriating \$700,000 from the CIP Contingency to Avon Fuel Station Replacement Project (2nd reading) |

Background

Per the Petroleum Underground Storage Tank Financial Responsibility Requirements Regulation, specific annual insurance coverage is required. The City has faced increased challenges and costs associated with obtaining required insurance coverage for the Avon Street Fueling Station. The adopted FY 2019 Capital Improvement Programs (CIP) included funding for the Avon Fuel Station (P-00980) was funded at \$520,000. An additional \$271,754.74 was transferred to the project in 2021 from surpluses in other project budgets. The project has been put out for bid three separate times and each time the bids received totaled more than the available project budget. Additional funds are needed to complete the project.

Discussion

The project for the Avon Fuel Station involves full replacement of the underground fuel storage system with an aboveground fuel storage system that provides for reduced compliance risk. Design work is complete. Plans were submitted to Albemarle County Department of Community Development and are undergoing site plan review/approval. This project is planned to be bid out for construction in the winter with construction planned for Spring/Summer 2022. We have completed three rounds of bidding for the Avon Fuel Station project and based on those bid prices are confident that the project, as designed; will require approximately \$1.45 million in funding to replace the tanks and install a security gate to protect the fuel site. CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA It is our recommendation that this funding deficit be addressed by a transfer of CIP Contingency funds in the amount of \$700,000 to the Avon Fuel Station project. This will fund both the shortfall from the base scope of the project, as well as the security access gate. It is expected that the remaining required funds would be recovered through an insurance settlement associated with the damage recently incurred by the station. It is also notable that the existing fuel station was recently damaged and is not functional. The City is currently using a fuel card system as a temporary measure, but this program is more costly to the City than maintaining our own fuel

station. Project cost repayment, when compared to the fuel card program is approximately 7 years per analysis performed by the City's Fleet Division. This estimate does not take into account the cost of removing the existing tanks, which will be required regardless of whether the fuel station upgrades proceed.

Alignment with City Council's Vision and Strategic Plan

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

Community Engagement

N/A

Budgetary Impact

Transfer of \$700,000.00 from CIP Contingency funds

Recommendation

Staff recommends approval of this recommendation.

Alternatives

City Council could decline this recommendation. There will be insufficient funds to address the Avon Street Fuel Station replacement project and the insurance requirements may not be met.

Attachments

1. RES Funding for Avon Fuel Station

RESOLUTION

**Appropriating the Amount of \$700,000 from the CIP Contingency funds to the Avon
Fuel Station Replacement Project**

WHEREAS the City of Charlottesville designed and bid a project to improve the Avon Fuel Station (the “Project”); and

WHEREAS a funding deficit exists, because the costs of the Project, and of insurance required for the Project are greater than the funding amount previously allocated; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$700,000.00 is hereby transferred from CIP Contingency funds, for expenditure on the Avon Fuel Station Project, in the following manner:

Transfer From

\$700,000 Fund: 426 WBS: CP-080 G/L Account: 599999

Transfer To

\$700,000 Fund: 426 WBS: P-00980 G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|--|
| Agenda Date: | November 7, 2022 |
| Action Required: | Approve Resolution |
| Presenter: | Samuel Sanders, Jr., Deputy City Manager |
| Staff Contacts: | Brenda Kelley, Redevelopment Manager Krisy Hammill, Director of Budget |
| Title: | Appropriating \$107,203.32 for Jefferson School African American Heritage Center Rent Agreement (2nd reading) |

Background

The Jefferson School African American Heritage Center (JSAAHC) currently occupies and rents 11,065 SF of space at the Jefferson School City Center located 223 4th Street NW, Suite A. The rent has been paid by JSAAHC using prior grants by the City Council of funding from what was formerly known as the "Equity Fund". The grant resources were placed in an escrow account and used monthly to cover JSAAHC's rent from December 2012 – November 2017 and again over a 5-yr renewal option that was exercised for the period of October 5, 2017 - November 30, 2022. JSAAHC intends to execute a new lease for a 5-year period of December 1, 2022 – November 30, 2027 with an option.

Discussion

The new lease rate beginning December 1, 2022, will be \$15,314.76 per month. During the FY23 Budget discussions, JSAAHC requested consideration from council to provide ongoing grant funds to ensure continued operations. At that time, council did not add any grant funds, but instead indicated a willingness to revisit the matter, while determining how best to evaluate its agreements with external organizations. That work concluded in early summer with work sessions on City Leases and City-Owned Properties that have provided staff with direction on how to organize a consistent process for following in the development, execution, and management of these types of agreements. This arrangement with JSAAHC is different and requires additional consideration as it is the direct payment of rent on behalf of a private entity, which may only be done in the nature of a "donation", pursuant to the enabling authority set forth within Virginia Code 15.2-953.

The City Manager has reviewed the matter and JSAAHC is a nonprofit organization to which City Council may make gifts and donations under the provisions of Virginia Code SEc. 15.2-953.

Alignment with City Council's Vision and Strategic Plan

This item aligns with Strategic Plan Goal: 1.5 Intentionally address issues of race and equity.

Community Engagement

City Council will resume discussions of special investment agreements as a part of their upcoming strategic planning process.

Budgetary Impact

This item will use \$107,203.32 from the existing Council Strategic Initiatives Account.

Recommendation

With City Council's approval, staff will remit the equivalent of 7 months of payments from the Council Strategic Investments account to the Jefferson School Foundation's Operations Account for continued processing by JSAAHC as an ACH payment for the monthly rent. This would make the new grant award: \$107,203.32.

Recommended motion: *"I move the RESOLUTION approving a gift or donation in the amount of \$107,203.32 to the Jefferson School African American Heritage Center"*

Alternatives

City Council could choose to approve at a different amount or choose to not fund at this time.

Attachments

1. Resolution_\$107203.32_JSAAHC

RESOLUTION
Approving a gift or donation in the amount of \$107,203.32 to the
Jefferson School African American Heritage Center

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a gift or donation is hereby approved in the amount of **\$107,203.32** to the Jefferson School African American Heritage Center, to be used for payment of rent for the Center's lease of premises located at 223 4th Street NW, Suite A, in Charlottesville, Virginia.

This gift or donation shall be paid from the Strategic Initiatives account within the FY2023 Budget for City Council expenditures.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Approval of Resolution |
| Presenter: | Chris Cullinan, Director of Finance |
| Staff Contacts: | Chris Cullinan, Director of Finance Michael Rogers, City Manager Samuel Sanders, Jr., Deputy City Manager Ashley Marshall, Deputy City Manager |
| Title: | Appropriating American Rescue Plan (ARP) Funds \$565,000 (2nd reading) |

Background

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (the Act) to provide additional relief for individuals and businesses affected by the coronavirus pandemic. The Act includes funding for state, local, and tribal governments as well as education and COVID-19-related testing, vaccination support, and research.

The City of Charlottesville received a total of \$19,609,708 from the US Treasury Department in two equal tranches in May 2021 and June 2022. These funds must be obligated by December 31, 2024 and spent by December 31, 2026.

There is currently \$2,349,565 of unallocated ARP funds. This appropriation would utilize \$565,000 of these unallocated funds.

Discussion

This appropriation includes four requests that are detailed below. These requests are eligible for ARP funds per the guidance provided by US Treasury.

Request #1: City Hall Ambassadors.

Amount Requested: \$50,000,00.

ARP Eligibility: Responding to the public health emergency.

Description: This request would provide sufficient funds to continue for the provision of temporary staff to guide and service customers in lobby area of City Hall to maintain social distancing and capacity limits for the remainder of FY'23.

Request #2: Automated External Defibrillator (AED) Program for City facilities.

Amount Requested: \$300,000.

ARP Eligibility: Responding to the public health emergency.

Description: Currently, approximately 68 AEDs reside in City-owned properties across the City of Charlottesville. Over 90% of these AEDs were purchased in 2008, with the rest purchased just a short time later. The life expectancy of an AED is usually a minimum of eight years, with an average life expectancy of between 10 to 15 years of service. As the year 2023 approaches, so does the 15th year of service practically all of the AEDs for the City of Charlottesville.

In addition to the need for new AEDs, the City needs more AEDs. Simply put, some areas of City premises have only one AED servicing several thousands of square feet. In an emergency, having to locate an AED in another area of a larger building takes away precious time from rendering aid to the patient.

In order to promote a safer and healthier work environment, the Office of Risk Management intends to increase the number of AEDs on City property from 68 to 100 and strategically place mobile trauma kits in high traffic and highly staffed areas of City properties.

Request #3: City Access Control Badges.

Amount Requested: \$15,000.

ARP Eligibility: Responding to the public health emergency.

Description: This request would fund upgrades to the City's access control badge system. The upgrade includes new badges and necessary software and hardware updates. The system helps ensure social distancing between staff and between staff and the public visiting City facilities.

Request #4: Continuation of Emergency Shelter Operations at Premier Circle – City share.

Amount Requested: \$200,000.

ARP Eligibility: Responding to negative economic impacts.

Description: Premier Circle Emergency Shelter is a 92-bed, non-congregate emergency shelter project operated by People and Communities Engaged in Ministry (PACEM) in partnership with Blue Ridge Area Coalition for the Homeless (formerly TJACH), Piedmont Housing Alliance (PHA), and Charlottesville Area Community Fund (CACF), and located at 405 Premier Circle in Albemarle County.

There are currently 84 individuals residing in the emergency shelter all with health complications that place them at increased risk of COVID 19.

A total of \$500,000 is being requested to fund critical emergency shelter operations for January 2023 to April 2023. The City's share is \$200,000. A request of \$200,000 is being made to Albemarle County along with a \$100,000 request to UVA Health.

Alignment with City Council's Vision and Strategic Plan

This resolution contributes to Goal 1 of the Strategic Plan, to be an inclusive community of self-sufficient residents; Goal 2 to be a healthy and safe City; and Goal 5 to be a well-managed and responsive organization.

Community Engagement

None.

Budgetary Impact

This request totals \$565,000. If Council approves this appropriation, the remaining balance of unallocated ARP funds will be \$1,784,565.

Recommendation

Staff recommends approval of the resolution.

Suggested Motion: "I move the RESOLUTION appropriating the amount of \$565,000 of American Rescue Plan funds for eligible local activities."

Alternatives

Council may elect not to appropriate funding for these purposes at this time or may elect other ARP eligible program expenditures.

Attachments

1. 10.17.22 Resolution ARP Funds

RESOLUTION

**Appropriating the Amount of \$565,000 of
American Rescue Plan Funds for Eligible Local
Activities**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$565,000 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

| | |
|---|-------------------|
| City Hall Ambassadors | \$50,000. |
| AED Program for City Facilities. | \$300,000. |
| City Access Control Badges. | \$15,000. |
| Emergency Shelter Operations at Premier Circle. | \$200,000. |
| TOTAL. | \$565,000. |

Note: account codes will be established following the first reading on this appropriation for inclusion in the second reading and adoption.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Resolution approval |
| Presenter: | Samuel Sanders, Jr., Deputy City Manager |
| Staff Contacts: | Samuel Sanders, Jr., Deputy City Manager Krisy Hammill, Director of Budget |
| Title: | Appropriating Funds for Bag Distribution in Connection with Plastic Bag Tax - \$20,000 (2nd reading) |

Background

On July 18, 2022, City Council adopted a plastic bag tax to begin January 1, 2023. This tax levy is the result of action passed during the 2020 General Assembly session where Virginia localities received enabling authority to impose a disposable plastic bag tax within their jurisdictional limits. The City of Charlottesville has expressed a concern about the equity impact of such a tax. The legislation allows localities to impose a five cent (\$.05) per bag tax on disposable plastic bags provided by certain retailers.

The enabling legislation includes stipulations on the use of the associated revenues. Revenues from this tax must be used for programs supporting the following:

1. environmental cleanup,
2. litter and pollution mitigation,
3. environmental education efforts, and/or
4. to provide reusable bags to SNAP or WIC benefit recipients.

In preparation for the tax levy to go into effect, it is necessary to procure a supply of bags for distribution to recipients of SNAP and WIC benefits as provided by the state legislation authorizing the tax.

Discussion

Department of Social Services staff will manage the distribution of bags to eligible households ahead of the start of the tax collection beginning January 1, 2023. Staff will develop a distribution plan to reach the 3600 households that makeup the 5000 individuals currently eligible to receive SNAP benefits through the Department of Social Services. DSS Leadership will also coordinate with the health department to provide bags for distribution to the 1570 clients who make up its current caseload.

The bags will be of high recycled content, if not 100% recycled, to ensure this project meets the

expectations of a climate impact program in association with the recently presented Climate Action Plan. Bags will be purchased to provide at least two bags to each interested household while supplies last.

Staff will monitor the actual revenues generated from the tax and the initial receipts will be used to replace the initial investment from the Council Strategic Initiatives Fund. Any funds in excess of this initial investment will be retained for additional bag purchases before being utilized to support pollution mitigation or education efforts as permitted by the enabling legislation.

Alignment with City Council's Vision and Strategic Plan

This item aligns with Strategic PPlan Goal: 1.5 Intentionally address issues of race and equity.

Community Engagement

Department of Social Services staff will distribute bags to SNAP and WIC eligible households per the enabling legislation for the plastic bag tax.

Budgetary Impact

The revenue collected from the imposed bag tax will be used to off-set the cost of the recycled content bags.

Recommendation

With City Council's approval, staff will utilize the funds to acquire as many recycled content bags to ensure a minimum of two bags per SNAP and WID eligible households in the City of Charlottesville.

Alternatives

City Council could choose to direct additional funds to expand the distribution of bags to other potentially impacted households of the new tax levy.

Attachments

1. PBT Resolution - \$20,000

RESOLUTION

Approving an appropriation in the amount of \$20,000.00 for the purchase and distribution of bags to SNAP and WIC eligible households impacted by the plastic bag tax beginning January 1, 2023

WHEREAS, the City of Charlottesville adopted a plastic bag tax on July 18, 2022, that goes into effect on January 1, 2023;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that an appropriation is hereto approved in the amount of \$20,000.00 for the purchase of bags to be distributed to eligible households;

Revenues

Fund: 105 Cost Center: 1601001000 GL Code:410145

Expenditures

Fund: 105 Cost Center: 3301001000 GL Code: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: November 7, 2022

Action Required: Appropriation of insurance monies.

Presenter: Mike Rogers, Deputy Chief of Business Services

Staff Contacts: Mike Rogers, Deputy Chief of Business Services

Title: Appropriating Insurance Reimbursement in the amount of \$4,650.55 - Fire Department Truck Company 9 (1 of 2 readings)

Background

City asset, vehicle # 3312 – a 2017 Pierce tractor-drawn ladder truck (Truck 9), was involved in an auto incident in which the vehicle came into contact with another vehicle while responding to a call for service. Vehicle # 3312 was inspected by industry professionals and a repair estimate was sent to the department. The Virginia Risk Sharing Association (VRSA) also had an estimator (Blue Ridge Appraisal Services) look at the damage and provide an estimate. The total estimate to repair the damage to Truck Company 9 totaled in excess of the \$10,000 deductible. The City has received the amount of \$4,650.55 from VRSA for the repairs to Truck Company 9.

Discussion

A check for the damage repair from the Virginia Risk Sharing Association has been received based on the repair estimate that was done. The insurance monies will be utilized to repair the damage to Truck Company 9 rear trailer body.

Alignment with City Council's Vision and Strategic Plan

The reimbursement of the insurance monies for the vehicle damage done to vehicle #3312 supports the City's mission - "We provide services that promote equity and an excellent quality of life in our community".

The anticipated use of the reimbursed monies also aligns with Goal 5 - A Well-managed and Responsive Organization.

Community Engagement

N/A

Budgetary Impact

While the City has received reimbursement funds for a portion of the damage, the balance of the repair costs will be paid from the Fire Department's operating repairs and maintenance budget.

Recommendation

Staff recommends approval and appropriation of insurance monies.

Alternatives

If the insurance reimbursement is not appropriated, the Fire Department will not be able to utilize this funding to repair the damage to this vehicle, shifting the entire repair cost to the operating budget.

Attachments

1. CFD Truck 9 Insurance Money Resolution Attachment

APPROPRIATION

Insurance Reimbursement – Fire Department Truck Company 9

\$4,650.55

WHEREAS, Virginia Risk Sharing Association is reimbursing the City of Charlottesville for vehicle damage associated with an accident involving vehicle #3312;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$4650.55 be appropriated in the following manner:

Revenues - \$4,650.55

\$4,650.55 Fund: 105 I/O: 3201006000 G/L Account: 451110

Expenditures - \$4,650.55

\$4,650.55 Fund: 105 I/O: 3201006000 G/L Account: 451110

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Appropriation of Funding |
| Presenter: | Tito Durette, Acting Police Chief |
| Staff Contacts: | Holly Bittle, Budget and Management Analyst |
| Title: | Appropriating Funds for 2022 Bureau of Justice Assistance FY22 Edward Byrne Memorial Justice Grant Program - Local Solicitation - \$23,459 (1 of 2 readings) |

Background

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program furthers the Department's mission by assisting state, local, and tribal law enforcement efforts to prevent or reduce crime and violence. The DOJ is committed to advancing work that promotes civil rights, increases access to justice, supports crime victims, protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

Discussion

To support its mission, the Charlottesville Police Department (CPD) is committed to recruiting, hiring, and training professional police officers to serve the community.

There are two periods each year when a large number of qualified candidates undergo pre-employment background investigations. This coincides with peak recruiting times in preparation for sending new police recruits to one of the bi-annual Regional Police Academies. If appropriated, these grant funds will allow CPD to hire a limited term Background Investigator who will assist with pre-employment background investigations of police officer candidates. This will free up additional time for the Hiring and Retention Bureau's full time staff to focus on connecting with prospective candidates and attending regional recruiting events to increase interest in the Charlottesville Police Department. The ultimate goal of these efforts is to increase the pool of qualified police officer candidates to fill the department's ranks.

Notification of award approval was received on September 26, 2022 for reimbursement up to \$23,459.

Alignment with City Council's Vision and Strategic Plan

This project supports Goal 2 of the Strategic Plan, to be a Healthy and Safe City.

Community Engagement

The ability to hire a limited term Background Investigator using these funds will allow CPD's Hiring and Recruitment Bureau to spend more time connecting with prospective candidates and attending regional recruiting events to increase interest in working for CPD.

Budgetary Impact

This has no impact on the General Fund. No local match is required. The funds will be expensed and reimbursed to a Grants Fund. Once the grant funds are expended, this position will be eliminated unless additional grant funding for the same purpose is obtained.

Recommendation

Staff recommends approval and appropriation of these funds.

Suggested Motion: "I move the RESOLUTION appropriating the sum of \$23,459 received from an Edward Byrne Memorial Justice Assistance Grant".

Alternatives

If these funds are not appropriated, the Charlottesville Police Department will be unable to hire a limited term Background Investigator to support ongoing departmental recruitment efforts.

Attachments

1. Resolution - Appropriation Grant # 15PBJA-22-GG-02630-JAGX (1)
2. Certification and Assurances by CEO of Applicant Government

RESOLUTION

Appropriating the Sum of \$23,459 received from an Edward Byrne Memorial Justice Assistance Grant

WHEREAS each year, the United States Department of Justice, Office for Civil Rights, Office of Justice Programs, offers from their Edward Byrne Memorial Justice Assistance Grant Program (“JAG Program”); and

WHEREAS for Fiscal Year 2022 the JAG Program awarded a grant to the City of Charlottesville, for its Police Department, to cover costs or expenses of hiring a limited term position for a background investigator to support ongoing departmental police officer recruitment efforts, Reference Grant # **15PBJA-22-GG-02630-JAGX**;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the JAG Program grant funds in the amount of **\$23,459.00** said funds shall be appropriated for expenditure by the Charlottesville Police Department, in compliance with JAG Program requirements, in the following manner:

Revenues – \$23,459

| | | | |
|----------|-----------|-------------------------|---------------------|
| \$23,459 | Fund: 211 | Internal Order: 1900502 | G/L Account: 431110 |
|----------|-----------|-------------------------|---------------------|

Expenditures – \$23,459

| | | | |
|----------|-----------|-------------------------|---------------------|
| \$20,780 | Fund: 211 | Internal Order: 1900502 | G/L Account: 510020 |
| \$1,590 | Fund: 211 | Internal Order: 1900502 | G/L Account: 511010 |
| \$1,089 | Fund: 211 | Internal Order: 1900502 | G/L Account: 520900 |

BE IT FURTHER RESOLVED that, in accordance with the municipal Charter of the City of Charlottesville, Virginia, this Council verifies that the City Manager is the chief executive who is authorized to execute the document titled “U.S. Department of Justice Office of Justice Programs Edward Byrne Justice Assistance Grant Program FY 2022 Local Solicitation Certifications and Assurances by the Chief Executive of the Applicant Government”

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2022 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2022 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

Michael C. Rogers

Printed Name of Chief Executive

Date of Certification

City Manager

Title of Chief Executive

City of Charlottesville, Virginia
Name of Applicant Unit of Local Government

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Resolution Approval |
| Presenter: | Pat O'Donnell |
| Staff Contacts: | Pat O'Donnell Krisy Hammill, Director of Budget |
| Title: | Appropriating funds from the Victim Witness Assistance Program Grant - \$257,024 (1 of 2 readings) |

Background

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$156,817 in Federal Funds and \$67,207 in State Special Funds, and \$33,000 supplement from the Commonwealth Attorney's operating budget for a total award of \$257,024.

Discussion

The victim's rights movement began in the 1970s as a result of victims being re-victimized by the criminal justice process. Victims had difficulty navigating the complexities of the criminal justice system and no voice or recourse when their cases were continued or pled out without their knowledge or consent. Prosecutors did not have the time or skills to respond to victims who were traumatized but knew that to proceed with their case, many victims would need more services than the prosecutor's office could provide. In response to this need, the federal Victims of Crime Act was passed in 1984 and funds became available through the Virginia Department of Criminal Justice to respond to the needs of victims. The Charlottesville Victim/Witness Assistance Program was established in 1989 and has been meeting the needs of Charlottesville crime victims ever since. The Program is one of more than 60 such programs in the state that provides crisis intervention and advocacy, information, and support during and after criminal justice proceedings, access to compensation and restitution, referrals to local community agencies and ensures victims are afforded their rights as outlined in Virginia's Crime Victim and Witness Rights Act. The Program also provides training on victim issues to law enforcement and allied agencies. It regularly serves more than 1,000 victims and 20 witnesses each year.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City, a Community of Mutual Respect and a Smart, Citizen-Focused Government. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on

the number of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health, and relationships. The Charlottesville Victim Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental health providers through the Criminal Injury Compensation Fund. The Program helps create a **Community of Mutual Respect** by responding to the needs of crime victims and helps achieve a **Smart, Citizen-Focused Government** by ensuring their rights are recognized throughout the local criminal justice system, including Police, Prosecution, Judges, and Probation.

Community Engagement

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services, and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. For FY22 Program staff provided services to approximately 1100 individuals. Staff members serve on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team, the Charlottesville/Albemarle Human Trafficking Task Force, and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the forms of government services day, training and speaking engagements at UVA, PVCC, and other allied agencies as requested.

Budgetary Impact

There is no impact to the General Fund. The City’s match of \$33,000 was previously appropriated as part of the Commonwealth’s Attorney’s Office FY2023 Adopted Budget. The Victim Witness Assistance Program Grant is renewed annually, and the funds will be received and expensed in the grants fund.

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

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

Attachments

1. RESOLUTION victim witness GRANT appropriation 2022

RESOLUTION
Appropriating the sum of \$257,024 received by the City as a
Victim Witness Assistance Program Grant

WHEREAS, The City of Charlottesville has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services (DCJS) in the amount of **\$224,024.00**; and

WHEREAS as a condition of the Victim Witness Program Grant, the City Council is required to supplement the said additional grant funds, by appropriating the sum of **\$33,000.00** for expenditure within the Victim Witness Program, and this additional sum is currently available within the Commonwealth's Attorney's operating budget; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the sum of **\$224,024.00** from DCJS, the said sum, along with the City supplement in the amount of **\$33,000.00**, is hereby appropriated for expenditure in accordance with applicable grant requirements, in the following manner:

Revenues

| | | | |
|-----------|-----------|-------------------------|---------------------|
| \$ 56,006 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 430110 |
| \$168,018 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 430120 |
| \$ 33,000 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 498010 |

Expenditures

| | | | |
|-----------|-----------|-------------------------|---------------------|
| \$244,241 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 519999 |
| \$ 12,783 | Fund: 209 | Cost Center: 1414001000 | G/L Account: 599999 |

Transfer

| | | | |
|-----------|-----------|-------------------------|---------------------|
| \$ 33,000 | Fund: 105 | Cost Center: 1401001000 | G/L Account: 561209 |
|-----------|-----------|-------------------------|---------------------|

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



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|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Adopt Resolution (One Reading) |
| Presenter: | Mayor Lloyd Snook |
| Staff Contacts: | Lisa Robertson, City Attorney |
| Title: | Extending the Contract for city management services with The Robert Bobb Group (1 reading) |

Background

By resolution approved December 20, 2021 (#R-21-184), City Council awarded a contract to The Robert Bobb Group, for the provision of city manager services. The contract executed by the City and The Robert Bobb Group (RBG) required RBG to perform services through June 30, 2022. By resolution approved June 6, 2022 (#R-22-071) City Council extended the contract for an additional six-month term (through December 31, 2022).

Discussion

In June 2022, City Council determined that it would be desirable for the Robert Bobb Group RBG (working through Michael Rogers) to continue providing contracted-for city management services, to provide leadership during a process for selection of a police chief. Additionally, while RBG has served the City well (successes include recruitment of a permanent Human Resources Director and delivering to City Council a collective bargaining ordinance), work contemplated by this contract remains to be done.

Council has not established an updated strategic plan for the City government, and RBG's work under this contract was intended to include support during a Strategic Planning Process and development of a prioritized work plan for a permanent city manager, tied to a written plan of goals and priorities approved by City Council (which relate to the Strategic Plan). These remaining items will be important to set the stage for a successful recruitment of a permanent city manager suited to the City's needs. Va. Code §2.2-4309 allows the existing contract to be extended for completion of work that remains to be completed.

Between now and the end of the first quarter of 2023 (January – March), City Council anticipates the following projects, all of which will require the continued support of an interim city manager:

- Completion of the recruitment process for a chief of police; establishing goals and objectives for the new chief and for the Charlottesville Police Department
- Development and approval of a budget for Fiscal Year 2024
- Review and public hearings for a new zoning ordinance

- Commence Development of a Strategic Plan (first stage: focusing on immediate organizational needs and effectiveness, and setting goals/priorities for the City Council/ City Manager working relationship; later stage: expand community engagement under the leadership of a permanent city manager, for a more traditional approach to establishing goals and priorities)
- Commence implementation of Collective Bargaining

As a practical matter, RBG is the only source available and in a position to commence and pursue these projects in the coming months. A different interim could not, as a practical matter, get familiarized with the City organization quickly enough to provide effective leadership in all of these efforts going on at once, and neither can City Council complete a well-run executive recruitment for a permanent manager before these projects need to be commenced.

Alignment with City Council's Vision and Strategic Plan

Yes.

Community Engagement

N/A

Budgetary Impact

None

Recommendation

Staff recommends approval.

Suggested Motion: "I move the RESOLUTION to extend the contract for city manager services with The Robert Bobb Group"

Alternatives

If City Council elects not to extend the term of this contract, Council would need to make provisions for the management/ administrative functions to be covered by a different person.

Attachments

1. RESOLUTION Extend RBG Contract

RESOLUTION

To extend the Contract for City Manager Services with The Robert Bobb Group

WHEREAS by resolution (#R-21-184) dated December 20, 2021, City Council awarded a contract to The Robert Bobb Group, for the provision of city manager services (“Contract”) through June 30, 2022; and

WHEREAS pursuant to a consensus to give priority to recruitment of a chief of police, City Council voted on June 6, 2022 to adopt a resolution (#R-22-071) extending the time for performance of the Contract through December 31, 2022; and

WHEREAS the police chief recruitment process is underway, but will not be completed in time to allow Council a reasonable time to conduct a thorough executive recruitment process for a permanent city manager; and

WHEREAS attempting to change the designated city manager, either by direct appointment or by competitive recruitment of a contract with a firm, would be detrimental to the City organization and those selection processes, in and of themselves, might not be able to be completed by City Council within the next few months; therefore, The Robert Bobb Group is the only source practicably available for these services; and

WHEREAS it is in the best interests of the public, the City Council, and the City government that the contract with The Robert Bobb Group be extended for an additional period of time, as permitted by Virginia Code §2.2-4309, to allow the Robert Bobb Group to complete its work for stabilization of the City government and creating an environment that will enhance the City’s ability to recruit a new permanent city manager; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the January 6, 2022 contract for City Manager Services entered into between the City Council for the City of Charlottesville and The Robert Bobb Group (“Contract”), is hereby amended and re-enacted with the following amendment:

Section 2 (Time for Performance)

- (A) RBG shall commence performance of Services effective as of the date this Contract is executed by City Council, and shall continue its performance through ~~December 31 2022~~ December 31, 2023, or the date as of which a permanent city manager appointed by City Council commences employment, whichever first occurs (“Term”).

All terms and conditions of said Contract shall be and remain in effect throughout the extended term of the Contract.

BE IT FURTHER RESOLVED that, on behalf of City Council, the Mayor is hereby authorized to sign an instrument reflecting this contract amendment, and the City Attorney shall prepare said instrument for signature of the Mayor and The Robert Bobb Group.



City Manager's Report

November 2022

UPDATES FROM CITY MANAGER MICHAEL ROGERS

- **Announcement**
- City Manager met with the Chair of the PCOB, William Mendes, to discuss transition in the wake of the resignation of Executive Director Hansel Aguilar. The position will be posted immediately to reduce the time as much as possible before there is a new executive Director is appointed to assist the Board in its duties. It was agreed that the Board will review its proposed operating procedures and submit for the December 5 Council meeting.
- **Announcement**
 - City Manager attended the Charlottesville Police Awards Dinner sponsored by the Charlottesville Police Foundation. Congratulations again to all awardees.
- **Announcement**
 - City Manager Attended the Award Ceremony for the Charlottesville Fire Department. Congratulations to all awardees.
 - The City Manager held a four listening sessions with personnel of the Charlottesville Police Department to elicit their views on the characteristics they believe the next chief should possess. These were very informative discussions.
 - The City Manager hosted a virtual webinar with staff to consider alternative financing strategies for energy savings projects. As we look at the projects in the CIP, exploring alternative ways to finance projects using Private capital. The new PPA rules adopted at the last meeting will make this approach viable for the city.
 - City Manager as Vice Chair chaired the October 25 Board meeting of the Rivanna Water and Sewer Authority.
 - City Manager Met with Paul Beyer of the Tom Tom festival to explore ways the City could support the festival and the benefits of doing so.
 - City Manager met with staff to review current operation of the Stormwater fund address issues of program operation.
 - City Manager attended the Chamber of Commerce Partner in Trust event
 - City Manager met with Superintendent Royal Gurley and his senior staff to discuss the CPS budget.
 - Following the shooting on Saturday night, the City Manager met with Chief Durette and the command staff and investigators to discuss the status of the investigation and steps that can be taken to provide greater presence on the Downtown Mall.

UPDATES FROM DEPUTY CITY MANAGER ASHLEY MARSHALL

- **Staffing Update**
 - The City of Charlottesville would like to thank Mr. Hansel Aguilar for his hard work as our first Police Civilian Oversight Board Executive Director. Mr. Aguilar's last day with the City was October 21, 2022, as he moves on to leading the Berkley, California Oversight Board. Best wishes!
 - Congratulations to Ms. Jamie Valencia for her promotion to fill the role of Deputy Director for the Department of Human Resources!
- **Office of Equity and Inclusion**
 - November is Native American Heritage Month. The City of Charlottesville sits on land stolen from the Monacan People. The City of Charlottesville acknowledges the Monacan People as the Indigenous custodians of the land that creates the City, and we pay our respect to their elder's past, present, and emerging. OEI would encourage our community to learn more about the Monacan People through their website: <https://www.monacannation.com/about-us.html> as well as by visiting their museum in nearby Amherst County (<https://www.monacannation.com/museum.html>)

UPDATES FROM DEPUTY CITY MANAGER SAMUEL SANDERS

- **Staffing Update**
 - We welcome Ben Chambers, who joined NDS as our Transportation Planner to organize and coordinate comprehensive transportation planning for the city.
- **Notice of Funding Availability – Housing Programs**
 - Next Funding Opportunity: Nov 1 – Nov 30: Housing development project investments, including Low-Income Housing Tax Credit Projects.

CITY MANAGER'S OFFICE UPDATES

- **Office of the City Manager – Executive Assistant Terry Bentley (she/her)**
 - The City Manager would like to remind the community to please make an appointment when requesting time with members of the City Manager's Office. The nature of the City Manager's schedule makes it virtually impossible to see walk-ins and we would very much appreciate being able to ensure that you can connect directly with the desired individual when making a trip to City Hall. The City Hall Ambassador can assist with scheduling at the main entrance to City Hall, or you can call the office at 970-3333 to schedule with Terry or Teresa.
- **Office of Budget and Management – Director Krisy Hammill (she/her)**
 - The Office of Budget and Management is in full swing of Budget Season for Fiscal Year 2023. The Capital Improvement Plan (CIP) budget proposals have been completed by Departments and are currently under review. The operating budget proposals were released Monday, October 10, 2022, and are due to the Budget Office on November 4, 2022. The Office is also working on an outward-facing webpage for the community to keep track of the budget process as the inaugural users of the City's Zencity platform. Information about the Budget including the Budget Explorer tool and the PDF of the FY2023 budget can be found online at: <https://www.charlottesville.gov/169/Budget>.
- **Office of Communications & Public Engagement – Deputy Director David Dillehunt (he/him)**
 - Office of Communications and Public Engagement team member Caroline Rice is leading the planning efforts for the annual community tree lighting, Grand Illumination. We are on track to have an outstanding 25th Anniversary event. Public Safety Information Officer Kyle Ervin continues to

support CFD and CPD with timely news releases and announcements. He will also be working on photographs to improve the overall City website. Communications Specialist Remy Trail continues to assist City boards and commissions with Zoom meeting setup and scheduling and coordinates the Sunday programming for CPA-TV. Further, Deputy Director David Dillehunt continues to provide management support the full team while leading the execution of the City's PEG-TV (public access television) operation. He has also completed the latest edition of the City employee newsletter for the month of October 2022.

- **Office of Community Solutions** –Director Alex Ikefuna (he/him)
 - OCS Staff is ordering recycled bags for distribution through DSS to SNAP and WIC recipients in association with the implementation of the Plastic Bag Tax in January 2023.
 - Currently reviewing applications for Housing Program Manager; Interviews to begin in October with a selection of a new hire in November.
 - Finalizing Job Description for new role of Grants Manager to serve as a central repository for all grants pursued by city departments and to research and write grants on behalf of the city.
 - RFP for CDBG & HOME funds closed October 31st; proposals will be reviewed in November and recommendations to council in December.
- **Office of Economic Development** – Director Chris Engel (he/him)
 - *No update at this time*
- **Office of Human Rights** – Director Todd Niemeier (he/him)
 - The Office of Human Rights continues to receive a high volume of incoming requests for individual support. We are still entering service data for the month of September and October, but the current total incoming contacts for 2022 is 2,464. The total incoming contacts for the entirety of 2021 was 1,962, the highest of any year since the opening of the office in 2014. The office is also working on final drafts of job descriptions and interview questions ahead of posting for a Human Rights Intake Counselor and Human Rights Investigator. Victoria McCullough, Community Outreach and Administrative Specialist for the Office of Human Rights, in collaboration with the Human Rights Commission and the Communications Department, developed a community survey to solicit public feedback on the Commission’s legislative recommendations to Council, which closed on October 3rd at 101 respondents. Survey results show affordable housing as the highest priority identified by respondents, with mental health and emergency housing/support for people who are unhoused both identified as the next highest in priority. She is continuing to do outreach with organizations including Region Ten’s Community Based Recovery Support Services as well as through one-on-ones with service providers in the community to promote the Office of Human Rights and the services provided. Currently for the year of 2022 the Office of Human Rights has attended a total of 75 outreach events including 43 service provision events and 32 collaboration and leadership events. Victoria also contributes significant time to assisting with incoming inquiries and individual service follow-up and provided feedback on the Human Rights Intake Counselor and Human Rights Investigator position descriptions and interview questions. Human Rights Interns Lily Gates and Ginny Helmandollar continue to hold the primary responsibility for individual service data entry and completion of minutes for publicly noticed meetings of the Commission. They also made significant contributions to editing the Human Rights Intake Counselor and Human Rights Investigator position descriptions and interview questions. Ginny, who attends school at William and Mary while working remotely with the office, has recreated the office’s refugee resettlement simulation “Walk 10,000 Miles in My Shoes.” She is working with a professor and classmates to host a live simulation in November and the school plans to integrate the simulation into future class work at the college.
 - At its last regular meeting on September 15th, The Human Rights Commission voted to adopt the

CY2021 Annual Report for presentation to City Council on November 7. The Commission also received a draft copy of the amended Human Rights Ordinance (City Code Chapter 2, Article XV) for review ahead of the next regular meeting on October 20th. The draft amended ordinance contains numerous updates related to enforcement procedures including new language that is substantially equivalent to federal fair housing law: the first step toward entering a Fair Housing Assistance Program (FHAP) workshare with the federal Fair Housing Office of the department of Housing and Urban Development. During this meeting, the Commission also hosted Delegate Sally Hudson for a discussion about pending and upcoming legislation within the General Assembly. The Commission will use this information, along with feedback solicited from the public, to develop its recommendations for City Council's annual legislative agenda.

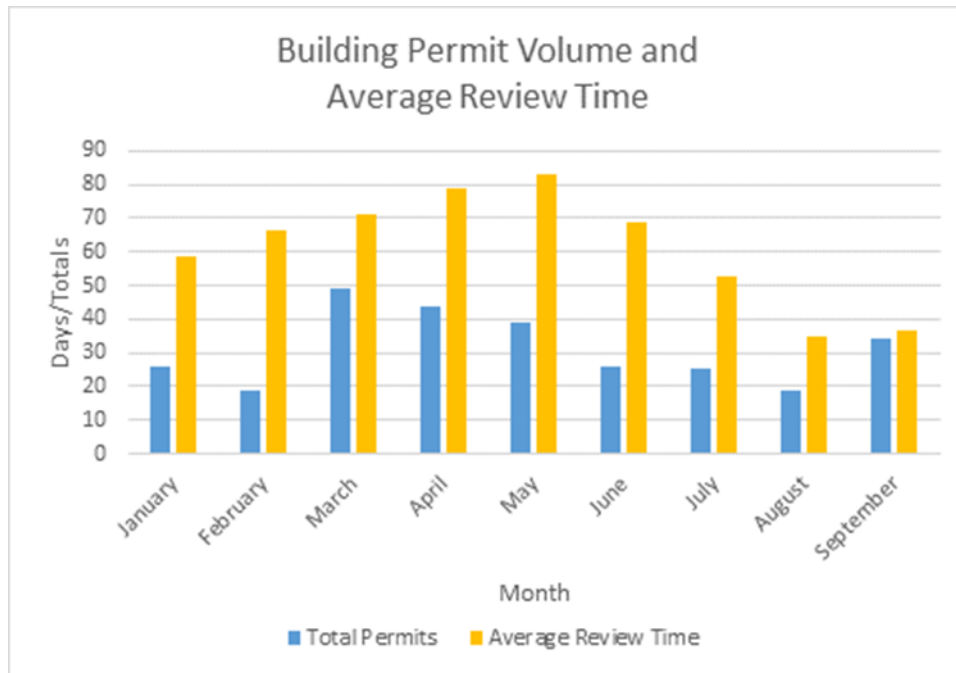
- **Office of Equity and Inclusion - Downtown Job Center & Home to Hope Program**— Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)
 - **Downtown Job Center:** The Downtown Job Center (DJC) was in attendance for the BEACON Food Business Boot Camp Pop-Up Restaurant. The BEACON Project is a collaboration of New Hill Development and Culinary Concepts AB to promote new minority restaurateurs and caterers. The event took place the evening of September 15, 2022. Further, the Center's collaborative efforts have ramped back up with both the City of Charlottesville Public Schools and with City of Promise. Parents are scheduling appointments as necessary for Job Center services.
 - **Home to Hope:** On September 16, 2022, Home to Hope Peer Navigator Stacey Washington attended the Project Link Community Conference hosted at the Omni Hotel. Project Link is a Region Ten Initiative that provides much-needed support and resources for mothers who are pregnant and suffering with substance use disorder. The Downtown Job Center is also a regular attendee of the Project Link Advisory Committee meetings. Specific to support given to our community through the Home to Hope Program, in Fiscal Year 2022 the program has calculated that it provided \$33,400 in housing and rent relief supportive services. Further, the program provided an additional \$2,617 for emergency stay assistance.

CITY DEPARTMENTAL UPDATES

- **Charlottesville Area Transit** – Director Garland Williams (he/him)
 - Working to retain consultant to complete the state required Transit Strategic Plan (TSP).
 - Working to hire firm to perform project management services in support of FTA compliance services to meet federal regulations and to help with capital and amenities projects for the system.
 - Coordinated city participation in the Regional Transit Authority Governance Study under the administration of TJPDC.
 - Continuing to work closely with Albemarle County and the DRPT for the launch of micro-transit services in the county next year.
 - Working with Traffic Engineer to relocate E. High bus stop in coordination with new sidewalk construction aimed at bringing a higher level of safety to the corridor.
- **Charlottesville Fire Department** – Interim Chief Michael Thomas (he/him)
 - Managing the leadership transition to Interim Chief Michael Thomas who assumed command of the department on Friday, October 21 at 0800.
 - Finalizing the master plan with consultant, ESCI, to provide long-term guidance on optimizing Fire and EMS services.
 - Orienting multiple new hires throughout the department and supporting them in their new roles.
- **Charlottesville Police Department** – Assistant Chief Major LaTroy Durette (he/him)
 - The Charlottesville Police Department continues to work to ensure the safety of members and guests in our community. Of late, this unfortunately includes acts of both reported violence and actual violence. Reported violence includes the incidents of swatting (hoax reports called in to cause fear) in our school system, most recently on October 20, 2022, at Buford Middle School. CPD also acknowledges the latest incident that resulted in the loss of a young life on October 24, 2022, on the Downtown Pedestrian Mall. The public should be assured that emergencies or critical incidents such as these are the number one priority of the Charlottesville Police Department. It is our responsibility to protect and serve those who live in, work in, and visit our community. If you have any information regarding any recent incident, please contact our Crime Stoppers Tip Line at (434) 977-4000. Community engagement is vital in addressing and preventing future acts of violence.
- **Emergency Management** – Jeremy Evans (he/him)
 - Jeremy Evans was selected as the city's first Emergency Management Coordinator and started in the role last month. Jeremy will be responsible for developing and managing the city's emergency preparedness and management framework for all hazards.
 - Development of an Emergency Operations Plan is the next priority, along with the development of an annual work plan to define the many projects ahead to ensure a robust emergency management framework is available for activation when needed.
- **Human Resources** – Director Mary Ann Hardie (she/her)
 - The Department of Human Resources would like to announce that Jamie Valencia was promoted to the Deputy HR Director position effective October 31, 2022. The Department is also undergoing a reorganization which includes providing in-service training to staff and development of other key City training to help provide enhanced support to the organization.
 - The Department would like to make sure the community knows that there are many open positions with multiple departments in the City. Please go to our website to see all openings and encourage eligible applicants to apply: <https://www.governmentjobs.com/careers/charlottesville>
- **Department of Human Services** – Director Misty Graves (she/her)
 - Human Services is proud to announce that the Community Attention Foster Families (CAFF) team

was honored to receive the United Way of Greater Charlottesville Above and Beyond in Voice for Equity award! Further congratulations are extended to Shelly Bryant, the new Westhaven Clinic Coordinator. The Clinic hosted an open house on October 12th to provide an opportunity for residents to meet the new Coordinator. This role, in partnership with the UVA School of Nursing, continues to provide access for residents of public housing to a multitude of resources aimed to address social determinants of health. The Community Resource Hotline (Pathways Program) is hiring for a Hotline Coordinator that will support and supervise the operators, collect and manage data and outcomes, as well as ensure the highest quality of trauma-supportive customer service. As of October 12, 2022, the Hotline has a balance of 478,622.57 available for disbursements at a rate of approximately \$30,000 a week. The Vibrant Community Fund (VCF) launched their application process on October 4, 2022, with a hybrid Orientation session held at City Space. Additionally, VCF staff hosted guest presenter Mack McLellan, owner of Simunye, on October 11, 2022, to facilitate a workshop for applicants on Diversity, Equity, and Inclusion principles and practices. Applications are due November 9, 2022.

- **Information Technology** – Director Steve Hawkes (he/him)
 - October is National Cybersecurity Awareness Month! The Information Technology team would like to make everyone aware of the highly targeted and evolving threats we are seeing on a daily basis. For the City, our first line of defense against such threats is the staff who are well-versed in cybersecurity and working to remain vigilant in protecting City resources. In an effort to continually train staff about cybersecurity threats, a Phishing Email Training campaign ran from July through September 2022, and the IT department will continue to run training campaigns to strengthen the organization's cybersecurity awareness. The IT Security Team is also finalizing a formal Incident Response Plan (IRP) which is a document outlining steps to be taken when the organization experiences a cybersecurity incident. The IT team would also like to make the community aware that they are actively hiring for the open Systems Engineer position and the department hopes to have someone hired in the role within the next month. Future hiring will include the open Software Engineer role.
 - A couple of noteworthy projects that will soon be underway include the expansion of the free downtown mall and the emergency notification system. For the downtown mall Wi-Fi project, our partner, Ting, will be installing additional access points in the next few months to extend free Wi-Fi to the west end of the mall. IT will also be implementing the Emergency Notification system, CivicReady, in October and November. Finally, the department continues to move staff to using Microsoft OneDrive and continues to provide space improvements to our server drives.
- **Neighborhood Development Services** – Director James Freas (he/him)
 - Over the course of the last eight months Neighborhood Development Services experienced a significant set of challenges in its ability to conduct building permit plan review and inspections. The primary factor was staffing vacancies within this division, which at its peak resulted in there being only one staff person remaining in the building division. As the graph above indicates, this staffing shortage coincided with the spring building permit application peak. As is also clear, as the volume of permits increased, the backlog compounded over time as the stack of unreviewed plans grew.



- There are two primary actions taken that allowed the department to change course and bring down the Average Review Time (measured as the average days for review for all plans submitted in a given month). The first was an agreement signed with the office of the UVA Building Official to provide plan review and inspection services for the City. That work began at the beginning of July and served to arrest and ultimately reduce the review times of plans submitted in previous months, showing up clearly in the June review times. The second major factor occurred at the end of August with the hiring of a new, fully qualified and experienced, Building Code Official and filling the Support Services Manager position, which, in part, oversees the permit intake and file management aspects of the review process. The impact of this change can be seen in the substantial improvement between July and August and that there has not been a substantial rise in the review time even as the number of permit applications has increased in September.
 - Looking ahead, our review time goal will be to bring this average down to under two weeks (14 days). Reaching this goal will require continued work towards fully staffing the building division, which is currently at three of five positions. Getting there will require that we address pay competitiveness and continue to improve building permit review process management. Addressing these challenges over the last many months has been a collaborative effort across the entire Department.
- **Parks & Recreation** – Director Dana Kasler (he/him)
 - Meadowcreek Golf hosted the fall Adaptive Golf clinic on October 18. This introduces adaptive recreation participants to the game of golf and teaches them basic skills like putting and chipping. This was a joint effort with the golf staff along with the team from adaptive.
 - Implemented the Rainout Line software system in October. This new system works like a traditional rain out phone line but also incorporates into the website. Customers can also opt-in for email/text alerts for specific park amenities or facilities. This will improve the notification system for closing or delays due to inclement weather or mechanical issues.
 - Marketing continues to design and distribute materials that increase awareness, participation, and revenues for the Department. Currently the Winter/Spring program guide is in its final rounds of edits and will be distributed in November with registration opening on December 5.
 - Applications are open for the Holiday Market which runs from November 26 – December 17 every Saturday, 8:00am – 1:pm on the City Market lot at 100 Water Street. This holiday themed market

provides a variety of locally produced and hand-made decorations, gifts, and food.

- **Police Civilian Oversight Board**

- The City Manager's Office is working with PCOB Chair William Mendez to ensure that the good work of the community leaders who paved the way for the PCOB continues through this time of transition. The Community should be aware that both complaints and commendations can still be submitted online for the Board to review, and the City is moving swiftly to begin the hiring process to replace Mr. Aguilar after his departure to Berkley, California's Civilian Oversight program. Community members who may have a complaint or commendation may file those at any time on the PCOB website: <https://www.charlottesville.gov/1440/Police-Civilian-Oversight-Board>

- **Public Works** – Director Stacey Smalls (he/him)

- Administration: Continuing to pursue candidates for available positions: Transportation Project Managers, Management Analyst, Traffic Engineer, Traffic Inspector, and various Public Service staffers.
- Engineering: Working to support final edits and updates to the Standards and Design Manual.
- Engineering: Continuing to evaluate process improvements for the development review.
- Environmental Sustainability: Comment Period for the Climate Action Plan remain open until November 9th.
- Environmental Sustainability: Working to finalize the Climate Action Plan for presentation to the Planning Commission to initiate its amendment to be integrated into the Comprehensive Plan.
- Facilities Development: Currently working on the improvements to the fueling station at the Avon Yard; project to include replacement of fuel pump, retrieving underground gas tanks and replacing with above ground tanks.
- Facilities Development: Continuing work to support the construction of the new General District Court building in partnership with Albemarle County; recent focus has been on long-term parking arrangements.
- Facilities Maintenance: Working on various security matters aimed at building safety and access.
- Facilities Maintenance: Working with Redevelopment Manager to standardize building maintenance for lease arrangements with city-owned properties.
- Fleet: Currently developing workarounds for challenges with fleet acquisitions due to supply chain issues.
- Public Service: Leaf Season kicked off Monday, October 31. The public is reminded to please ensure leaf piles have been placed appropriately for collection. Members of the public can sign up for text alerts by texting your street address to 434-771-0251.

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

- The holiday season is almost here, and with its arrival comes an increase in cooking and baking. The Department of Utilities reminds households of the importance of the proper disposal of fats, oils, and grease (FOG) produced by cooking. FOG, as well as other thick or creamy foodstuffs, should never be disposed of in the sink. FOG buildup can clog sewer and drainage pipes, resulting in messy and costly overflows. More information on FOG, and how to receive a free FOG Kit to assist with its disposal, will be sent to Utilities customers via a Utility Billing insert in the next billing cycle, and in the Utilities electronic newsletter for November.
- Natural gas is a common energy source in our area, and the Department of Utilities prioritizes gas safety awareness among the public. Every four years Utilities administers a federally mandated gas safety survey to all stakeholders in the community. The University of Virginia Center for Survey Research is assisting Utilities in this action, and is conducting the safety survey for residents, commercial businesses, and excavators; compiling a comprehensive sample of the opinions for

those stakeholders. Safety surveys to public officials and emergency officials will be sent internally by the Department of Utilities. These surveys will be conducted through the end of the year, helping Utilities continue its robust safety program.

- **Social Services** – Director Sue Moffett (she/her)
 - Representatives from the Department of Social Services are now out stationed at the Haven every Wednesday from 8 am to 10 am. The first week of this effort proved to be fruitful in that the team took an application for SNAP from one of the Haven guests and was able to approve it the same day! In addition, the Department is working with CRHA to house 6 homeless families through housing stabilization vouchers that recently became available. Should any member of the community need assistance please contact the Department of Social Services at 434-970-3400 for additional information/ Comuníquese con el Departamento de Servicios Sociales al 434-970-3400 para obtener información adicional.

APPOINTEES AND ELECTED OFFICIAL UPDATES

- **Circuit Court** – Honorable Lizelle Dugger, Clerk of Circuit Court (she/her)
 - *No update at this time*
- **Commissioner of the Revenue** – Commissioner Todd Divers (he/him)
 - *No update at this time*
- **Finance Office** – Director Chris Cullinan (he/him)
 - *No update at this time*
- **Treasurer's Office** - Treasurer Jason Vandever (he/him)
 - The City Treasurer's Office is currently preparing second half real estate and personal property tax bills. Customers will start receiving paper or electronic statements the first week of November. The 2nd half due date is December 5, 2022. As a reminder, customers will be able to view their invoices and make payments on the City's payment website. In mid-October our office worked with the Commissioner of the Revenue to process Charlottesville Homeownership Assistance Program (CHAP) grants, providing over \$1.3 Million in grants to Charlottesville Home Owners.
- **Voter Registrar** – Registrar Taylor Yowell (she/her)
 - *No update at this time*

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



| | |
|------------------|--|
| Agenda Date: | November 7, 2022 |
| Action Required: | Adopt Ordinance (2 Readings Required, per City Code 2-97) |
| Presenter: | Michael Thomas, Interim Fire Chief |
| Staff Contacts: | Lisa Robertson, City Attorney |
| Title: | Amending Chapter 12 of the City Code to Require Fire Inspection Reports (1 of 2 readings) |

Background

The Virginia Statewide Fire Prevention Code ("State Fire Code" or "SFPC") establishes certain fire safety requirements which apply to buildings and premises throughout the Commonwealth of Virginia. Within Chapter 12 of the City Code (Section 12-31(a)), City Council has elected to provide local enforcement of the SFPC, through a designated staff member within the Charlottesville Fire Department (the "Fire Official"). The Virginia State Fire Marshal also has authority, in cooperation with the City's personnel, to enforce the SFPC within the City's geographic/jurisdictional limits.

Per state law, and in connection with its local enforcement, City Council "may establish such procedures or requirements as may be necessary for the administration and enforcement of ". See Va. Code 27-98. Additionally, within Va. Code 27-97, the General Assembly has authorized localities to adopt local regulations that are either more restrictive, or more extensive in scope, than those within the SFPC, so long as the local regulations "do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure."

Discussion

The SFPC requires certain fire protection and other life safety systems to be inspected, tested and maintained in operable condition. Property owners generally engage third-party contractors to do these inspections, and then the property owners are required to keep records. In the past, proactive agencies such as the Charlottesville Fire Department found it difficult to monitor whether or not the required inspections were being performed by every property owner required to do them, and/or to timely review voluminous paper records showing the results of tests and inspections. However, technology now offers a web-based application that can create an inspection and testing reporting program that greatly enhance the efficiency and effectiveness of the City's Fire Prevention and Community Risk Reduction Program(s). That technology consists of a web-based application that collects and aggregates inspection and testing reports, and can flag issues that require attention by Code enforcement personnel and can also alert Code enforcement personnel about what property owners may or may not have submitted a required report. The Office of the Virginia State Fire Marshal, the City of Richmond, and the City of Hampton are each launching enforcement programs which require property owners to submit inspection and testing records to enforcement authorities,

using a web-based reporting system designated by the enforcing agency. These web-based reporting systems are already being utilized in other states around the country.

The purpose of the attached proposed ordinance is to affirmatively establish a local requirement for copies of inspection, testing and maintenance records to be submitted to the City Fire Official, and also to require that the means of sharing those records will be through a web-based application designated by the Fire Official. These requirements are within City Council's authority conferred by Va. Code Secs. 27-97 and 27-98.

No vendor has yet been contracted by the City administration/ Fire Official. However, if City Council adopts this proposed ordinance, the City's Fire Official will then proceed to utilize appropriate processes/ procedures to obtain a web-based application/ service authorized by the new ordinance.

Alignment with City Council's Vision and Strategic Plan

This proposal is consistent with the City Council's vision to be a leader in innovation, and to be flexible and progressive in anticipating and responding to the needs of our citizens. The proposal also serves City Council's statement that "we continually work to employ the optimal means of delivering services...."

Community Engagement

NA (no public hearing is required for this ordinance)

Budgetary Impact

None. (Based on staff research to date, the web-based applications do not pay fees to the web service provider--a fee would be charged to each private entity that is required to post a record within the reporting system).

Recommendation

The Fire Department and City Manager recommend adoption of the attached ordinance.

Suggested motion: "I move the ORDINANCE to amend Chapter 12, Section 12-32 of the Code of the City of Charlottesville, to require reports to be submitted to the City's Fire Official and authorizing the Fire Official to require reports to be submitted through a web-based reporting service"

Alternatives

City Council may decline to authorize the Fire Official to require reports to be submitted using a web-based reporting service.

Attachments

1. Ordinance_Local_regulations Web Based Reporting

ORDINANCE
TO AMEND AND RE-ORDAIN CHAPTER 12, ARTICLE III (FIRE PREVENTION CODE) TO REQUIRE REPORTS OF THE CONDITION OF FIRE PROTECTION AND OTHER LIFE SAFETY SYSTEMS TO BE SUBMITTED TO THE CITY'S FIRE OFFICIAL, AND AUTHORIZING THE FIRE OFFICIAL TO IMPLEMENT A MANDATORY WEB-BASED REPORTING SYSTEM

BE IT ORDAINED by the Council of the City of Charlottesville that Chapter 12 (Fire Protection and Emergency Medical Services), Article III (Fire Prevention Code), Section 12-32, is hereby amended and re-ordained as follows:

Sec. 12-32. Local regulations.

- (a) The SFPC, as adopted pursuant to section 12-31, above, is hereby amended, supplemented, amplified and modified by the following provisions, which are intended to be more restrictive or more extensive in scope than the regulations set forth within the SFPC:
- (1) *Certain fire suppression systems required*—Notwithstanding any contrary provision of law, general or special, fire suppression systems must be installed and maintained in full operating condition in buildings fifty (50) feet or more in height for which building permits have been issued after October 20, 1986. The technical requirements for the installation, repair, operation and maintenance of such systems shall be those found in the SFPC. A violation of this section shall constitute a Class 2 misdemeanor.
 - (2) *Certain smoke detectors required*—Notwithstanding any contrary provision of law, general or special, smoke detectors shall be installed in the following structures or buildings: (i) any building containing one (1) or more dwelling units, (ii) any hotel or motel regularly used or offered for, or intended to be used to provide overnight sleeping accommodations for one (1) or more persons, and (iii) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations. Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. Any required smoke detector may be either battery-operated or an AC-powered unit. The owner of any dwelling unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant of that unit with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detector(s) within five (5) days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement. A violation of any provision of this section shall constitute a Class 2 misdemeanor.

Any building containing fewer than four (4) dwelling units which was not in compliance with this section on July 1, 1984, shall be exempted from the requirements

of this section until such time as that building or any dwelling unit therein is sold or rented to another person. The city's fire department may delegate responsibility for enforcement of this section, as may be appropriate, to the housing inspections division of the department of neighborhood development services, which is hereby authorized to enforce this section at the request of the fire department.

- (3) *Exits from public assembly halls*—The owners or lessees of any public hall or theater shall provide suitable and sufficient exits from such buildings. The doors to the exits shall remain unlocked during all performances or public gatherings in the buildings and shall, in all cases, open outwardly, and not inwardly. Any owner or lessee of any such building who shall violate this requirement shall be subject to the penalties set forth within § 27-53 of the Virginia Code. The continuation of any failure to comply with this requirement for each week after notice has been given to the owner or lessee of a building that the exits are unsafe or insufficient shall be deemed a separate offense.
- (4) *Summoning firefighting apparatus without cause*—No person shall, without just cause, call or summon, by telephone or otherwise, any firefighting apparatus. No person shall maliciously activate a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas.
- (5) *Fireworks*—No person shall have, keep, store, use, discharge, manufacture, sell, handle or transport any fireworks in the city, except as provided within this section. Nothing in this section shall apply to:
 - a. Any materials or equipment that is used or to be used by any person for signaling or other emergency use in the operation of any railroad train or other vehicle for the transportation of persons or property.
 - b. Any officer or member of the armed forces, while acting within the scope of their authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces.

The fire chief may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display of fireworks in the public parks or other open places. Such permits shall impose such restrictions as, in the opinion of the fire chief, may be necessary to properly safeguard life and property in each case. The term "fireworks," as used in this section, shall mean and refer to any firecracker, sparkler, roman candle, fire balloon, signal light, squib, rocket, railroad track or other torpedo, skyrocket, flashlight composition, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and which explodes, rises into the air, travels laterally, or fires projectiles into the air to obtain visible or audible pyrotechnic effects.

- (6) *High explosives*—No person shall sell within the city any dynamite, blasting powder or other high explosive except upon a written permit from the chief of police, which permit shall be issued upon application by the purchaser showing that such explosives are to be used for legitimate purposes within a reasonable time after their purchase and the provisions of the fire prevention code with respect to the keeping of all such

explosives shall in all respects apply to such purchaser. This section shall not be construed to apply to the purchase of shotgun, rifle or pistol ammunition at retail.

- (7) *Storage of explosive liquids*—It shall be unlawful for any person to store, keep or handle any gasoline or other highly explosive liquids in bulk within the city ("bulk storage") except: (i) in the city's manufacturing/industrial zoning districts as part of, or in connection with, a use authorized by the city's zoning ordinance, or (ii) in existing bulk storage sites that were lawful as of March 1, 2004. For the purposes of this section, the term "bulk storage" shall mean and refer to the storage and keeping as well as the parking, loading or unloading of gasoline or any other highly explosive liquid in quantities of more than ten thousand (10,000) gallons, into, to or from any single container, including, without limitation, tank cars or truck transports. Where permitted, such bulk storage shall be conducted in accordance with applicable provisions of the SFPC.

It shall be unlawful for any person to store, keep or handle any gasoline or other highly explosive liquids in any underground container of ten thousand (10,000) gallons or less, in any residential zoning or B-1 zoning district; provided, however, that: (i) in an R-3 or B-1 zoning district, a single underground tank may be installed to contain not in excess of five hundred fifty (550) gallons, provided that such tank is not located within one hundred (100) feet of any residential dwelling unit, is to serve a non-conforming business use, and shall not be resold to others; and (ii) any elementary or secondary school, whether public or private, may install an underground tank to contain not in excess of five hundred fifty (550) gallons, so long as such tank is not located within one hundred (100) feet of any residential dwelling unit, is not located within one hundred (100) feet of any building used for school purposes, and the contents of such tank are not resold to others. Otherwise, underground storage of quantities not in excess of ten thousand (10,000) gallons, in a container complying with requirements of the SFPC, is permitted within the city, except that if any such underground tank is located within ten (10) feet of any building, the maximum quantity permitted in such container shall be two thousand (2,000) gallons.

- (8) *Open burning* —Except as otherwise provided in this section, no person shall ignite or maintain, or cause or permit to be ignited or maintained, any open fire on public or private property outside any building. Salvage, demolition operations, land clearing and disposal of waste materials (including, without limitation, construction debris, garbage, refuse, household refuse, brush, grass, leaves and other waste materials) by burning are specifically prohibited. Exceptions to the prohibitions of this section are as follows:
- a. Open fires may be set in the performance of official duties by the fire chief or their designee when necessary: (i) for the abatement of a fire hazard which cannot be abated by other means; (ii) for training in firefighting or for research in control of fires under supervision of the fire chief or their designee; and (iii) in emergency or other extraordinary circumstances when open burning is determined by the fire chief to be in the public interest.

- b. Open fires may be used for cooking food, if such fires are contained within approved grills and barbecues for the purpose of food preparation for human consumption.
 - c. Open fires may be set within approved outdoor fireplaces provided such fireplaces have screened burn chambers and chimneys equipped with spark arrestor screens. Salamanders and similar heating devices may be used for heating by outdoor workers provided that no smoke hazard or other nuisance is created and provided that such devices are used not less than fifteen (15) feet from any structure.
 - d. Open fires may be set for recreational purposes, or for ceremonial occasions, with the advance approval of the fire marshal, and provided that no smoke violation or nuisance is created.
 - e. Where permitted, open burning shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use. Notwithstanding the above-listed exceptions, there is hereby reserved to the city's fire chief the authority to prohibit any and all open burning when in their determination smoke may cause reduced visibility on any highway, the fire is endangering adjacent property, or when flames, emissions or odors from the fire may otherwise constitute a hazard or nuisance. The fire chief or their designee may order the extinguishing of any fire which creates any such hazard(s) or nuisance(s).
- (9) *Fire hydrant distribution* - Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets where new building construction or modifications to water mains occur as follows: No more than three hundred (300) feet shall exist between fire hydrants serving buildings meeting SFPC occupancy classifications other than Residential Group R-5, in which case no more than six hundred (600) feet shall exist between fire hydrants.
- (10) *Chapter 1, section 103.1.2* of the SFPC is replaced by the following:
- 103.1.2. Appendices.
- (i) Appendix B, Fire-Flow Requirements For Buildings, of the International Fire Code - 2006 Edition, as amended from time to time (hereinafter "IFC"), is considered part of the IFC for the purposes of Section 103.1 of the SFPC.
 - (ii) Appendix D, Fire Apparatus Access Roads, of the IFC is considered part of the IFC for the purposes of Section 103.1 of the SFPC, as modified in the City's Standards and Design Manual. Any conflict between the two documents shall be resolved in favor of the City's Standards and Design Manual.
- (11) **Testing and Inspection reports**
- (i) Testing, inspection, repair and maintenance required—fire protection systems and other life safety systems, whether required or nonrequired, shall be inspected, tested, repaired and maintained in an operative condition at all times, and in accordance with requirements set forth within the SFPC. Itemized records of all system tests, inspections, repairs and maintenance required by the SFPC shall be maintained by the property owner on the premises of the system(s), and copies of**

such records shall be submitted to the city's fire official as required by paragraph (ii), below.

(ii) Reporting—It shall be the responsibility of any person (including, without limitation any individual or company) providing or conducting tests or inspections of fire protection and life safety systems for properties within the city to submit a copy of the itemized records of such tests, inspections, repairs, or maintenance to the fire official's approved and designated web-based reporting vendor, within 30 days of the test, inspection, repair or maintenance. With respect to inspections, testing, maintenance, repair, or replacement of fire protection and life safety systems, the term "itemized records" includes, but is not limited to: identification of the individual and company performing the inspection; a description of the inspection, testing, maintenance, repair, or replacement; when and where the inspection, testing, maintenance, repair, or replacement took place; and the results of the inspection, testing, maintenance, repair, or replacement.

(ii) Web-based reporting requirement—The fire official shall utilize a web-based reporting program which connects and engages the key stakeholders involved in fire prevention and community risk reduction, including: the governmental authorities having jurisdiction within the city, testing and inspection service providers, and property owners. Records, including reports of testing and inspections, referenced in paragraph (i) preceding above must be uploaded to the web-based reporting system designated by the city's fire official. The web-based inspection reporting provider shall transmit said inspection reports to the city's fire official, and to any other governmental authorities to whom such reports are required to be given.

(iii) Every individual and company performing testing, inspection, repair or maintenance of any fire protection or life safety systems within the city shall be qualified (certified) and licensed, registered or otherwise authorized to perform such work or services within the Commonwealth of Virginia, and in accordance with applicable SFPC standards. The city's fire official may reject any records or reports if the person or company providing the reports does not also provide the city with documentation of their current certification(s) and qualification(s) to perform such work or services.

- (b) Nothing in this section shall be construed, interpreted or applied to abrogate, nullify, or abolish any law, ordinance or code enacted by the city, or by the Commonwealth of Virginia, its boards or agencies. When any provision of this section is found to be in conflict with any zoning, safety, health or other applicable law, ordinance or code, the provision that establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be effective January 1, 2023.

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



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|-------------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Review the proposed revisions to the Charlottesville Human Rights Ordinance (Code of the City of Charlottesville, Chapter 2, Article XV) and propose next steps for revision or approval. |
| Presenter: | Todd Niemeier, Director |
| Staff Contacts: | Todd Niemeier, Director Allyson Davies, Senior Deputy City Attorney Ashley Marshall, Deputy City Manager |
| Title: | Amending the Charlottesville Human Rights Ordinance, Code of the City of Charlottesville, Chapter 2, Article XV (1 reading) |

Background

On February 1, 2021, City Council approved amendments to the Charlottesville Human Rights Ordinance (Code of the City of Charlottesville, Chapter 2, Article XV), hereinafter referred to as the CHRO. These amendments included revisions to Sec. 2-433 of the CRHO, "Role of the Human Rights Commission." Sec. 2-433 (d) was amended by Council to read as follows:

Seek work share agreements with the Equal Employment Opportunity Commission ("FEPA") and the Department of Housing and Urban Development ("HUD-FHAP") to conduct investigations of employment and housing discrimination on their behalf, and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.

The Charlottesville Human Rights Commission (HRC) and Office of Human Rights (OHR) present the work done since January 2021 to fulfill the role described in Sec. 2-433 (d) of the CHRO. This presentation includes proposed amendments to the CHRO to meet the requirements for entering a Fair Housing Assistance Program (FHAP) workshare agreement with the federal Housing and Urban Development (HUD) Fair Housing Office, referenced in the CHRO as "HUD-FHAP."

The City's entry into FEPA and FHAP workshare agreements has been a topic of discussion since 2011 when the Policy Action Team from the Government Work Group of the Charlottesville Dialogue on Race proposed the formation of the HRC. Since the establishment of the HRC and OHR in 2013, the previous two Directors of the HRC periodically explored the readiness of the HRC and OHR to take on the additional responsibilities that come with the FEPA and FHAP work share agreements.

Since the creation of the HRC and OHR in 2014, employment and housing have remained the most often identified protected activities associated with individual complaints and inquiries received by the OHR. The OHR defines complaints as individual contacts that present a jurisdictional allegation of

discrimination and defines inquiries as individual contacts that either present a non-jurisdictional allegation of discrimination or a non-discriminatory concern related to a protected activity. Since 2018, when the OHR refined data collection to capture a more nuanced picture of the types of inquiries and complaints received by the office, housing has been the predominantly identified protected activity. Over the past five years, from 2018 through 2021, the OHR received a total of 222 housing inquiries and 79 employment inquiries and 14 housing complaints, and 11 employment complaints.

While service provision data for CY2022 is still being tallied, the OHR has already surpassed the total number of incoming contacts recorded in CY2021. At the time of this report, service provision data had been counted through September and partially for October 2022. Total CY2022 incoming contacts were already at 2,487, which included 10 new complaints, in addition to those still in process from CY2021 and CY2020. Of the 10 complaints received this year, 5 allege housing discrimination. In CY2022, the average daily incoming contacts have not fallen below eight per day (in February and March) and rose to as high as twenty-one per day in September.

Discussion

In early 2021, the HRC began the work of researching the process of entering FHAP and FEPA workshare agreements by holding meetings with representatives from the HUD Fair Housing Office and the EEOC. During its regular, publicly noticed meeting on January 21, 2021, the HRC hosted a question-and-answer session with Erik Steinecker from the HUD Fair Housing Office about the FHAP workshare program. Mr. Steinecker outlined the details of the program and the prerequisites for a locality's entrance into a workshare agreement with HUD. On February 23, 2021, the HRC Chair and Vice Chair, along with OHR staff, held a work session with Cheryl Mabry (Director) and James Yao (Deputy Director) of State, Local, and Tribal Programs for the U.S. Equal Employment Opportunity Commission (EEOC) to discuss the process of applying and qualifying for a Fair Employment Practices Agency (FEPA) workshare agreement with the EEOC.

During the HRC's publicly noticed annual retreat on February 27, 2021, OHR staff presented a comparative overview of the entry requirements, timeframes, potential benefits, and potential challenges of entering into a FEPA workshare, a FHAP workshare, or maintaining the current enforcement authority under the amended CHRO approved by City Council on February 1, 2021. An updated version of this comparative overview can be found as an attachment to this memo. The HRC decided during the retreat that the pursuit of both the FEPA and FHAP workshare agreements should continue.

OHR staff assumed the responsibility of drafting a revised version of the CHRO to meet the requirement of substantial equivalence to federal fair housing, a prerequisite for entering a FHAP workshare. OHR staff also assumed the duty of beginning a draft request letter to the EEOC for the pursuit of a FEPA workshare. As stated above, housing has been the protected activity identified most often by individuals bringing complaints and inquiries to the OHR. Staffing levels in the OHR could likely only accommodate entering into one workshare agreement at a time. The FHAP workshare offered the most potential financial and training support of the two workshares, such that entering the FHAP workshare might permit staffing increases that would facilitate the future pursuit of the FEPA workshare. OHR staff, therefore, prioritized work on the FHAP workshare over the FEPA workshare in 2021 and 2022.

To enter into a FHAP workshare, a locality must have an active ordinance with language that is substantially equivalent to federal fair housing law. Throughout 2021 and 2022, OHR staff worked closely with Erik Steinecker in the HUD Fair Housing Office and Allyson Davies in the Charlottesville City Attorney's Office to draft the attached version of the CHRO which meets this requirement. The proposed amendments also include refinements to the CHRO overall to improve the enforcement process and clarify the scope of the human rights protection it provides. The following is a section-by-section summary and explanation of the major changes to the CHRO, including citations of enabling state and federal legislation from which the changes are derived.

One amendment that appears throughout the proposed revisions is a change from "probable cause", as the standard, in determinations rendered on a complaint, to "reasonable cause." The use of reasonable cause is consistent with the Virginia Human Rights Act, per Va. Code §§ 2.2-3907.D. – F. and the Federal Civil Rights Act, per 42 U.S. Code § 2000e-5.(b). Reasonable cause is also the standard used in federal fair housing law, per 42 U.S. Code §3610.

Section-by-section summary of amendments to the CHRO:

Sec. 2-430.2.

- This is a new section.
- Rather than defining the many terms used throughout the CHRO, this section instead cites the state and federal laws from which the terms used in the ordinance originate.

Sec. 2-431.

- This section has been replaced with a general policy statement based on Va. Code Ann. § 2.2-3900 and § 15.2-965.
- Secs. 2-431.1., 2-431.2., and 2-431.3 address the subjects from Sec. 431. In previous versions of the CHRO, prohibited discrimination within all protected activities was described in a single section. Because there are specific differences in what is protected within the protected activities, employment (Sec. 2-431.1.) and housing (Sec. 2-431.2.) have been separated into distinct sections, while public accommodation, credit, and private education (Sec. 2-431.3.) remain combined in another section.

Sec. 2-431.1.

- This is a new section.
- This section cites the specific state and federal laws that regulate unlawful employment discrimination rather than re-stating the protections verbatim within the CHRO.

Sec. 2-431.2.

- This is a new section.

- The language in this section is substantially equivalent to 42 U.S. Code §§ 3604-3606 and is required for FHAP qualification.
- Note that elderliness, source of funds, sexual orientation, gender identity, and status as a veteran are not protected classes under 42 U.S. Code §§ 3604-3606 but are protected under Va. Code § 36-96.1. and are therefore included here.
- Note that marital status is not a protected class under 42 U.S. Code §§ 3604-3606 or Va. Code § 36-96.1. but is protected within housing under Va. Code § 15.2-965.A.

Sec. 2-431.3.

- This is a new section.
- This section cites the specific state and federal laws that regulate unlawful public accommodation, credit, and private education discrimination rather than re-stating the protections verbatim within the CHRO.

Sec. 2-432.(f)

- Minor changes were made to improve clarity.
- A clause was added to ensure continuity of leadership in the absence of a Director.

Sec. 2-432.(g)

- Minor changes were made to improve clarity.
- This section was amended by City Council on February 1, 2021. It includes reference to policies and procedures (“operating procedures”) that City Council will create for the Commission.

Sec. 2-432.(h)

- This section was changed to ensure that the City Manager is authorized to retain outside counsel and is linked to Secs. 2-437.2.(d), (g), and (h), which involve the City filing a civil action related to a complaint of housing discrimination.

Sec. 2-433.

- Minor changes were made to improve clarity.

Sec. 2-433.(a)

- Minor changes were made to improve clarity.

Sec. 2-433.(d)

- This section was added by City Council on February 1, 2021.
- Minor changes were made to improve clarity.

Sec. 2-435.(a)(2)

- Minor changes were made to improve clarity.

Sec. 2-435.(d)

- This is a new clause based on Va. Code § 36-96.8 and 42 U.S. Code § 3610(a)(1)(A)(iii) that creates a mechanism for investigating potential systemic housing discrimination concerns in which there is no named complainant.

Sec. 2-436.

- This section was formerly reserved.
- Previous versions of the CHRO made no mention of the Charlottesville Office of Human Rights. This section is being used to codify the existence and function of the Office of Human Rights.

Sec. 2-437.

- This section has been subdivided into Secs. 2-437.1., 2-437.2., and 2-437.3.
- In previous versions of the CHRO, the investigation of individual complaints of discrimination within all protected activities was described in a single section. Because there are specific differences in the investigation procedures within the protected activities, employment (Sec. 2-437.1.) and housing (Sec. 2-437.2.) have been separated into distinct sections, while public accommodation, credit, and private education (Sec. 2-437.3.) remain combined in another section.

Sec. 2-437.1.

- This is a new section, based upon revisions to the former Sec. 2-437., dedicated exclusively to the investigation of employment discrimination complaints.

Sec. 2-437.1.(a)(1)

- Minor changes were made to improve clarity.

Sec. 2-437.1.(a)(2)

- This is a new clause.
- In accordance with Va. Code § 2.2-3907.A this clause establishes a statute of limitations and basic requirements for the filing of employment discrimination complaints.

Sec. 2-437.1.(a)(3)

- Minor changes were made to improve clarity.

Sec. 2-437.1.(a)(3)(A)

- Minor changes were made to improve clarity.

Sec. 2-437.1.(a)(3)(B)

- This is a new clause that addresses what the Office of Human Rights will do when presented with a complaint of employment discrimination in which the City of Charlottesville is the named respondent.

Secs. 2-437.1.(a)(4) – 2-437.(a)(4)

- Content was reorganized and minor changes were made to improve clarity.

Sec. 2-437.1.(a)(4)(B)

- Minor changes were made to improve clarity.

Sec. 2-437.1.(b)(2)

- This is a new clause that mirrors the language used in Sec. 2-437.2.(b)(1) to ensure a consistent process for all protected activities.

Secs. 2-437.1.(b)(2)(A)(i) – (v)

- Minor changes were made to improve clarity.
- “Informal dialogue” was added as a means of complaint resolution.

- The term “conciliation” was removed for clarity throughout, as “conciliation” has a specific meaning in Sec. 2-437.2., which should not be confused with “informal dialogue” and “mediation” as alternate means of complaint resolution.

Sec. 2-437.1.(b)(2)(B)

- Additional language added to clarify the process of opening a formal investigation.
- “Probable” was replaced with “Reasonable” cause, per Va. Code §§ 2.2-3907.D. – F. and 42 U.S. Code § 2000e-5.(b).

Sec. 2-437.1.(b)(2)(B)(i)

- A timeframe for completing an investigation of employment discrimination was added in accordance with Va. Code § 2.2-3907.H.
- While not expressly defined, all timeframes presented in state and federal law are presumed by default to refer to calendar days rather than business days. In the CHRO “calendar days” is used expressly to improve clarity.

Secs. 2-437.1.(b)(2)(B)(i)(I) – (III)

- These clauses were added to define the actions the OHR will take when an investigation takes longer than 180 calendar days to complete, or when a complainant or respondent is non-responsive to the Investigator.

Sec. 2-437.1.(b)(2)(B)(ii)

- This clause was added to clarify that statements received as part of an investigation should be under oath.
- While state law does not stipulate this requirement, this is consistent with 42 U.S. Code § 3610 and ensures consistent process is applied to investigations within all protected activities.

Sec. 2-437.1.(b)(2)(B)(iii)

- This clause affirms that an investigative report will be submitted to the Director at the conclusion of the investigation and is consistent with Va. Code § 2.2-3907.D.

Sec. 2-437.1.(b)(2)(C)

- Minor changes were made to improve clarity.

- “Probable” was replaced with “reasonable” cause per Va. Code §§ 2.2-3907.D. – F. and 42 U.S. Code § 2000e-5.(b).

Sec. 2-437.1.(b)(2)(C)(i)

- This is a new clause that specifies the action to be taken following a finding of reasonable cause in an employment discrimination complaint and is consistent with Va. Code § 2.2-3907.F.

Secs. 2-437.1.(b)(2)(C)(I)(i) – (ii)

- This is a new clause that specifies the actions to be taken following a finding of reasonable cause in which the complaint cannot be resolved through informal dialogue or mediation and the complaint is passed to the HRC for a vote on whether to hold a public hearing.

Sec. 2-437.1.(b)(2)(C)(ii)

- This is a new clause that specifies the actions to be taken following a finding of insufficient reasonable cause.

Sec. 2-437.1.(c)

- Minor changes were made to improve clarity.
- “Conciliation” was removed to avoid confusion with the use of this term in Sec. 2-437.2.

Sec. 2-437.2

- This is a new section that contains language that is substantially equivalent to 42 U.S. Code §§ 3610 and 3612, which is required for FHAP qualification.
- This section will have a significant impact on the function of the OHR and City Attorney’s Office.

Sec. 2-437.3

- This is a new section, based on the former Sec. 2-437., that consolidates the procedures for addressing complaints of public accommodation, credit, or private education discrimination.
- The intent of this consolidation was to separate these procedures from those for employment and housing discrimination complaints.
- The procedural changes in this section mirror those in Section 2-437.1, which addresses employment discrimination, except for the provisions specific to employment discrimination.

Sec. 2-438.

- This is a new section, which was formerly “Reserved.”
- This anti-retaliation clause mirrors federal law.
- The language in this section is substantially equivalent to 42 U.S. Code § 3617 and is required for FHAP qualification.

Sec. 2-439.1.

- Revised to clarify that this section only applies to the protected activities of employment, public accommodation, credit, and private education discrimination.
- “Probable” cause is changed to “reasonable” cause throughout this section.

Sec. 2-439.1.(c)

- Minor revision made for clarity.

Sec. 2-439.1.(e)(2)

- Gendered language replaced with “their.”

Sec. 2-439.1.(e)(5)

- Minor punctuation correction.

Sec. 2-439.1.(f)

- Minor grammar and punctuation corrections.

Sec. 2-439.2.

- Revised to clarify that this section only applies to the protected activities of employment, public accommodation, credit, and private education discrimination.

Sec. 2-440

- Reference to the Office of Human Rights added.

In addition to the amendments listed above, the following sections contain revisions created and approved by City Council on February 1, 2021, which were not reviewed by the Commission prior to their creation and approval by Council, and may merit further review and revision:

Sec. 2-432.(a)

- This section was amended by City Council on February 1, 2021. These amendments limit both the size and composition of the Commission.
 - Some Commissioners expressed concern about limiting the appointed membership of the Commission to nine (9) members.
 - Some Commissioners expressed concern about requiring two members to have professional expertise in employment or housing discrimination, personal experience with employment or housing discrimination, or membership within a group that experiences discrimination.

Sec. 2-432.(i)

- This section was amended by City Council on February 1, 2021. These amendments require quarterly reports to City Council and mention that the schedule for such reports would be included within the Commission's operating procedures.
 - To date, the Commission has not received a copy of the operating procedures or a schedule or format for quarterly reports.

Sec. 2-433.(f)

- This section was added by City Council on February 1, 2021, and references "operating procedures" approved by City Council.
 - To date, the Commission has not received a copy of the operating procedures.

Sec. 2-435.(c)

- This section was amended by City Council on February 1, 2021. The amendment requires that the Commission conduct a research project or review every two years. It also mentions the requirement for quarterly reports to City Council.

Finally, the Office would like to bring to Council's attention the need for proper staffing levels to engage in this work. In 2022 the Council approved one-time funding through an American Rescue Plan Act allocation for the Office of Human Rights to hire two (2) new staff members - an Intake Counselor and an Investigator. The proposed Human Rights Intake Counselor would focus on providing support for incoming contacts, and data entry. Further, upon successful interim certification into the FHAP workshare, this individual would also be responsible for entering service provision data into the HUD Enforcement Management System (HEMS). This individual would also submit the required service provision data to the EEOC, should the City enter a FEPA workshare. The anticipated current salary

and benefits expense for this full-time role is an estimated \$74,116.50 per year. This position will also require one-time funding for a laptop computer and computer software. The proposed Human Rights Investigator will be the person primarily responsible for investigating complaints of discrimination and compiling investigative reports. The anticipated current salary and benefits expense for this full-time role is an estimated \$101,147.98 per year. This position will also require one-time funding for a laptop computer, computer software, and a cell phone.

Alignment with City Council's Vision and Strategic Plan

The pursuit of the FHAP and FEPA workshare agreements aligns with City Council's vision of Charlottesville as a "leader in social and economic justice, and healthy race relations" that is "flexible and progressive in anticipating and responding to the needs of our citizens" and is a "united community that treasures diversity." Adopting the recommendations proposed below helps to ensure that Charlottesville moves toward becoming a "Community of Mutual Respect" with a "Smart, Citizen-Focused Government" that supports and protects "Quality Housing Opportunities for All," as well as "Economic Sustainability."

Community Engagement

The HRC received a draft of this memo and the proposed revisions to the CRHO in the publicly posted agenda packet for its regular meeting on September 15, 2022. During this meeting, the Director requested that Commissioners review both documents and provide feedback on or before October 3, 2022. Members of the public did not provide feedback during the September 15, 2020 meeting. Commissioners recommended no revisions on or before October 3, 2022.

The HRC completed its public review of the proposed revisions to the CRHO at its regular meeting on October 20, 2022. During this meeting, the Commission adopted the amended CRHO for recommendation to City Council at its meeting on November 7, 2022. Members of the public did not provide feedback during the October 20, 2022 meeting.

Budgetary Impact

The approval of the updated ordinance in full will require the continuation of increased staffing levels for the Office to provide appropriate direct service to our community. At this time, provided that the Council approves the updates - through an allocation of American Rescue Plan Act funding by Council vote, the office will be able to immediately hire two positions: a Human Rights Intake Counselor and a Human Rights Investigator. This funding is one-time funding and will need to be incorporated into the Office of Human Rights budget as a continuing staffing expense totaling roughly \$175,264.48. A brief description of the roles and responsibilities is listed above in the discussion section.

The Office also anticipates that there will be an uptick in the number of housing discrimination cases it receives, provided that the Council approves the ordinance updates and that the Office successfully obtains its interim certification into the FHAP workshare. Based on the workload during the three-year FHAP interim certification period, the City should evaluate whether a second Investigator should be hired prior to entry into a FEPA workshare.

Recommendation

Suggested Motion: "I move the ORDINANCE amending and reenacting Chapter 2, Article 15 of the Charlottesville City Code, to expand the duties of the Human Rights Commission in

relation to enforcement of laws that prohibit housing discrimination."

The HRC and OHR request that Council consider the proposed amendments to the CHRO and the potential entry into a FHAP workshare agreement with the HUD Fair Housing Office through the lens of feasibility, given the current staffing and workload of the OHR and the additional requirements of entering into a FHAP workshare agreement. The HRC and OHR are exploring entry into the FHAP workshare first, as it provides more financial support and other incentives than the FEPA workshare. If entry into the FHAP proves successful, the HRC and OHR are prepared to take the necessary steps toward entry into a FEPA workshare. It is the view of the HRC and OHR that entry into either a FHAP or FEPA workshare agreement is only feasible with adequate staffing, both within the OHR and the City Attorney's Office given the specific requirements of the FHAP program.

Alternatives

Should City Council elect not to approve the updates to the ordinance as proposed, the Office of Human Rights will not be able to successfully enter into the FHAP workshare agreement. The consequence of this inability to enter into a workshare agreement is that the OHR will struggle to maintain efficient and effective service to the community given our needs and barriers to affordable housing obtainment.

Attachments

1. ORD to Amend HRO - HRC Adopted - ADA - Council Agenda (PDF) (1)
2. 20221020 FEPA, FHAP, Ordinance Chart - ADA - Council Agenda (PDF)
3. 20221020 HRC & OHR CY2021 Report Memo - HRC Adopted - ADA - Council Agenda (PDF)
4. 20221020 HRC & OHR CY2021 Report - HRC Adopted - ADA - Council Agenda (PDF)

Underlined text indicates proposed new content.

~~Strike through text~~ indicates existing content to consider removing.

AN ORDINANCE

AMENDING AND REENACTING CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, ARTICLE XV (HUMAN RIGHTS) TO UPDATE THE ORDINANCE TO EXPAND THE COMMISSION'S DUTIES AS AUTHORIZED BY 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, AS AMENDED.

WHEREAS, by recorded vote, the Human Rights Commission initiated certain amendments to the text of the City's Human Rights Ordinance, Sections 2-430; 2-431; 2-431.1; 2-431.2; 2-431.3; 2-432; 2-433; 2-433; 2-435; 2-436; Sec. 2-437.1; 2-437.2; 2-437.3; 2-438; 2-439.1; 2-439.2; and 2-440 ("Proposed Text Amendments"); and

WHEREAS, a public meeting was held to discuss and receive comments on the Proposed Text Amendments on June 18, August 20, and September 17, 2020 and the proposed amendments were presented to, discussed and approved at the October 15, 2020 public meeting of the Human Rights Commission for recommendation to Charlottesville City Council; and

WHEREAS, after consideration of the Human Rights Commission recommendations and other factors within the City, this Council is of the opinion that that the Proposed Text Amendment has been designed to comply with 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 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, and general welfare require the Proposed Text Amendment, and (ii) the Proposed Text Amendment is consistent with the Council's vision of the City as a leader in social justice; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that: Sections 2-430; 2-431; 2-431.1; 2-431.2; 2-431.3; 2-432; 2-433; 2-433; 2-435; 2-436; Sec. 2-437.1; 2-437.2; 2-437.3; 2-438; 2-439.1; 2-439.2; and 2-440 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

Article XV. Human Rights

Sec. 2-430.1. Short title.

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

Sec. 2-430.2. Definitions.

- (a) Terms used in this ordinance to describe prohibited discrimination in employment shall have the meanings as ascribed to them under Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” and “Sexual orientation, and U.S. Code §§ 1981-2000h-6., as amended.
- (b) Terms used in this ordinance to describe prohibited discrimination in housing shall have the meanings as ascribed to them under the Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” “Sexual orientation”, Virginia Fair Housing Law, Va. Code § 36-96.1:1., and 42 USCS § 3602, as amended.
- (c) Terms used in this ordinance to describe prohibited discrimination in public accommodations, credit, and private education shall have the meanings as ascribed to them under the Virginia Human Rights Act., Va. Code §§ 2.2-3900-3909. and Va. Code § 15.2-965. as it relates to “Gender identity” “Military status” “Religion” and “Sexual orientation, and for public accommodation under 42 USCS § 2000a., as amended.

Sec. 2-431. Unlawful discrimination prohibited generally.

Pursuant to Va. Code Ann. § 2.2-3900. and § 15.2-965., it is the policy of the City of Charlottesville to:

- a) Safeguard all individuals within the City from unlawful discrimination in employment, housing, public accommodation, private education, and credit.
- b) Preserve the public safety, health, and general welfare for the City of Charlottesville;
- c) Further the interests, rights, and privileges of individuals within the City; and
- d) Protect citizens of the City against unfounded charges of unlawful discrimination.

Sec. 2 431. Unlawful discrimination prohibited.

~~It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in 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 status as a veteran, or disability.~~

~~(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 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.~~

~~(b) — 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.~~

~~(c) — 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.~~

~~(d) 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. 2-431.1. Unlawful employment discrimination prohibited.

It shall be unlawful and a violation of this ordinance for any person, partnership, corporation or other entity to engage in discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, status as a veteran, or disability. The prohibited actions in this section shall include and have the meanings ascribed to them in Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 and U.S. Code §§ 1981-2000h-6., as amended.

Sec. 2-431.2. Unlawful housing discrimination prohibited.

It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

- (f) Furthermore, it shall be unlawful and a violation of this article for any person, partnership, corporation or other entity:
- (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of the following:
 - (A) that buyer or renter;
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that buyer or renter.
 - (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - (A) that person; or
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that person.
 - (3) For purposes of this subsection, discrimination includes—
 - (A) a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
 - (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - (C) in connection with the design and construction of covered multifamily dwellings for a failure to design and construct those dwellings in such a manner that—
 - (i) the public use and common use portions of such dwellings are readily accessible to and usable by people with disabilities;
 - (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by people with disabilities requiring the use of wheelchairs; and
 - (iii) all premises within such dwellings contain the following features of adaptive design:
 - (I) an accessible route into and through the dwelling;
 - (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
 - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of Sec. 2-431.2.(3).(C).(iii).

As used in this subsection, the term “covered multifamily dwellings” means:

(A) buildings consisting of 4 or more units if such buildings have one or more elevators;
and

(B) ground floor units in other buildings consisting of 4 or more units.

(5) Nothing in this subchapter ordinance shall be construed to invalidate or limit any state or federal law or City ordinance that requires dwellings to be designed and constructed in a manner that affords people with disabilities greater access than is required by this subchapter.

(6) Nothing in this ordinance requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(7) In general, it shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

(8) As used in this section, the term “residential real estate-related transaction” means any of the following:

(A) The making or purchasing of loans or providing other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(ii) secured by residential real estate.

(B) The selling, brokering, or appraising of residential real property.

(9) Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

(g) It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against an individual in the terms or conditions of such access, membership, or participation, on account of race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

Sec. 2-431.3. Unlawful public accommodation, credit, and private education discrimination prohibited.

It shall be unlawful and a violation of this article for any person, partnership, corporation or other

entity to engage in discrimination in 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 status as a veteran, or disability. The prohibited actions in this section shall include and have the meanings ascribed to them in Virginia Human Rights Act, Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965 as it relates to “Gender identity” “Military status” “Religion” “Sexual orientation”, and U.S. Code §§ 1981-2000h-6., as amended.

Sec. 2-432. Human Rights Commission.

- (a) There is hereby created in the City of Charlottesville a Human Rights Commission, the members of which shall be appointed by the City Council. Effective March 1, 2022, the appointed membership of the Commission shall consist of nine (9) members. The Commission membership shall be broadly representative of the City’s 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; with priority given to City residents, and to applicants with significant and demonstrable ties to the City. At least two members will have professional expertise in employment or housing discrimination, have personal experience with employment or housing discrimination, or identify as a member of a group that experiences discrimination. 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.
- (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. The Commission may adopt bylaws and procedures to govern the conduct of its meetings; provided, however, that 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 adopted “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. A candidate proposed for appointment as the Director must demonstrate significant prior professional experience performing one or more of the activities or roles described in the code of the City of Charlottesville, Chapter 2, Article XV sections 2-433(a) (b), 2-434, 2-435(a), 2-437 and 2-439.1 of this article. The Director will be responsible for and report to the Commission ~~in~~

on the ~~day to day~~ day-to-day operational conduct of the Human Rights Commission, of the Commission's activities. The Director shall report directly to the Deputy City Manager for Racial Equity, Diversity, and Inclusion 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. In the absence of a Director, the City Manager shall transfer the Director's duties to qualified professional staff within the City to ensure the continuity of services provided by the Human Rights Commission and Office of Human Rights.

- (g) The City Council shall establish policies and procedures for the performance by the Commission of the roles, duties and responsibilities set forth within this article ("operating procedures"). All City departments, boards and commissions shall cooperate with and ~~provide assistance to~~ assist 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~~ hereby authorizes retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.
- (i) The Commission shall make quarterly reports to the City Council concerning the operation of the Commission and the status of the Commission's performance of the duties, responsibilities and roles set forth within this article. One of the required quarterly reports shall be an annual report. The schedule for submission of these reports, and the required contents of the reports, shall be as specified within the Commission's operating procedures.

Sec. 2-433. Role of the Human Rights Commission.

The role of the Human Rights Commission, with support from the Office of Human Rights, 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 enforcement jurisdiction of the City;
- (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;~~
- (d) Seek a Fair Employment Practices Agency (FEPA) ~~work share agreements~~ workshare agreement with the Equal Employment Opportunity Commission (~~"FEPA"~~) (EEOC) and a Fair Housing Assistance Program (FHAP) ~~workshare agreement with~~ the Department of Housing and Urban Development (~~"HUD-FHAP"~~) (HUD) to conduct investigations of employment and housing discrimination on their behalf; and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.
- (e) 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; and

- (f) Prepare recommendations to City Council as to policies and procedures the Commission believes are necessary for the performance of the roles, duties, and responsibilities assigned to the Commission within this article, and for modifications of operating procedures approved by City Council.

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 will 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 ~~be~~ practices but nevertheless ~~which~~ produce disparities that adversely impact ~~be~~ individuals in accordance with the protected classes identified within this ordinance. ~~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 to City Council concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices. On and after July 1, 2021, the Commission will conduct at least one such research project or review every two years. The Commission will report the status of its ongoing project(s) or review(s) to City Council within its quarterly and annual reports.
- (d) Where the Commission, in accordance with subsection (a) herein identifies systemic, discriminatory housing practices, the Commission may upon majority vote of its members, request the Director of the Commission to file a complaint of discrimination in situations where there is no named complainant but factual evidence exists to support a prima facie case of a systemic, discriminatory housing practice. The Director shall follow the complaint and investigation procedures for fair housing complaints under City Code Sec. 2-437.2.

Sec. 2-436. ~~Reserved.~~ Office of Human Rights.

- (a) There is hereby created in the City of Charlottesville an Office of Human Rights, which is a division of the City Manager's Office.
- (b) The Director of the Human Rights Commission will be responsible for, and report to the Commission on, the day-to-day operational conduct of the Office of Human Rights.
- (c) The role of the Office of Human Rights is to:
 - (1) Provide administrative support to the Human Rights Commission;
 - (2) Receive, attempt to conciliate or investigate and issue findings on individual complaints of discrimination within the jurisdiction of the City of Charlottesville;
 - (A) Provide referrals to appropriate services for inquiries that do not involve a jurisdictional complaint of discrimination.
 - (3) Conduct community outreach related to human rights. Such outreach may include:
 - (A) Providing information to the public regarding the services provided by the Office of Human Rights and the Human Rights Commission;
 - (B) Hosting or participating in educational events for the purpose of raising public awareness around human rights issues;
 - (C) Facilitating, leading, or participating in collaborative meetings and events with community partners for the purpose of addressing human rights issues.

Sec. 2-437.1. Duties and responsibilities – Investigation of individual employment discrimination complaints and issuance of findings.

- (a) Complaints and answers
 - (1) The Director ~~will~~ shall develop and implement a central intake mechanism to be used by the Office of Human Rights for receiving and processing individual complaints that allege an unlawful, discriminatory employment practice ~~in~~ within the enforcement jurisdiction of the City.
 - (2) Any person claiming to be aggrieved by an unlawful discriminatory employment practice may file a complaint in writing with the Office of Human Rights not more than 180 calendar days following the alleged discriminatory act. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.
 - (3) For complaints alleging an unlawful discriminatory employment 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. 2-437.1.(c).

- (A) For complaints alleging an unlawful discriminatory employment practice that falls outside the enforcement jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.
- (B) If the City of Charlottesville is the named respondent in a complaint of employment discrimination received by Office of Human Rights, the Director shall refer the complaint to the appropriate state or federal agency.
- (4) ~~Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact finding inquiry to determine if the Complainant presents a prima facie case. Upon the filing of such a discriminatory complaint:~~
 - (A) The Director or other designated professional staff shall conduct an initial assessment to determine if the complaint is jurisdictional and presents a prima facie case of discrimination. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance, is non-jurisdictional, or is otherwise deficient on its face.
 - (B) ~~Following the initial fact finding inquiry,~~ If the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director shall ~~will~~ serve a copy on each respondent named therein. Said copy shall be served in a timely manner and specify the allegation, citing the evidence that supports further action, and indicating the action to be taken.

(b) Informal dialogue, mediation, and investigation

- (1) Further action, as authorized by this ordinance, may include informal dialogue mediation, ~~conciliation~~, and formal investigation of the complaint, as deemed appropriate by the Director.
- (2) If the Director determines that further action on a complaint is appropriate, during the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director shall, to the extent feasible, engage in informal dialogue or mediation with respect to such complaint.
 - (A) ~~If the Director determines that further action is appropriate, the~~ The Director will ~~shall~~ propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means.
 - (i) Nothing herein shall be interpreted as requiring any party to participate in informal dialogue, mediation, or any other resolution ~~conciliation~~ efforts.
 - (ii) Materials used and communications made during a mediation or informal dialogue or mediation ~~conciliation~~ concerning a complaint of unlawful discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or its Office of Human Rights staff unless disclosure is authorized in writing by all parties to the dispute.

- (iii) If informal dialogue is concluded, the complaint will be considered resolved upon the complainant's written or verbal withdrawal of the complaint.
 - (iv) 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 or this ordinance has been violated. No further action on the initial complaint will be taken by the Commission or the ~~it's the~~ Office of Human Rights staff once the agreement is executed.
 - (v) If informal dialogue or mediation ~~or conciliation~~ is not successful, and the ~~C~~complainant wishes to pursue further action, the Director or designee may conduct 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.~~
 - (vi) If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation and promptly serve written notice of the dismissal on the complainant and respondent. ~~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(c).~~
- (B) If the Director determines that a formal investigation into the complaint is warranted, the Director shall assign an Investigator to make an investigation of the alleged discriminatory practice for the purpose of rendering a written determination as to whether there is probable reasonable cause to believe a violation of this ordinance occurred, and the facts supporting such determination.
- (i) The Investigator shall complete such investigation within one hundred and eighty (180) calendar days after the filing of the complaint unless it is impracticable to do so.
 - (I) If the Investigator is unable to complete the investigation within one hundred and eighty (180) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
 - (II) If, during the process of informal dialogue, mediation or investigation, the complainant does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Investigator shall notify the Director. The Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within ten (10) calendar days of the receipt of the written notice.

- (ii) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the complainant files with the Commission a request for a review of the determination of the Director.

(c) Contracted services

- (1) In order to fulfill the requirements of this section, the City Manager or their designee is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discrimination under this section ~~discriminatory conduct as prohibited in section 2-431~~, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance has occurred, conducting informal dialogues or mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, informal dialogue or mediation or conciliation of complaints.

Sec. 2-437.2. Duties and responsibilities – Investigation of individual housing discrimination complaints and issuance of findings.

(a) **Complaints and Answers**

- (1) An aggrieved person may, not later than one year (365 calendar days) after an alleged discriminatory housing practice has occurred, file a written complaint with the Office of Human Rights alleging such discriminatory housing practice.
- (2) Such complaints shall be in writing and shall contain such information and be in such form as the Director requires.
- (3) The Director may also investigate housing practices to determine whether a complaint should be brought under this section.
- (4) Upon the filing of such a complaint,
 - (A) the Director shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this ordinance;
 - (B) the Director shall, not later than ten (10) calendar days after such filing or the identification of an additional respondent under section 2-437.2.(a).(7)., serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this ordinance, together with a copy of the original complaint;
 - (C) each respondent may file, not later than ten (10) calendar days after receipt of notice from the Director, an answer to such complaint; and
 - (D) the Director shall make an investigation of the alleged discriminatory housing practice and complete such investigation within one hundred (100) calendar days after the filing of the complaint, unless it is impracticable to do so.

- (5) If the Director is unable to complete the investigation within one hundred (100) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (6) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.
- (7) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under Sec. 2-437.2.(a).(4).(B), to such person, from the Director.
- (8) Such notice, in addition to meeting the requirements of Sec. 2-437.2.(4) shall explain the basis for the Director's belief that the person to whom the notice is addressed is properly joined as a respondent.

(b) Investigation, mediation, or conciliation

- (1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Director, the Director shall, to the extent feasible, engage in mediation or conciliation with respect to such complaint.
 - (A) For the purposes of this section, mediation shall refer to a facilitated dialogue resulting in a written settlement agreement between the respondent and complainant.
 - (B) For the purposes of the section, conciliation shall refer to a facilitated dialogue resulting in a written settlement agreement between the respondent, complainant, and the City, and such agreement shall be subject to approval by the Director.
- (2) When conducting an investigation of a complaint filed under this ordinance, the Director shall have the right to interview any person who may have any information which may further its investigation and to request production of any records or documents for inspection and copying in the possession of any person which may further the investigation. Such persons may be interviewed under oath. The Director or its designated subordinates shall have the authority to collect, inspect and copy records under this ordinance.
- (3) At the end of each investigation under this section, the Director shall prepare a final investigative report containing:
 - (A) the names and dates of contacts with witnesses;
 - (B) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
 - (C) a summary description of other pertinent records;
 - (D) a summary of witness statements; and
 - (E) answers to questions submitted during the course of the investigation, where applicable.
- (4) Concurrent with the investigation or after release of the investigative report, a conciliation agreement arising out of such complaint shall be an agreement between the respondent, the complainant, and the City of Charlottesville, and shall be subject to approval by the Deputy City Manager for Racial Equity, Diversity and Inclusion and the Director. Each conciliation

agreement shall be made public unless the parties otherwise agree and the Director determines that disclosure is not required to further the purposes of this Ordinance.

- (5) Notwithstanding the foregoing requirements for mutual agreement to publication of a conciliation agreement, the City of Charlottesville may provide a copy of the conciliation agreement as otherwise required by operation of law.
- (6) A final report under this paragraph may be amended if additional evidence is later discovered.

(b) Failure to comply with conciliation agreement

- (1) Whenever the Director has reasonable cause to believe that a respondent has breached a conciliation agreement, the Director shall refer the matter to the Deputy City Manager for Racial Equity, Diversity, and Inclusion (REDI), who shall determine further action on behalf of the City.
- (2) A determination that there is a breach of the conciliation agreement by the Deputy City Manager shall be referred to the City Attorney's Office for enforcement. The City Attorney is authorized by City Council to take such action as is necessary to enforce the agreement including the hiring of an Attorney to enforce the rights granted under this ordinance in a Court of competent jurisdiction at the City's sole expense.

(c) Prohibitions and requirements with respect to disclosure of information

- (1) Nothing said or done in the course of conciliation under this subchapter may be made public or used as evidence in a subsequent proceeding under this subchapter without the written consent of the parties to the conciliation.
- (2) Notwithstanding Sec. 2-347.2.(a), the Director shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Director's investigation, information derived from an investigation and any final investigative report relating to that investigation, such information shall be redacted to exclude any personal identifying information protected from disclosure by state or federal law.

(d) Prompt judicial action

- (1) If the Director, in consultation with the City Attorney, concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this subchapter, the Director may refer the matter to the Deputy City Manager for REDI with a request for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such an authorization from the Deputy City Manager for REDI, the City Attorney shall promptly commence and maintain such an action, as needed. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the authority granted by a Court of competent jurisdiction. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under Sec. 2-437.2.(f) of this ordinance.
- (2) Whenever the Director, in consultation with the City Attorney, has reason to believe that a basis may exist for the commencement of proceedings against any respondent under Sec. 2-

437.2.(h) of this ordinance or for proceedings by any governmental licensing or supervisory authorities, the Director shall transmit the information upon which such belief is based to the Deputy City Manager for REDI, or to such other agency or authority with appropriate jurisdiction.

(e) Reasonable cause determination and effect

- (1) The Director shall, within one hundred (100) calendar days after the filing of the complaint, determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Director has approved a conciliation agreement with respect to the complaint. If the Director is unable to make the determination within one hundred (100) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (2) If the Director determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Director shall, except as provided in Sec. 2-437.2.(c), immediately render a determination on behalf of the aggrieved person.
- (3) If the Director, in consultation with the City Attorney and Deputy City Manager for REDI, renders a determination of reasonable cause on behalf of the aggrieved person, the Director shall issue a charge on behalf of the aggrieved person, for further proceedings under Sec. 2-437.2.(h) of this ordinance. Such charge:
 - (A) shall consist of a short and plain statement of the facts upon which the Director has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
 - (B) shall be based on the final investigative report; and
 - (C) need not be limited to the facts or grounds alleged in the complaint filed under Sec. 2-437.2.(a).
- (4) If the Director, in consultation with the City Attorney, determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Director shall immediately refer the matter to the Deputy City Manager for REDI with a recommendation for appropriate action under Sec. 2-437.2.(m) of this ordinance, instead of issuing such charge.
- (5) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the complainant files with the Commission a request for a review of the determination of the Director.
- (6) The Director may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(f) Service of copies of charge

- (1) After the Director issues a charge under this section, the Director shall cause a copy thereof, together with information as to how to make an election under Sec. 2-437.2.(h) of this ordinance and the effect of such an election, to be served:

- (A) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and
- (B) on each aggrieved person on whose behalf the complaint was filed.

(g) Election of judicial determination

- (1) When a charge is filed under section 2-437.2.(f) of this ordinance a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under Sec. 2-437.2.(h). The election must be made not later than 20 calendar days after the receipt by the electing person of service under Sec. 2-437.2.(g) of this ordinance or, in the case of the Director, not later than 20 calendar days after such service. The person making such election shall give notice of doing so to the Director and to all other complainants and respondents to whom the charge relates.

(h) Civil action for enforcement when a charge is issued or election is made for such civil action

- (1) If an election is made under Sec. 2-437.2.(g), the Director shall advise the Deputy City Manager for REDI of such election, and the Deputy City Manager may authorize, not later than thirty (30) calendar days after the authorization or election is made, the City Attorney to commence and maintain, a civil action on behalf of the aggrieved person in a Court of competent jurisdiction seeking relief to this subsection.
 - a. For the purposes of pursuing a civil action under this section, the City Attorney is authorized to contract qualified legal counsel on behalf of the City at the City's sole expense.
- (2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.
- (3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief with respect to such discriminatory housing practice in a civil action under 42 U.S.C. § 3613. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under 42 U.S.C. § 3613 shall also accrue to that aggrieved person in a civil action under this subsection.

(k) Civil action by private persons

- (1) Under 42 U.S.C. § 3613, an aggrieved person, regardless of the status of the complaint, may commence a civil action in a Court of competent jurisdiction within the City of Charlottesville not later than two (2) years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this subchapter, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.
- (1) The computation of such 2-year period shall not include any time during which an administrative proceeding under this subchapter was pending with respect to a complaint or charge under this subchapter based upon such discriminatory housing practice. This

subparagraph does not apply to actions arising from a breach of a conciliation agreement.

- (2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under Sec. 2-437.2.(a) of this ordinance and without regard to the status of any such complaint, but if the Director has obtained a mediation or conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

(l) Relief which may be granted

- (1) In a civil action under Sec. 2-437.2.(h) of this ordinance, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

(A) Such relief may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent:

- (i) in an amount not exceeding \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
 - (ii) in an amount not exceeding \$25,000 if the respondent has been adjudged to have committed on other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and
 - (iii) in an amount not exceeding \$50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge; except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.
- (2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the City of Charlottesville, a reasonable attorney's fee and costs.
 - (3) Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Director or civil action under this subchapter.

(m) Intervention by the City

- (1) Upon timely application, the City may intervene in a private civil action, if the City certifies that the case is of general public importance. Upon such intervention the City may obtain such relief as would be available to the City under 42 U.S.C. § 3614 in a civil

action to which such section applies.

Sec. 2-437.3. Duties and responsibilities – Investigation of individual public accommodation, credit, or private education discrimination complaints and issuance of findings.

(a) Complaints and answers

- (1) The Director ~~will~~ shall develop and implement a central intake mechanism to be used by the Office of Human Rights for receiving and processing individual complaints that allege an unlawful, discriminatory public accommodation, credit, or private education practice ~~in~~ within the enforcement jurisdiction of the City.
- (2) Any person claiming to be aggrieved by an unlawful discriminatory public accommodation, credit, or private education practice may file a complaint in writing with the Office of Human Rights. The Director may in like manner file such a complaint. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.
- (3) For complaints alleging an unlawful discriminatory public accommodation, credit, or private education 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. 2-437.3.(c).**
 - (A) For complaints alleging an unlawful discriminatory public accommodation, credit, or private education practice that falls outside the enforcement jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.
 - (B) If the City of Charlottesville is the named respondent in a complaint of public accommodation, credit, or private education discrimination received by Office of Human Rights, the Director shall refer the complaint to the appropriate state or federal agency.
- (4) ~~Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact finding inquiry to determine if the Complainant presents a prima facie case. Upon the filing of such a discriminatory complaint:~~
 - (A) The Director or other designated professional staff shall conduct an initial assessment to determine if the complaint is jurisdictional and presents a prima facie case of discrimination. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance, is non-jurisdictional, or is otherwise deficient on its face.
 - (B) ~~Following the initial fact finding inquiry,~~ If the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director shall, not later than 10 calendar days after such filing, 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.

(b) Informal dialogue, mediation, and investigation

(1) Further action, as authorized by this ordinance, may include informal dialogue mediation, ~~conciliation~~, and formal investigation of the complaint, as deemed appropriate by the Director.

(2) If the Director determines that further action on a complaint is appropriate, during the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director shall, to the extent feasible, engage in informal dialogue or mediation with respect to such complaint.

(A) ~~If the Director determines that further action is appropriate, the~~ The Director will shall propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means.

(i) Nothing herein shall be interpreted as requiring any party to participate in informal dialogue, mediation, or any other conciliatory efforts.

(ii) Materials used and communications made during ~~a mediation or~~ informal dialogue or mediation ~~conciliation~~ concerning a complaint of unlawful discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or ~~its~~ Office of Human Rights staff unless disclosure is authorized in writing by all parties to the dispute.

(iii) ~~If informal dialogue is concluded, the complaint will be considered resolved upon the complainant's written or verbal withdrawal of the complaint.~~

(iv) ~~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 or this ordinance has been violated. No further action on the initial complaint will be taken by the Commission or its Office of Human Rights staff once the agreement is executed.~~

(v) ~~If informal dialogue or mediation or conciliation is not successful, and the complainant wishes to pursue further action, the Director or designee may conduct 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.~~

(vi) ~~If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation and promptly serve written notice of the dismissal on the complainant and respondent. 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(c).~~

- (B) If the Director determines that a formal investigation into the complaint is warranted, the Director shall assign an Investigator to make an investigation of the alleged discriminatory practice for the purpose of rendering a written determination as to whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance occurred, and the facts supporting such determination.
- (i) The Investigator shall complete such investigation within one hundred and eighty (180) calendar days after the filing of the complaint unless it is impracticable to do so.
 - (I) If the Investigator is unable to complete the investigation within one hundred and eighty (180) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
 - (II) If, during the process of informal dialogue, mediation or investigation, the complainant does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Investigator shall notify the Director. The Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within ten (10) calendar days of the receipt of the written notice.
 - i. The complainant may, following the administrative closure of the case, re-file the complaint at a future date, provided that the complaint is filed within one hundred and eighty (180) calendar days of the alleged discriminatory event detailed in the original complaint.
 - (III) If, during the process of informal dialogue, mediation or investigation, the respondent does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the investigator shall notify the Director. The Director shall serve written notice on the respondent that the investigation shall proceed without the requested information and that a determination on the case shall be rendered upon completion of the investigation.
 - (ii) Statements received by the Investigator from the Complainant, respondents, and witnesses as part of a formal investigation shall be under oath or affirmation and may be reasonably and fairly amended at any time.
 - (iii) Upon the conclusion of the formal investigation, the Investigator shall prepare an investigative report for submission to the Director.
- (C) Upon completion of a formal investigation and submission of the investigative report, the Director shall render a written determination of whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance has been committed ~~occurred~~, and the facts supporting such determination. The written determination shall promptly be served on the parties.

- (i) If the Director determines that there is reasonable cause to believe that a violation of this ordinance has been committed, the Director shall immediately endeavor to eliminate any alleged unlawful discriminatory practice through informal dialogue or mediation.
 - (I) If the complaint cannot be resolved through informal dialogue or mediation, the Director shall proceed with the preparation of materials for consideration by the Commission for the purpose of holding a vote on whether to conduct a public hearing on the complaint.
 - i. Such materials shall include a copy of the written determination with the names and identifying information of the Complainant, respondent, respondent's agents, and any witnesses redacted.
 - ii. Upon request by the Commission, the Director shall provide a copy of the full investigative report with the names and identifying information of the Complainant, respondent, respondent's agents, and any witnesses redacted.
- (ii) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the Complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the Complainant files with the Commission a request for a review of the determination of the Director.

(c) Contracted services

- (1) In order to fulfill the requirements of this section, the City Manager or their designee is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discrimination under this section ~~discriminatory conduct as prohibited in section 2-431,~~ for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance has occurred, conducting informal dialogues or mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, informal dialogue or mediation or conciliation of complaints.

Sec. 2-438. ~~Reserved.~~ **Interference, coercion, intimidation, or retaliation prohibited.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, or on account of having filed a complaint of discrimination regarding any right granted or protected by this ordinance.

Sec. 2-439.1. Enforcement authority – The role of the Commission regarding individual

complaints of employment, public accommodation, credit, or private education discrimination.

- (a) If the Director determines that there is insufficient ~~probable~~ reasonable 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) calendar 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~~ reasonable 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~~ reasonable 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~~ reasonable 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 their ~~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 they deem 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 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 regarding individual complaints of employment, public accommodation, credit, or private education discrimination.

- (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 or Office of Human Rights 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.

| Considerations | Fair Employment Practices Agency (FEPA) | Fair Housing Assistance Program (FHAP) | Current Ordinance |
|-----------------------------|---|---|---|
| Entry Requirements | <ol style="list-style-type: none"> 1. Request letter based on 29 CFR Subpart G - §1601.70. 2. Review and approval process by EEOC District Office, AG’s Office, and EEOC Commissioners. 3. Execution of a workshare agreement. 4. Execution of a financial contract. | <ol style="list-style-type: none"> 1. Ordinance revisions to attain substantial equivalence to 24 CFR § 115.204-206 and 42 USC § 3604-3617. 2. Initial review of ordinance and agency for substantial equivalence. 3. Interim certification. 4. Full certification. | <ol style="list-style-type: none"> 1. None. |
| Timeframes | <ol style="list-style-type: none"> 1. Initial review and approval: 1 to 3 years. 2. Contract term: 3 years. <ol style="list-style-type: none"> a. Annual review of case data. b. Recertification every 3 years. | <ol style="list-style-type: none"> 1. Initial review: up to 1.5 years. 2. Interim certification: lasts up to 3 years. 3. Full certification: lasts up to 5 years. <ol style="list-style-type: none"> a. Assessment every 2 years. b. Recertification every 5 years. | <ol style="list-style-type: none"> 1. Currently in effect. |
| Potential Benefits | <ol style="list-style-type: none"> 1. Financial (per figures from 2020) <ol style="list-style-type: none"> a. \$800 for completed cases b. \$1,000 for joint training events w/ Charlotte, NC district office 2. Case referrals from EEOC regional office. 3. Ability to provide local federal filing. 4. Automatic dual state/federal filing of cases and clear line of communication across EEOC, AG, and OHR. 5. Avoidance of separate filings with EEOC, AG, and OHR. | <ol style="list-style-type: none"> 1. Financial (per figures from 2020) <ol style="list-style-type: none"> a. Complaint processing reimbursement (\$1,500 - \$3,200) b. Capacity-building funds up to \$120K during interim certification c. Administrative funds for hearings (\$5000) d. Training funds 2. Training Opportunities 3. Technical guidance from HUD 4. Referrals from the Regional HUD Office 5. Automatic dual state/federal filing of cases and clear line of communication across HUD and OHR. | <ol style="list-style-type: none"> 1. Under the current Ordinance and state laws, the OHR has authority to investigate and issue determinations of employment and housing complaints <i>mostly</i> equivalent to federal law. <ol style="list-style-type: none"> a. Because employment complaints are not dually filed, cases filed with the OHR do not start the 180-day clock for the right to sue in federal court. b. Remedies for housing complainants are not as robust as they could be if the ordinance had substantial equivalence to federal law. |
| Potential Challenges | <ol style="list-style-type: none"> 1. OHR needs additional staff: <ol style="list-style-type: none"> a. Intake Specialist b. Investigator 2. Additional reporting requirements. 3. Unknown future caseloads under the Values Act and updated Ordinance. <ol style="list-style-type: none"> a. Will the number of cases justify the added work of maintaining FEPA status based on the potential benefits? 4. May need to contract investigator services if caseloads go up and City hiring does not keep pace. | <ol style="list-style-type: none"> 1. OHR needs additional staff: <ol style="list-style-type: none"> a. Intake Specialist b. Investigator 2. Additional reporting requirements. 3. Minimum of 4 processed cases per year to remain certified. 4. OHR/HRC needs to demonstrate meaningful support from City. <ol style="list-style-type: none"> a. City Attorney’s Office must bring cases forward in court. b. Council must commit financial resources to ensure 20% of OHR work committed to fair housing. | <ol style="list-style-type: none"> 1. OHR needs additional staff: <ol style="list-style-type: none"> a. Intake Specialist b. Investigator 2. No access to Fair Housing enforcement training through HUD if not a FHAP. 3. The Ordinance does not have retaliation provisions for employment and housing complaints, though state law does. 4. The Ordinance does not mandate that the City Attorney’s Office pursue findings of reasonable cause in court. 5. The Ordinance does not provide for assisting either the Complainant or Respondent with affording legal counsel. |

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



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|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | CY2021 Human Rights Commission & Office of Human Rights Annual Report review and consideration of staffing recommendations. |
| Presenter: | Jessica Harris, Chair, Human Rights Commission Todd Niemeier, Director, Human Rights Commission |
| Staff Contacts: | Todd Niemeier, Director, Human Rights Commission |
| Title: | Human Rights Commission & Office of Human Rights CY2021 Annual Report |

Background:

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, following the passage of the amended Ordinance on February 1, 2021, it is the role of the HRC and OHR to:

- (a) *Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.*
- (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.*
- (d) *Seek work share agreements with the Equal Employment Opportunity Commission (“FEPA”) and the Department of Housing and Urban Development (“HUD-FHAP”) to conduct investigations of employment and housing discrimination on their behalf, and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.*
- (e) *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.*
- (f) *Prepare recommendations to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modifications or operating procedures approved by City Council.*

As required by Sec. 2-441. of the Charlottesville Human Rights Ordinance, the attached report provides an overview of the work of the HRC and OHR during calendar year 2021 as it relates to the roles listed above.

Discussion:

In previous annual reports, the work of the HRC and OHR has been summarized separately. While reporting in this manner is helpful for distinguishing the specific accomplishments of each body, it makes it more difficult to understand how the work of the HRC and OHR overlap to fulfill the roles set forth in Sec. 2-433. of the Charlottesville Human Rights Ordinance. This report provides a summary of the work done to fulfill each role outlined in Sec. 2-433. and highlights both the combined and independent work done by the HRC and OHR. By organizing the report in this fashion, it is easier to see how the actions of both bodies interrelate and tie directly back into City code and City Council’s Vision and Strategic Plan.

The data and information presented in this report is collected throughout the year through a variety of means. The work completed by the HRC is documented in meeting minutes and recordings, as well as in the written work products of the HRC itself, which include resolutions and letters to Council and other community organizations. Data related to services provided to individuals by the OHR is entered into a Microsoft Excel-based database and is then reported in aggregate. Aggregating service data maintains the confidentiality of individuals seeking support and reveals trends in service provision as it relates to the activities and classes protected by the Charlottesville Human Rights Ordinance. Complaints that are approved for further action are recorded in an additional Excel-based database which facilitates tracking cases that remain active for more than one year. Data reflecting community outreach and engagement work done by both the HRC and OHR is also entered into an Excel-based database, allowing for data aggregation and presentation that shows alignment with the Charlottesville Human Rights Ordinance.

In 2018, per the initiative encouraged across all City Departments, the OHR created a Department Scorecard. To maximize reporting efficiency and clarity between the Department Scorecard and the Annual Report, the Objectives and Measures in the Department Scorecard have been refined to match the sections in the Annual Report. Some of the charts, graphs, and other visual representations of the data found in the Annual Report were generated using the ClearPoint interface, which is used to create the Department Scorecard. For some datasets, Excel proved more effective than the ClearPoint interface for creating charts and graphs. In those situations, the Excel-based charts and graphs were used in both the Departmental Scorecard and the Annual Report.

The HRC and OHR present the CY2021 Annual Report in conjunction with the recommended amendments to the Charlottesville Human Rights Ordinance. The recommended amendments reflect the work of the HRC and OHR to pursue a Fair Housing Assistance Program (FHAP) workshare with the Housing and Urban Development (HUD) Fair Housing Office per Sec. 2-433. (d) of the Charlottesville Human Rights Ordinance. Presenting these two documents simultaneously provides City Council with the information necessary to make strategic decisions about the future organizational structure and mission of the HRC and OHR.

Alignment with City Council’s Vision and Strategic Plan:

The work done by the HRC and OHR aligns with City Council’s vision of Charlottesville as a “leader in social and economic justice, and healthy race relations” that is “flexible and

progressive in anticipating and responding to the needs of our citizens” and is a “united community that treasures diversity.” Adopting the recommendations proposed below helps ensure that Charlottesville moves toward becoming a “Community of Mutual Respect” with a “Smart, Citizen-Focused Government” that supports and protects “Quality Housing Opportunities for All,” as well as “Economic Sustainability.”

Community Engagement:

The table below shows planned dates, events, and engagement opportunities for the community to review and provide feedback on the CY2021 HRC & OHR Annual Report.

| Date | Event | Engagement Opportunity |
|--------------------|---------------------|---|
| August 18, 2022 | HRC Regular Meeting | <p>This memo and the annual report were included in the HRC Regular Meeting agenda packet, which was publicly posted on the City website.</p> <p>Commissioners were asked to provide feedback on the memo and report on or before September 5, 2022.</p> <p>Members of the public provided no feedback regarding the memo or report during the two public comment periods in this meeting.</p> |
| September 15, 2022 | HRC Regular Meeting | <p>Commissioners recommended no additional revisions to the memo and report.</p> <p>This memo and the annual report were included again in the HRC Regular Meeting agenda packet, which was be publicly posted on the City website.</p> <p>During the meeting Commissioners voted to approve the report for presentation to City Council.</p> <p>Members of the public provided no feedback regarding the memo or report during the two public comment periods in this meeting.</p> |

Budgetary Impact:

At its meeting on August 15, 2022, City Council approved the use of \$176,000 in American Rescue Plan Act Fund Allocations for the purpose of hiring a “Human Rights Commission Investigator and Administrative Support.” Below is a breakdown of potential costs for the hiring of a Human Rights Intake Counselor and a Human Rights Investigator.

Within the City’s current position descriptions, the position most similar to a Human Rights

Intake Counselor may be the Senior Social Services Assistant, a Non-Exempt, Technical, Zone 3, Hiring Level II position. If hired at a starting wage of \$23.10 per hour, a civilian position with a defined benefits plan would cost an estimated \$74,116.50 per year. This position will also require one-time funding for a laptop computer and computer software. The additional cost for these items is estimated to be approximately \$2,000.00 or less.

Within the City's current position descriptions, the position most similar to a Human Rights Investigator may be the DSS Senior Benefit Program Specialist and Fraud Investigator, a Non-Exempt, Professional, Zone 2, Hiring Level II position. If hired at a starting wage of \$32.70 per hour, a civilian position with a defined benefits plan would cost an estimated \$101,147.98 per year. This position will also require one-time funding for a laptop computer, computer software, and a cell phone. The additional cost for these items is estimated to be \$2,500.00 or less.

The combined personnel cost for these two positions is estimated to be \$175,264.48, which can be covered for the remainder of FY23 and part of FY24 with the \$176,000.00 in American Rescue Plan Act Fund Allocations. Continuing these positions beyond the mid-point of FY24 will require additional funding, some of which may come through the FHAP workshare, if the City is awarded interim certification, but will likely need to be covered by the City's general budget in the long term.

The combined office equipment cost for these two positions is \$4,500 and can be covered by the OHR's existing budget.

The current Community Outreach and Administration Specialist in the OHR is also a Non-Exempt, Professional, Zone 2, Hiring Level II position, with the same salary range as the DSS Senior Benefit Program Specialist and Fraud Investigator. The FY22 personnel budget for the OHR was insufficient to offer the individual hired for this position the midpoint wage. Considering class and compensation equity between the Intake and Administrative Specialist, Outreach and Administrative Specialist, and Investigator positions will be an essential step in the process of building this team.

Recommendation:

To maintain efficient and effective service provision to the community, the HRC and OHR recommend that City Council consider appropriating funding for two additional full-time OHR staff positions, as follows:

Human Rights Intake Counselor

- The person in this position would be responsible for receiving and screening incoming phone, email, and walk-in contacts.
- This individual would be responsible for entering service provision data into the OHR service provision database and may assist with preparing minutes for publicly noticed meetings of the HRC, and other clerical duties as needed. These duties are currently held by two part-time Interns.
- This individual would also assume the daily intake and referral duties. These responsibilities are currently held by the Community Outreach and Administrative Specialist and the Director, in addition to the specific duties required of those positions.
- Upon successful interim certification into the FHAP workshare, this individual would also be responsible for entering service provision data into the HUD Enforcement

Management System (HEMS). This individual would also submit the required service provision data to the EEOC should the City enter a FEPA workshare.

Human Rights Investigator

- The person in this position would be responsible for investigating complaints of discrimination and compiling investigative reports.
- This individual would assume the investigative duties currently held by the Director, which would allow the Director to assume the duties of authorizing cases for further action and rendering findings, thereby relieving the Deputy City Manager for Racial Equity, Diversity, and Inclusion of this responsibility.
- It is assumed that, upon successful interim certification into the FHAP workshare, the OHR will see an uptick in the number of housing discrimination cases it receives. Based on the workload during the three-year FHAP interim certification period, the City should evaluate whether a second investigator should be hired prior to entry into a FEPA workshare.

Alternatives:

Should City Council elect not to fund the additional staffing recommended above, the HRC and OHR do not believe the City can successfully enter into the FHAP or FEPA workshare agreements nor maintain efficient and effective service to the community, thereby impairing the OHR's ability to uphold City Council's vision and stated goals.

Attachments:

CY2021 Human Rights Commission & Office of Human Rights Annual Report.

**CITY OF CHARLOTTESVILLE, VIRGINIA
HUMAN RIGHTS COMMISSION & OFFICE OF HUMAN RIGHTS
CALENDAR YEAR 2021 ANNUAL REPORT**

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, following the passage of the amended Ordinance on February 1, 2021, it is the role of the HRC and OHR to:

- a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.*
- 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.*
- d) Seek work share agreements with the Equal Employment Opportunity Commission (“FEPA”) and the Department of Housing and Urban Development (“HUD-FHAP”) to conduct investigations of employment and housing discrimination on their behalf, and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.*
- e) 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.*
- f) Prepare recommendations to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modifications or operating procedures approved by City Council.*

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 2021 (CY2021). Data and information within this report can also be found in the Human Rights Department Scorecard on the City website.

Overview:

During CY2021, the HRC and OHR resumed many activities that had been limited by the COVID-19 pandemic in 2020. In January 2021, the HRC elected Mary Bauer as Chair and Kathryn Laughon as Vice Chair. Commissioners held their annual retreat on February 27, 2021, during which they identified the following goals and strategies for their work in 2021:

- 1. Continue advocating for increased accessibility and ADA compliance of all City services.**
 - a. Finish the disability/visibility project
 - b. Build back the relationship with the City ADA office
 - c. Reduce barriers for residents to communicate with the City
 - i. Add captions to online and broadcasted City meetings
 - ii. Provide access to documents in multiple languages
 - iii. Improve awareness of in-person ASL interpretation services
 - d. Advocate for continued consideration of accessibility in improved City infrastructure and transportation
 - i. Sidewalks and walkways
 1. ADA-compliant sidewalks
 2. Seasonal walkway accessibility
 3. Accessibility considerations during construction and roadwork changes
 - ii. Improvements to CAT and JAUNT services (reliability, timeliness)
- 2. Address barriers to housing.**
 - a. Strengthen our city's capacity to support issues of housing by developing pipelines for legal representation during eviction cases
 - b. Amplify the work of housing advocates by putting Commission support behind strategies that will heal legacies of discrimination
 - c. Support tenants by advocating for a policy entitling people in eviction proceedings to legal counsel.
 - i. Gather data of how many evictions proceedings occur in a year and how many tenants lack representation.
 1. Track the outcomes of eviction without lawyers
 2. Seek partnerships to gather data and advocate to City Council
 - d. Advocate for legal representation also for those who bring complaints to Commission
- 3. Pursue a Fair Employment Practices Agency (FEPA) workshare agreement with the Equal Employment Opportunity Commission (EEOC).**
- 4. Pursue a Fair Housing Assistance Program (FHAP) workshare agreement with federal department of Housing and Urban Development (HUD).**

This report will examine how the goals and strategies identified by the HRC, and the actions taken by the HRC and OHR in 2021, align with the roles and responsibilities specified in the Charlottesville Human Rights Ordinance.

On June 1, 2021, the OHR reopened to walk-in and in-person appointments after being closed since March 16, 2020 due to the COVID-19 pandemic. The reopening coincided with Lily Gates and Ginny Helmandollar starting work as volunteer OHR Interns. Throughout the summer of 2021, Lily and Ginny contributed a combined 24 hours per week to the OHR. While they assisted with a variety of tasks, they assumed full responsibility for entering data into the OHR Service Provision database and transcribing minutes for the HRC’s public meetings. Their service to the OHR proved invaluable throughout the summer. In the fall of 2021, Lily and Ginny were able to continue to work for the OHR as paid interns while also attending college. Without their support, keeping the OHR open and functioning would not have been feasible given OHR staffing levels and the volume of incoming contacts during the second half of the year.

The following is a list of the main takeaways and trends observed from the work of the HRC and OHR in CY2021. Detailed information regarding this work and other actions can be found in the body of the report.

| Key Takeaways and Observed Trends |
|---|
| <ul style="list-style-type: none">• In CY2021, the OHR received 1,962 incoming contacts: more incoming contacts than during any previous year in the OHR’s history.• In CY2021, the OHR received 62 new inquiries and complaints originating in Charlottesville.• Over the past four years, housing was the most often identified protected activity in inquiries and complaints received by the OHR.• Over the past four years, race was the most frequently identified protected class in inquiries and complaints received by the OHR.• Most referrals to other service providers in CY2021 involving a housing concern did not include an allegation of housing discrimination; more frequently, an individual sought assistance with rent or deposit relief, housing navigation, utility relief, or homelessness.• The current staffing and organizational structure of the OHR is not sustainable and results in delayed complaint investigation. OHR staff recommends hiring full-time employees for all components of the complaint and enforcement process. |

The HRC and OHR are committed to improving accessibility to information about their work. This report has been made accessible for the visually impaired, and it uses plain language as much as possible to ensure its contents are understandable. Alternative text is included for graphs, charts, and some tables that may not be accessible for the visually impaired. Technical terms are defined as they appear in each section of the report. A complete list of technical terms used in this report can be found in the OHR Data Dictionary (Attachment 1). Upon request, the OHR can provide additional information or clarification for graphics that are not accessible.

This report complements the Human Rights Department Scorecard, which can be found on the City website via the City Council or Human Rights webpages. Throughout this report there are references to corresponding Objectives and Measures in the Department Scorecard. City

Councilors 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.

HRC & 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

Human Rights Department Scorecard: <https://publish.clearpointstrategy.com/146/humanrights/>

Charlottesville Human Rights Ordinance Sec. 2-433. (a)
(Objective 1 in the Department Scorecard)

Sec. 2-433. (a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.

| Term(s) used in this section | Definition(s) |
|--------------------------------|---|
| Unlawful Discrimination | The denial of a person’s opportunity to engage in a daily life activity that is protected by law. |

HRC Actions

Most activities involving individual assistance rest with the OHR under *Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings*. The HRC has a specific role pertaining to public hearings, as explained in *Sec. 2-439.1. Enforcement Authority – The Role of the Commission*. In the history of the HRC, only one complaint has required the HRC to hold a public hearing. No cases of discrimination required the HRC to hold a public hearing in CY2021.

| Term(s) used in this section | Definition(s) |
|------------------------------|---|
| 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 either a determination of probable cause after the formal investigation of a complaint <i>or</i> a review of a determination of no probable cause for which a complainant seeks an appeal. |

The HRC partnered with the OHR in 2021 to address concerns presented by residents of Midway Manor, a local subsidized housing complex for people of advanced age and people with disabilities. On November 10, 2021, the HRC Chair, representatives of Legal Aid Justice Center, and OHR staff visited Midway Manor to listen to resident concerns about the conditions in their building. The HRC subsequently voted to hold a public panel on public and subsidized housing, which was scheduled for February 22, 2022. The OHR wrote a letter to the property owner summarizing the concerns residents expressed and requesting an in-person meeting with corporate representatives to discuss solutions. The property changed ownership at the end of 2021, so the same letter was sent to the new owners. At the time of the writing of this report in 2022, some of the concerns in the letter have been addressed by management, while others, including the requested meeting between tenants and corporate representatives, have not. The OHR continues to stay in touch with residents at Midway Manor and is working with other community partners to help amplify their concerns to property management.

The HRC’s use of community-based dialogue outside of regular HRC meetings as a method to address concerns aligns with both Sec. 2-433. (a) and Sec. 2-434., as well as the HRC’s own strategic goal of addressing barriers to housing (Goal 2). This is a new use of the HRC’s authority and could prove to be an effective tool for assisting residents who may not be able to easily or effectively present their concerns to those with the power to affect change.

OHR Actions

Individual service provision remains the primary function of the OHR. After reopening the OHR for in-person appointments on June 1, 2021, there was a dramatic increase in the number of daily contacts by people seeking assistance. The data below is an overview of types of services provided to individuals. The OHR CY2021 Individual Service Data table (Attachment 2) provides detailed individual service data by month.

| Term(s) used in this section | Definition(s) |
|-------------------------------------|--|
| Contact | Any communication with an individual seeking services from the Office of Human Rights, including walk-ins, appointments, phone calls, text messages, and emails. Incoming contacts are initiated by individuals seeking assistance from the Office of Human Rights, while outgoing contacts are initiated by Office of Human Rights 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 Office of Human Rights, as defined by the Human Rights Ordinance. |
| Client Follow-up | An incoming contact from an individual who has an open inquiry or complaint. |
| General Contact | An incoming contact that involves outreach coordination, event planning, volunteer coordination, or general information. |
| 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. |
| 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 other than the individual directly involved with an inquiry or complaint being discussed. |
| Third-Party Outgoing Contact | An outgoing contact with a person other than the individual directly involved with an inquiry or complaint being discussed. The person directly involved must give verbal or written consent for staff to initiate a third-party outgoing contact. |

Total Incoming Contacts

(Objective 1, Measure 1 in the Department Scorecard)

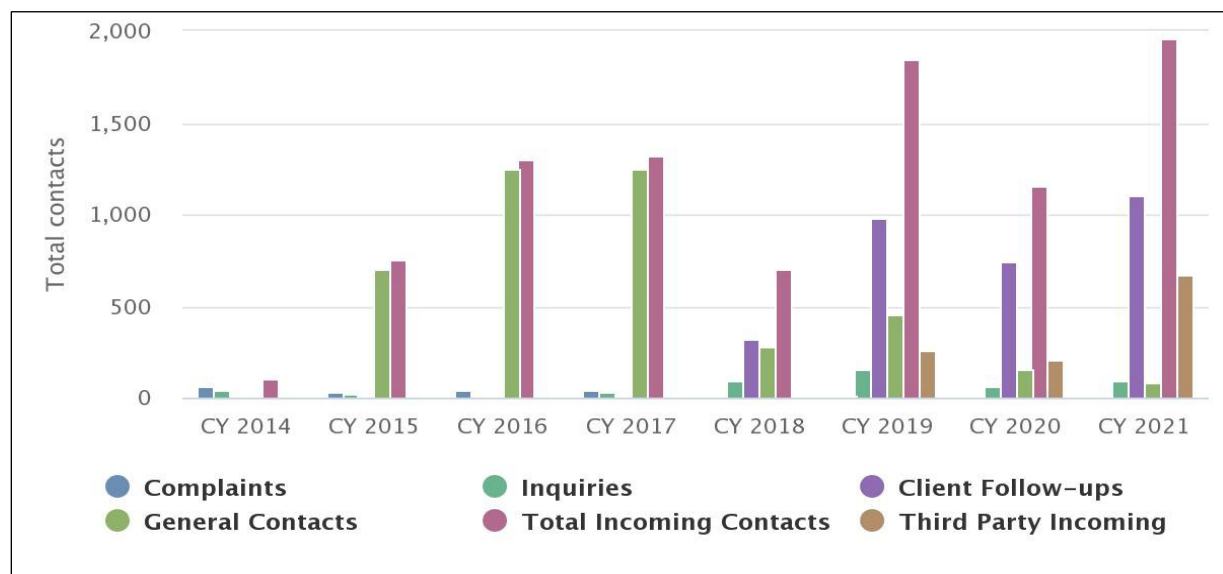
Key Takeaways and Observed Trends

In CY2021, the OHR received 1,962 incoming contacts: more incoming contacts than during any previous year in the OHR's history.

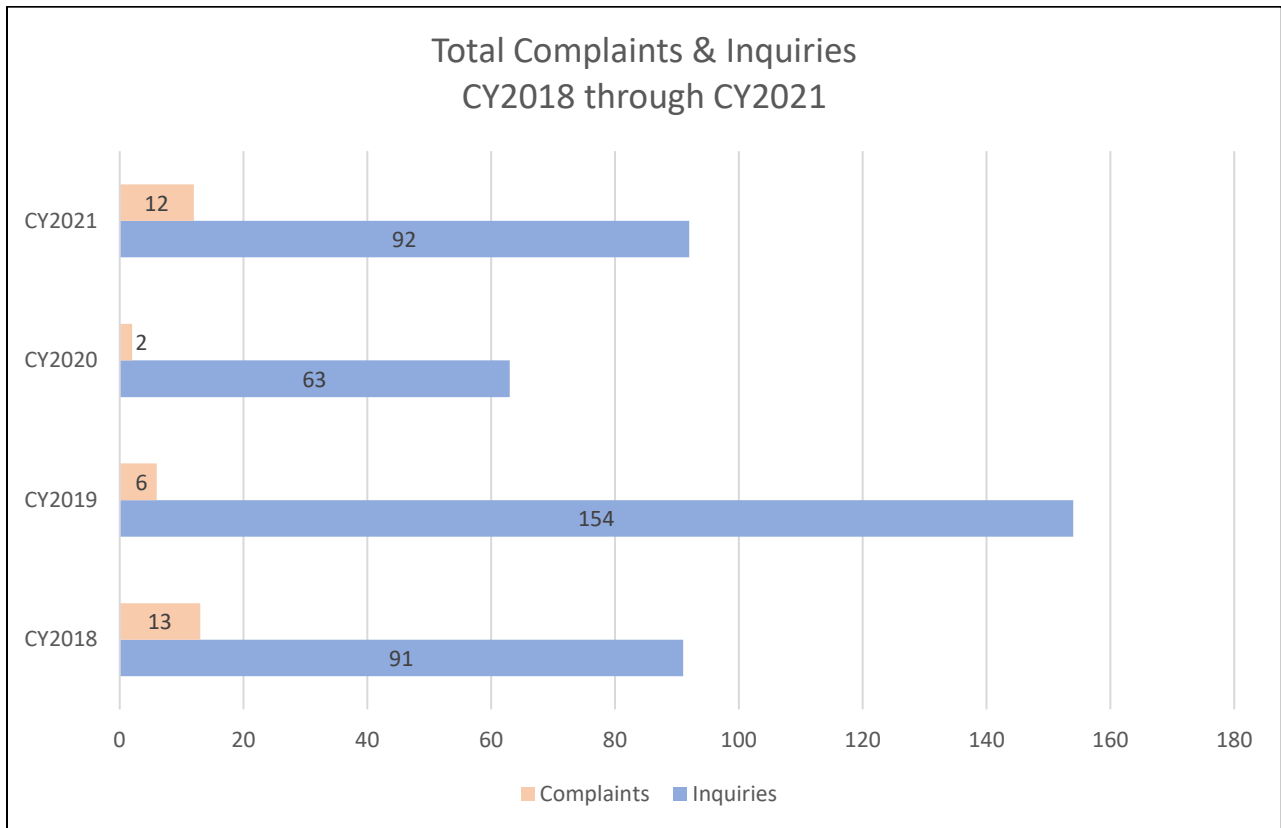
From January through May, the office received an average of 4 incoming contacts per day. From June through December when the Office resumed in-person activities, the office received an average of 11 incoming contacts per day. The Office received an average of 8 incoming contacts per day for the full year. During CY2021, the OHR received the following incoming contacts:

| Contact Type | Total Number |
|--------------------------------|--------------|
| New Complaints | 12 |
| New Inquiries | 92 |
| Client Follow-ups | 1,103 |
| General Contacts | 84 |
| Third Party Incoming | 671 |
| <i>Total Incoming Contacts</i> | <i>1,962</i> |

The bar chart below shows the CY2021 contact data in relation to that of previous years. Data 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 contacts listed as complaints that fell outside the jurisdiction of the OHR were reclassified as inquiries.



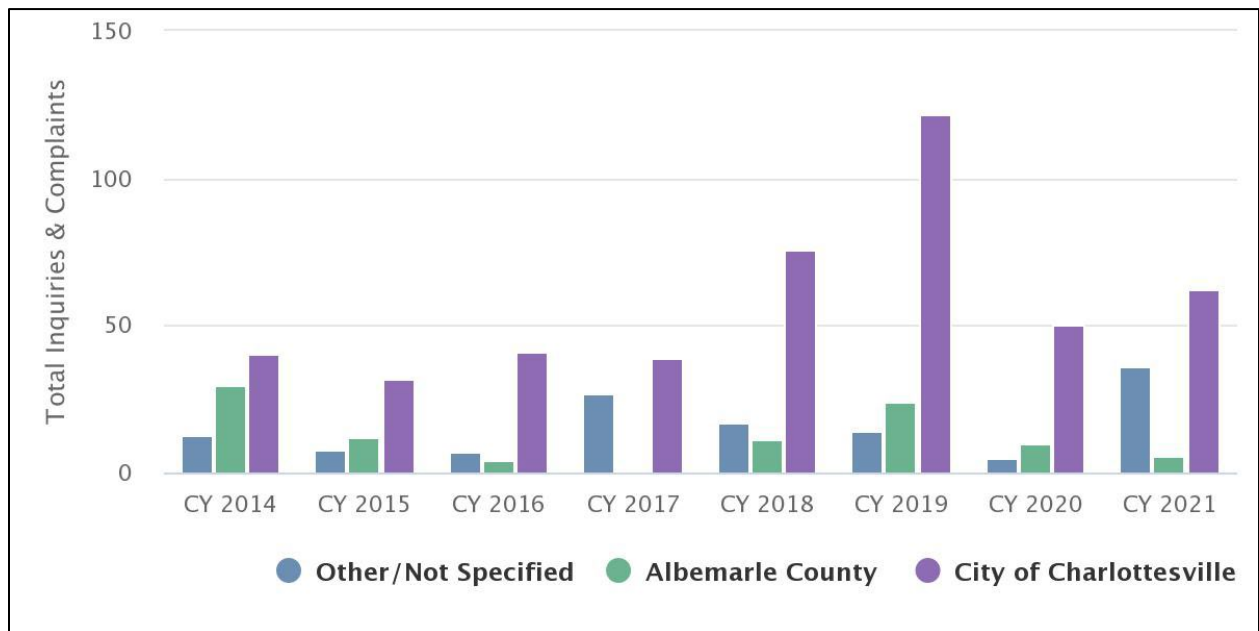
Because the number of client follow-ups and general contacts is much higher than the number of inquiries and complaints received each year, inquiry and complaint values for some years are too small to be visible in the chart above. The chart below isolates the number of inquiries and complaints received over the past four years. During this period, the OHR used a consistent data collection and classification system to log incoming contacts, making the data more easily comparable. As is evidenced by the data, the OHR receives far more inquiries than formal complaints.



Total Inquiries and Complaints by Location
(Objective 1, Measure 2 in the Department Scorecard)

Key Takeaways and Observed Trends
 In CY2021, the OHR received 62 new inquiries and complaints originating in Charlottesville.

Despite fluctuations in number over the years, most inquiries and complaints received by the OHR involve an incident or concern that occurred in Charlottesville. While the Charlottesville Human Rights Ordinance only gives the HRC and OHR express authority to process formal complaints of discrimination originating in Charlottesville, the OHR regularly receives inquiries from Albemarle County and beyond, demonstrating a potentially unmet need for services outside of Charlottesville. The OHR refers such inquiries to the appropriate service provider and/or state or federal agency. The chart below shows the combined number of inquiries and complaints originating in Charlottesville, Albemarle County, or a different or unspecified locality since CY2014.



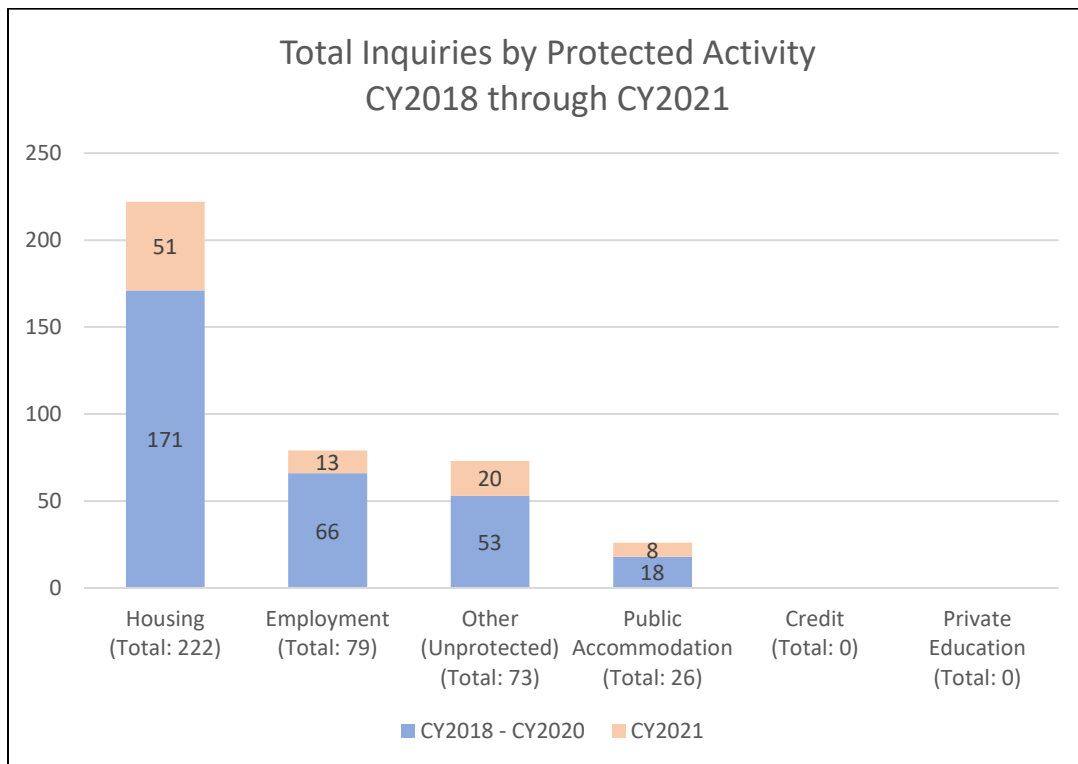
Total Inquiries by Protected Activity
(Objective 1, Measure 3 in the Department Scorecard)

Key Takeaways and Observed Trends
 Over the past four years, housing was the most often identified protected activity in inquiries received by the OHR.

| Term(s) used in this section | Definition(s) |
|------------------------------|---|
| 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 accommodation, credit, and private education. |

In CY2021, the OHR received a total of 92 contacts classified as inquiries within the protected activities of Housing, Employment, Public Accommodation, Credit, and Private Education.

The chart below shows a summary of the protected activities identified in inquiries received by the OHR from CY2018 through CY2021. Housing is the most often identified protected activity in inquiries received by the OHR, followed by Employment and Public Accommodation.

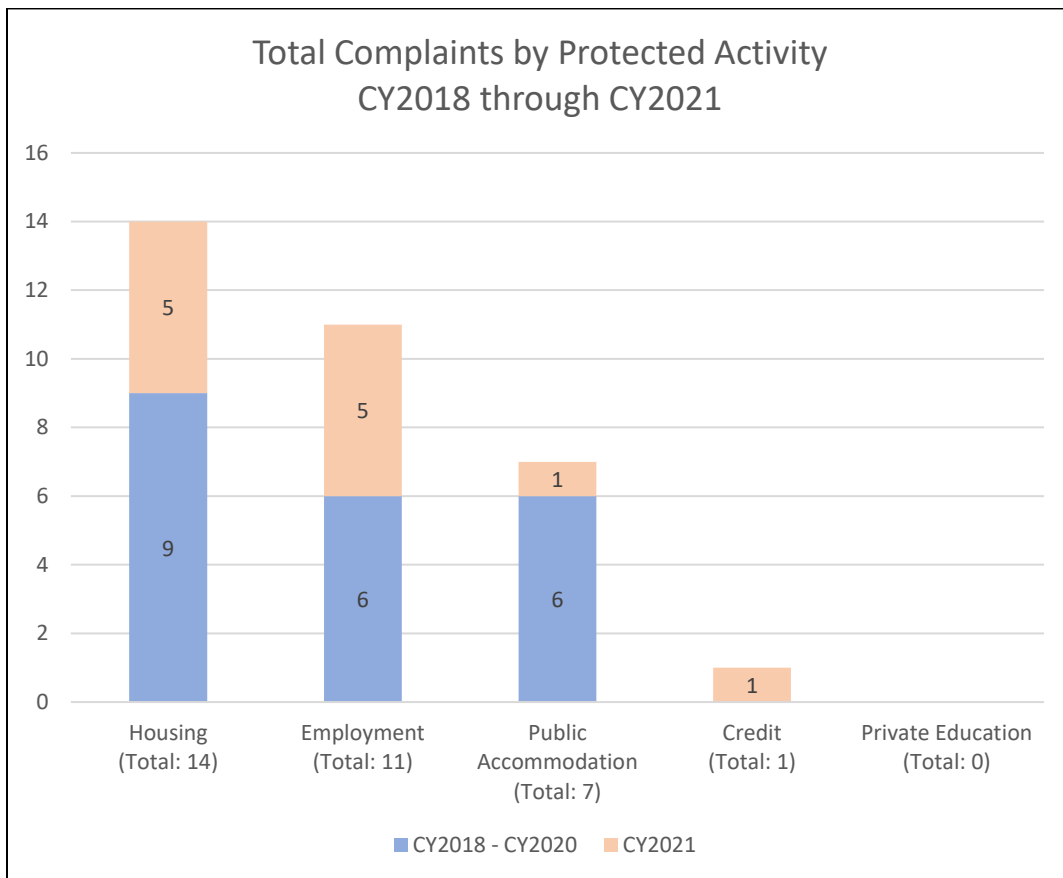


Total Complaints by Protected Activity
(Objective 1, Measure 4 in the Department Scorecard)

Key Takeaways and Observed Trends
 Over the past four years, housing was the most often identified protected activity in complaints received by the OHR.

In CY2021, the OHR received a total of 12 contacts classified as complaints. The chart below shows a summary of the protected activities identified in complaints received by the OHR, from CY2018 through CY2021. Housing is the most often identified protected activity in complaints received by the OHR, followed by employment and public accommodation.

In CY2021, the OHR received one formal complaint identifying credit as the protected activity. This complaint was later determined to be non-jurisdictional but was still classified as a dismissed complaint rather than an inquiry because it was filed as a formal complaint requiring a jurisdictional evaluation prior to dismissal.

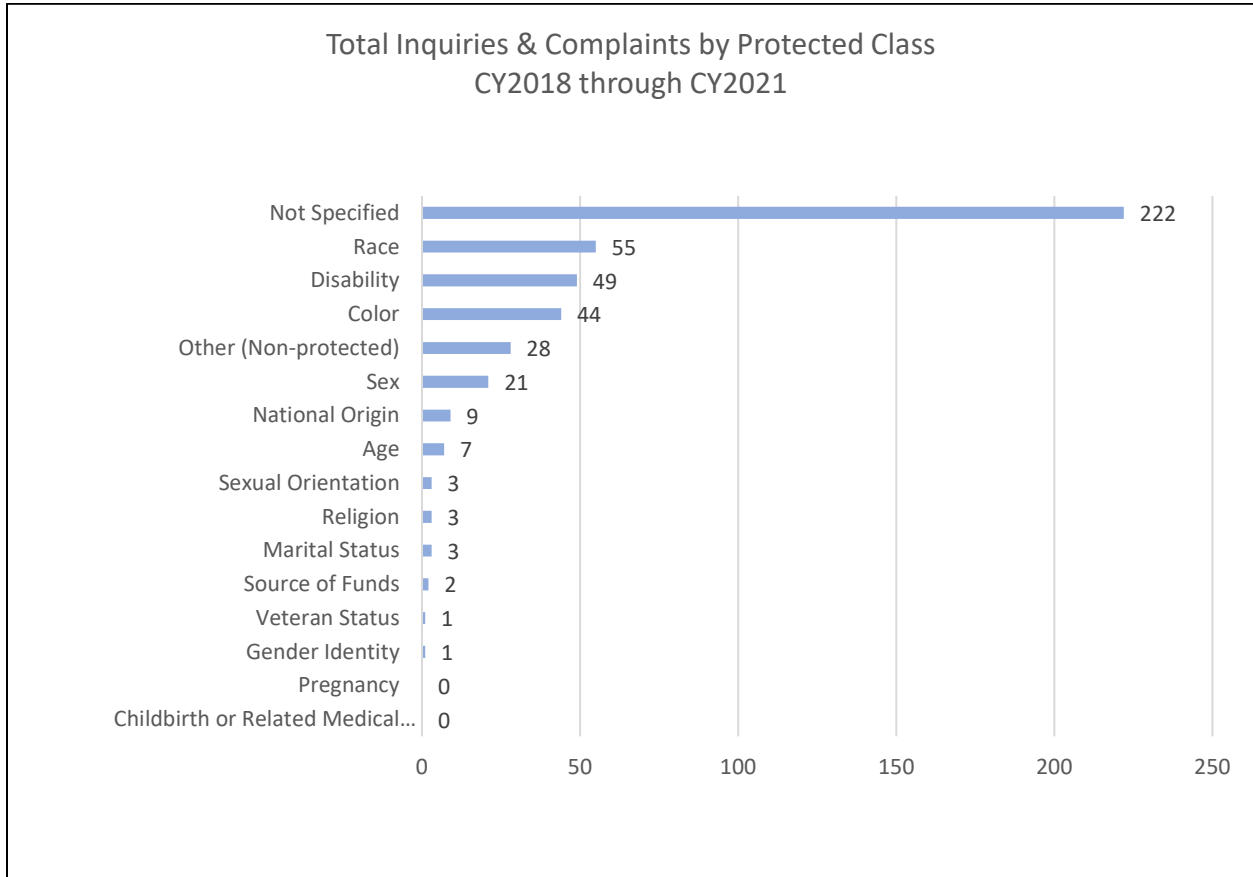


Total Combined Inquiries and Complaints by Protected Class
(Objective 1, Measure 5 in the Department Scorecard)

| Key Takeaways and Observed Trends |
|--|
| Over the past four years, race was the most frequently identified protected class in all inquiries and complaints received by the OHR. |

| Term(s) used in this section | Definition(s) |
|------------------------------|---|
| Protected Class | <p>A grouping of people, as defined by state and federal law, of which an individual either self-identifies as a member or is perceived to be a member, that is protected from discrimination when an individual is participating in a protected activity. The Charlottesville Human Rights Ordinance lists the following classes as protected:</p> <ul style="list-style-type: none"> • Age/Elderliness • Childbirth or related medical conditions • Disability • Familial Status (in housing) • Gender Identity • Marital Status • National Origin • Pregnancy • Race • Religion • Sex • Sexual Orientation • Color • Source of Funds (in housing) • Status as a Veteran |

The chart below shows a summary of the protected classes identified in inquiries and complaints received by the OHR, from CY2018 through CY2021. Race is the most often identified protected activity in inquiries and complaints received by the OHR, followed by disability and color, which is identified as a separate protected class from race in state law.



Total Employment Discrimination Complaints by Protected Class

(Objective 1, Measure 6 in the Department Scorecard)

Key Takeaways and Observed Trends

Over the past four years, race was the most often identified protected class in employment discrimination complaints received by the OHR.

This section provides more details about the employment discrimination complaints received during the calendar year. Receiving and attempting to resolve complaints of discrimination is one of the most complex and labor-intensive duties of the OHR. In CY2021, the OHR received 10 total allegations of employment discrimination, 6 of which originated in Charlottesville, 5 of which were initially accepted as jurisdictional complaints for which the Complainant wished to pursue further action, though 1 was dismissed as non-jurisdictional after review.

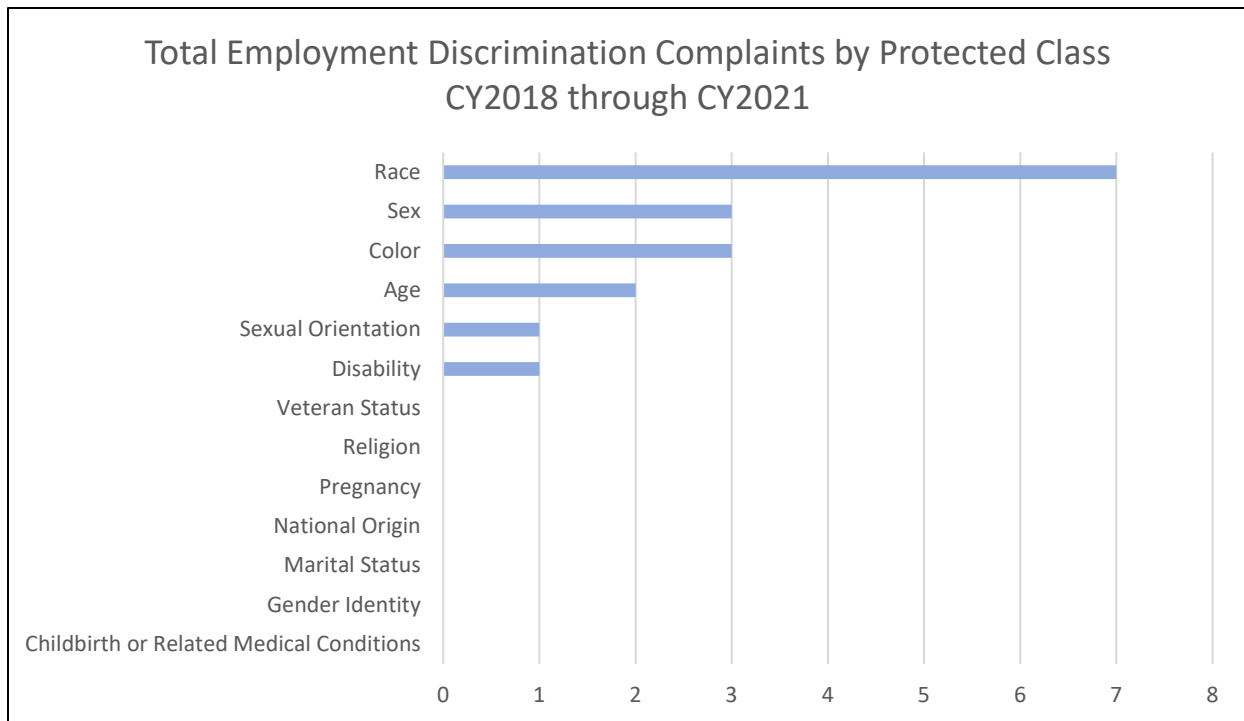
| Term(s) used in this section | Definition(s) |
|---------------------------------|---|
| Case | A complaint of unlawful discrimination that has been accepted for further action by the Office of Human Rights. |
| Complainant | An individual or group of individuals who have filed a formal complaint of unlawful discrimination with the Office of Human Rights. |
| Determination or Finding | A decision made by the Director, based on the evidence presented in an investigative report regarding a complaint of unlawful discrimination, whether there is cause to believe that a violation of the Charlottesville Human Rights Ordinance has occurred. |
| Dismissed Complaint | A complaint that has been closed by staff due to the case being too far outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff, prior to the complainant providing enough information to decide if the complaint presents a jurisdictional, prima facie case of discrimination. |
| Further Action | Steps taken to address a complaint of discrimination that may include informal conciliation, mediation, and investigation. |
| Informal Conciliation | A method of resolving a complaint of unlawful discrimination in which the Director engages in an informal dialogue with the complaint and respondent and a non-binding agreement is reached that resolves the complaint to the complainant's satisfaction. |

| Term(s) used in this section | Definition(s) |
|-------------------------------------|--|
| Investigation | The formal process of gathering factual evidence regarding a complaint of discrimination. Fact gathering can include interviewing the complainant, respondent, and witnesses. It may also include gathering other evidence such as documents, audio recordings, video footage, or physical evidence. |
| Jurisdiction | The geographic and legal scope of enforcement authority as defined by the Charlottesville Human Rights Ordinance. |
| Mediation | A method of resolving a complaint of unlawful discrimination in which a third-party, licensed mediator facilitates a formal dialogue and negotiation between the complainant and respondent. If mediation is successful, the resulting settlement agreement is a private, legally binding contract between the complainant and respondent that is enforceable through civil action in the appropriate court. |
| Prima facie | <p>A term used to define whether a complaint presents an actionable allegation of discrimination “on its face.” In a prima facie case, the following criteria must be met:</p> <ul style="list-style-type: none"> • Complainant was engaged in a protected activity. • Complainant either self-identifies or is perceived by Respondent to be a member of a protected class. • There is testimonial or documentary evidence of a practice or policy to exclude or otherwise adversely treat individuals in Complainant’s protected class. • There are specific harms identified by Complainant, resulting from the alleged discrimination. |
| Respondent | An individual, group of individuals, or agency that is named by the complainant in a formal complaint of unlawful discrimination as responsible for a discriminatory act against the complainant. |

Below is a summary of the employment discrimination cases active in CY2021. Case numbers refer to the year the case was opened followed by the order in which it was received. For example, Case 2021-2 was opened in 2021 and was the second case opened that year. Note that ongoing cases not opened in the current calendar year are not counted in the total number of cases received during the current calendar year.

| Case # | Protected Class(es) | CY2021 Year-end Status |
|---------|--|---|
| 2021-2 | <ul style="list-style-type: none"> • Race | In mediation. |
| 2021-4 | <ul style="list-style-type: none"> • Sex | Under investigation. |
| 2021-5 | <ul style="list-style-type: none"> • Sexual orientation • Race | In mediation. |
| 2021-7 | <ul style="list-style-type: none"> • Race | Settlement reached through mediation. |
| 2021-10 | <ul style="list-style-type: none"> • Race • Color • Sex | Dismissed as non-jurisdictional after review. |

The chart below shows a summary of the protected classes identified in employment complaints received from CY2018 through CY2021. Note that some complaints may allege discrimination based on more than one protected class, so the total number of identified protected classes may be larger than the total number of complaints.



Total Housing Discrimination Complaints by Protected Class
(Objective 1, Measure 7 in the Department Scorecard)

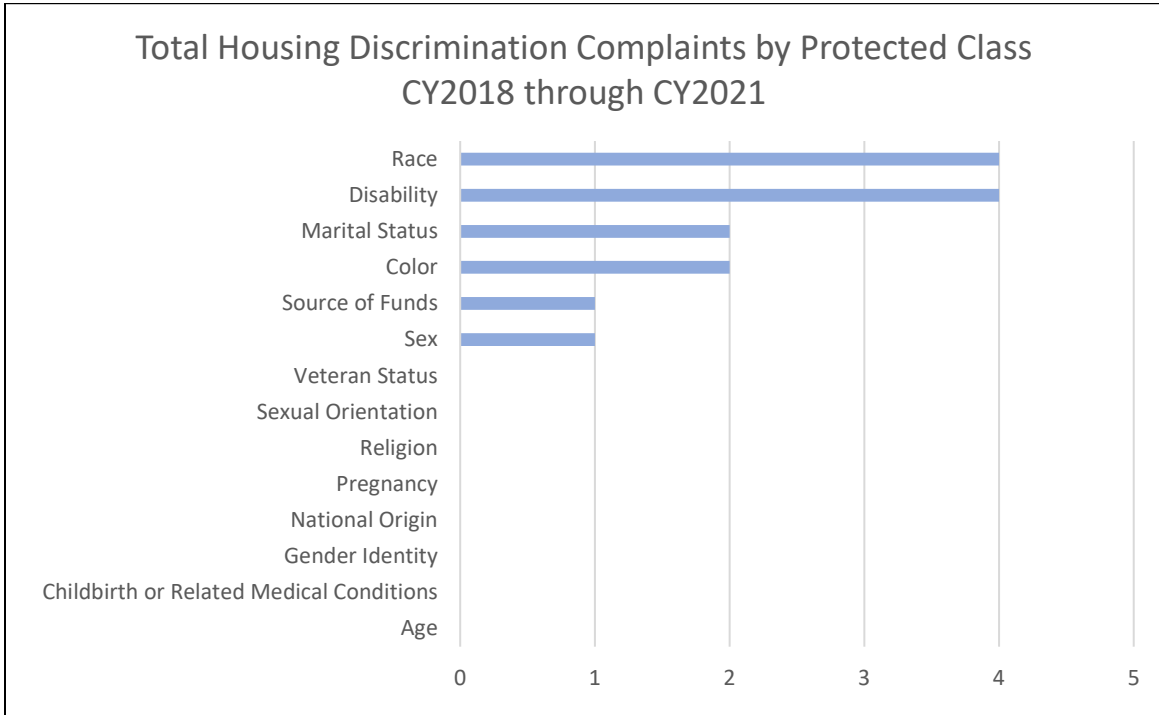
| Key Takeaways and Observed Trends |
|--|
| Over the past four years, race and disability were the two most often identified protected classes in housing discrimination complaints received by the OHR. |

This section provides more details about the housing discrimination complaints received during the calendar year. In CY2021, the OHR received 13 total allegations of housing discrimination, 10 of which originated in Charlottesville, and 5 of which were jurisdictional complaints for which the complainant wished to pursue further action.

Below is a summary of the housing discrimination cases active in CY2021. Note that active cases not opened in the current calendar year are not counted in the total number of cases received but are included in the summary of active cases below. Case numbers refer to the year the case was opened followed by the order in which it was received. For example, Case 2020-2 was opened in CY2020 and was the second case opened that year.

| Case # | Protected Class(es) | CY2021 Year-end Status |
|---------------|----------------------------|--|
| 2020-2 | Race | <ul style="list-style-type: none"> Investigation completed. Offer of mediation pending. |
| 2021-1 | Source of Funds | <ul style="list-style-type: none"> Dismissed due to respondent exemption under state law. |
| 2021-6 | Race | <ul style="list-style-type: none"> Resolved through informal conciliation. |
| 2021-9 | Disability | <ul style="list-style-type: none"> Complainant withdrew case after moving to a new location. |
| 2021-11 | Disability | <ul style="list-style-type: none"> Awaiting authorization for further action. Complainant seeks mediation. |
| 2021-12 | Disability | <ul style="list-style-type: none"> Unresolved due to inability to reach Complainant for follow-up information needed to establish a prima facie case. |

The chart below shows a summary, from CY2018 through CY2021, of the protected classes identified in housing complaints. Note that some complaints may allege discrimination based on more than one protected class, so the total number of identified protected classes may be larger than the total number of complaints.

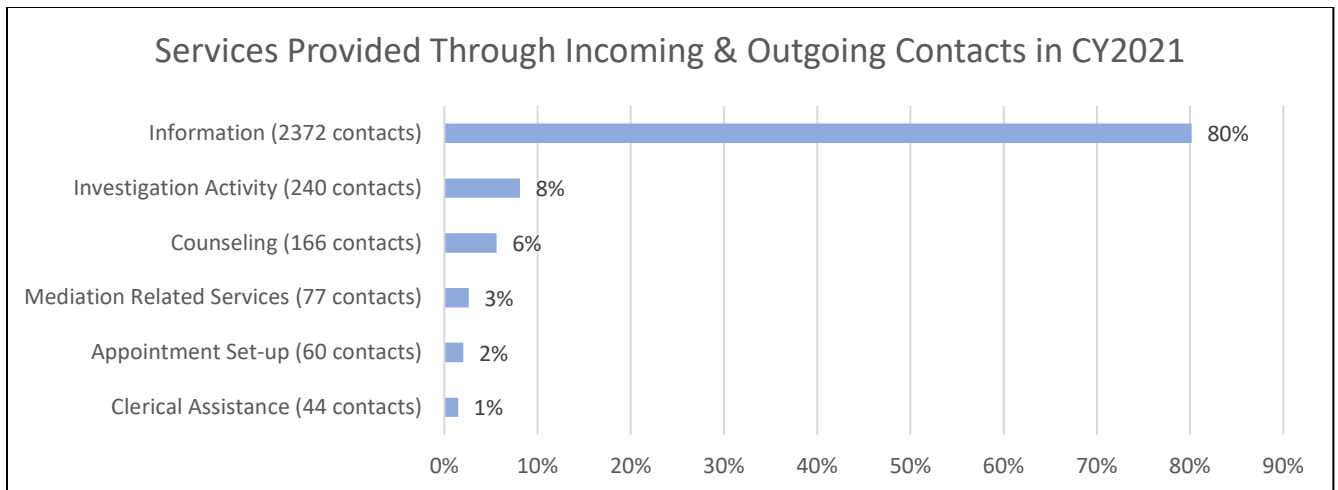


Services Provided Through Individual Contacts
(Objective 1, Measure 10 in the Department Scorecard)

Key Takeaways and Observed Trends
 While most incoming and outgoing contacts handled by the OHR in CY2021 involved information sharing, investigation activity and counseling regarding inquiries and complaints were the second and third most provided services by the OHR.

| Term(s) used in this section | Definition(s) |
|-------------------------------------|--|
| 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. |
| Counseling | Assistance provided to an individual who presents an inquiry or complaint in which staff present various courses of action to address a concern. |
| Information | A contact in which staff answers questions of a general nature or provides information regarding services, events, or programs. |
| 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. |

In CY2021, services provided by the OHR through 2,959 incoming and outgoing contacts were classified by the primary services of Appointment Set-up, Clerical Assistance, Counseling, Information, Investigation Activity, and Mediation Related Services. The chart below shows the total number of service contacts by type and percentage of total services provided in CY2021:



Given the greater number of formal complaints received in CY2021 compared to recent years, the number of contacts involving investigation activity was higher. For the same reason, contacts involving mediation-related services were also elevated. Contacts involving information-sharing in relation to service provision nearly doubled when compared to CY2020.

Contacts related to outreach coordination, volunteer coordination, and events were few and were classified as information. Going forward, contacts related to community outreach will be tracked in a separate system to avoid mixing data with service provision.

Referrals to Other Services

(Objective 1, Measure 11 in the Department Scorecard)

| Key Takeaways and Observed Trends |
|---|
| Most referrals to other service providers in CY2021 involving a housing concern did not include an allegation of housing discrimination; more frequently, an individual sought assistance with rent or deposit relief, housing navigation, utility relief, or homelessness. |

When individuals seek assistance from the OHR for services that the OHR cannot provide, staff will attempt to connect the individual to the most appropriate service provider. Listed below are the four primary service providers most closely related to the services provided by the OHR. Most referrals from the OHR are to agencies other than the primary four providers and are classified as “Other.” A list of these agencies is included below.

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): Individuals are referred to DPOR for formal fair housing discrimination investigations when the complainant expressly seeks civil action against the respondent. This is a state government department that includes the Virginia Fair Housing Office.

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, individuals 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, individuals have simultaneous cases with LAJC and the Office of Human Rights.

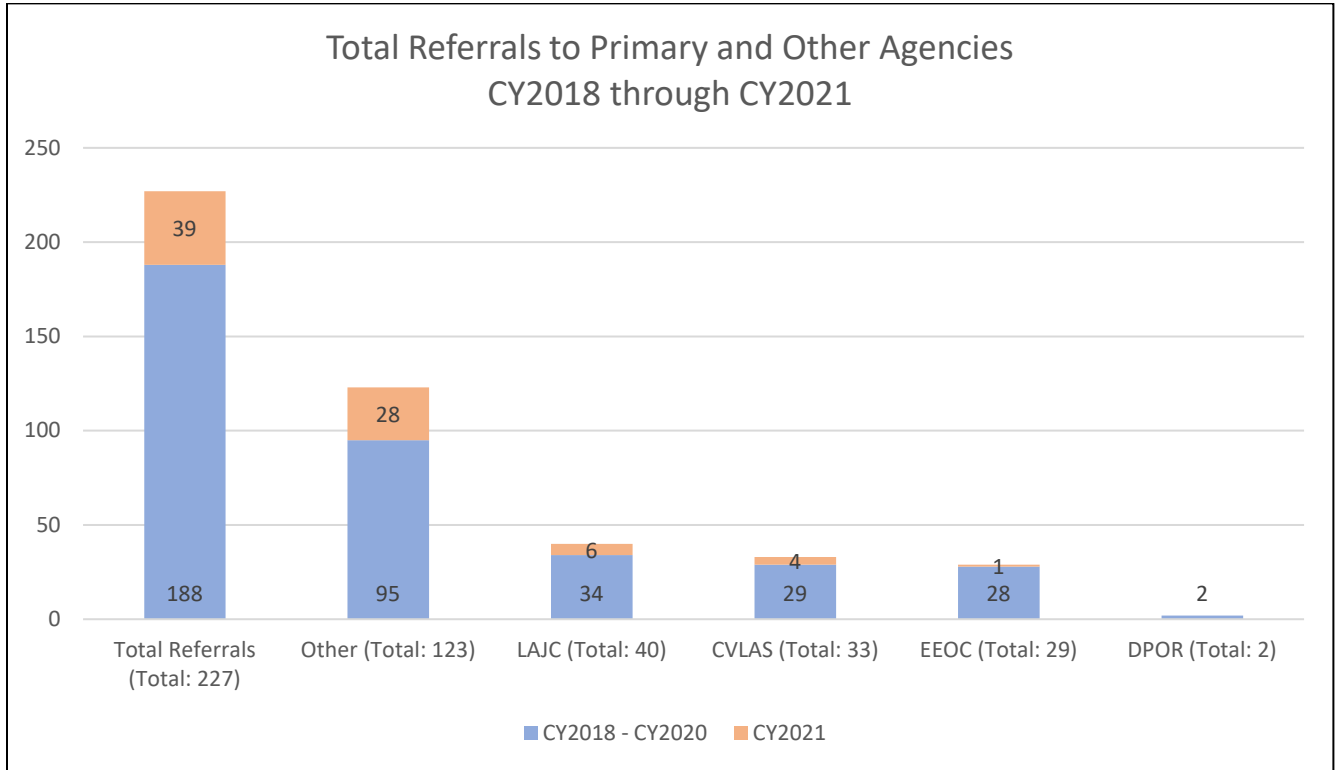
Other: The OHR refers individuals to a wide variety of other agencies and offices depending on their specific concerns.

Below is a list of agencies that fall into the "Other" referral category. These agencies were determined by staff during CY2021 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 organizations listed below received one or more referrals in CY2021.

- Alexandria, VA, Office of Human Rights
- Charlottesville Department of Human Services
- Charlottesville FOIA Officer
- Community Resource Hotline - English
- Community Resource Hotline - Spanish
- Monticello Area Community Action Agency (MACAA)
- Network2Work
- Piedmont Housing Alliance
- The Haven
- UVA Maxine Platzer Lynn Women's Center Free Legal Clinic
- Virginia Attorney General's Office of Civil Rights
- Virginia Lawyer Referral Service
- Virginia Rent Relief Program
- Virginia Restoration of Rights Office

Most referrals over the past four years were to agencies other than the four identified primary agencies. This is due in part to the number of housing inquiries involving individuals who, rather than alleging housing discrimination, sought assistance with rent or deposit relief, housing navigation, utility relief, or homelessness. In CY2021 the OHR assumed more responsibility for processing employment and housing discrimination cases following the passage of amendments to the Charlottesville Human Rights Ordinance in February. Consequently, the need to refer cases to the EEOC and DPOR decreased. Referrals to CVLAS and LAJC were unaffected by the OHR's change in enforcement authority.

Most referrals over the past four years having been to agencies other than the primary four, as shown in the chart below:



Disposition of Cases Closed During the Calendar Year
(Objective 1, Measure 12 in the Department Scorecard)

| Key Takeaways and Observed Trends |
|---|
| <ul style="list-style-type: none"> • Maintaining an active contract with a third-party licensed mediator is an important component of effective and efficient complaint resolution. • The current staffing and organizational structure of the OHR is not sustainable and results in delayed investigation of complaints. OHR staff recommends the hiring of full-time employees for all components of the complaint and enforcement process. |

During CY2021, the OHR had 14 active cases, which is more active cases than in the previous three years combined. At the beginning of CY2021, the OHR did not have an active contract with a third-party mediation firm. OHR staff engaged in a procurement process resulting in a new contract awarded to Resolute Mediation and Arbitration, Inc (RMA). Collaboration with RMA proved to be very effective in resolving several complaints in CY2021.

By the end of CY2021, the OHR closed the following 8 cases:

| Case # | Protected Activity | Protected Class(es) | Type of Closure |
|---------|----------------------|---|--------------------------------|
| 2019-1 | Public Accommodation | <ul style="list-style-type: none"> • Race | Informal conciliation. |
| 2021-1 | Housing | <ul style="list-style-type: none"> • Source of Funds | Dismissed: non-jurisdictional. |
| 2021-3 | Public Accommodation | <ul style="list-style-type: none"> • Disability • Sex | Settlement through mediation. |
| 2021-6 | Housing | <ul style="list-style-type: none"> • Race | Informal conciliation. |
| 2021-7 | Employment | <ul style="list-style-type: none"> • Race | Settlement through mediation. |
| 2021-8 | Credit | <ul style="list-style-type: none"> • Color • National Origin • Race • Sex | Dismissed: non-jurisdictional. |
| 2021-9 | Housing | <ul style="list-style-type: none"> • Disability | Complaint withdrawn. |
| 2021-10 | Employment | <ul style="list-style-type: none"> • Color • Race • Sex | Dismissed: non-jurisdictional. |

At the end of CY2021, the following 6 cases remained open:

| Case # | Protected Activity | Protected Class(es) | Status |
|---------|--------------------|--|--|
| 2020-2 | Housing | <ul style="list-style-type: none"> • Race | <ul style="list-style-type: none"> • Investigation completed. • Offer of mediation pending. |
| 2021-2 | Employment | <ul style="list-style-type: none"> • Race | <ul style="list-style-type: none"> • In mediation. |
| 2021-4 | Employment | <ul style="list-style-type: none"> • Sex | <ul style="list-style-type: none"> • Under investigation. |
| 2021-5 | Employment | <ul style="list-style-type: none"> • Sexual Orientation • Race | <ul style="list-style-type: none"> • In mediation. |
| 2021-11 | Housing | <ul style="list-style-type: none"> • Disability | <ul style="list-style-type: none"> • Awaiting authorization for further action. • Complainant seeks mediation. |
| 2021-12 | Housing | <ul style="list-style-type: none"> • Disability | <ul style="list-style-type: none"> • Unresolved due to inability to reach Complainant for follow-up information needed to establish a prima facie case. |

Charlottesville Human Rights Ordinance Sec. 2-433. (b)
(Objective 2 in the Department Scorecard)

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.

This role is shared between the HRC and the OHR. The specific duties and responsibilities of this role are further explained in *Sec. 2-434. Duties and responsibilities – Community dialogue and engagement* and *Sec. 2-435. Duties and responsibilities – Systemic issues*.

HRC Actions

In CY2021, the HRC engaged in 9 actions focused on public awareness, education, and guidance, and it refined the tools it uses to engage and reach the community. Below is a chart summarizing the actions taken by the HRC and their alignment with the duties and responsibilities in *Sec. 2-434.* and *Sec. 2-435.* in the Charlottesville Human Rights Ordinance and the goals Commissioners identified during their annual retreat. Documents referenced in the action summaries are publicly posted on the “Human Rights Documents” subpage within the “Human Rights” webpage on the City website.

Total Number Community Awareness, Education, and Guidance Actions by the HRC
(Objective 2, Measure 5 in the Department Scorecard)

| Date | Alignment | Action | Summary |
|-----------|---|--------------------|---|
| 4/19/2021 | <p>Duties & Responsibilities: Sec. 2-435 Systemic issues</p> <p>Annual Goals: No direct alignment.</p> | Letter of Position | The HRC presented an open letter affirming its support of Black and Brown victims of police violence locally and throughout the nation. The letter called for a detailed evaluation of functions currently handled by police, like responding to mental health crises, that could be better performed by other people or entities in the community. |

| Date | Alignment | Action | Summary |
|------------|---|--------------------|---|
| 6/17/2021 | <p>Duties & Responsibilities: Sec. 2-434 Community dialogue and engagement</p> <p>Annual Goals: No direct alignment.</p> | Public Discussion | The HRC hosted a public panel discussion with Mayor Walker and Police Chief Brackney regarding police policies and practices. |
| 8/12/2021 | <p>Duties & Responsibilities: Sec. 2-435 Systemic issues</p> <p>Annual Goals: No direct alignment.</p> | Letter of Position | In honor of those who worked for social justice before, during, and after the summer of 2017, the HRC called on the City to continue to push toward equity and racial justice through its policy and practice. |
| 9/16/2021 | <p>Duties & Responsibilities: Sec. 2-434 Community dialogue and engagement</p> <p>Annual Goals: 2. Address barriers to housing.</p> | Public Discussion | The HRC hosted a public panel discussion with Sunshine Mathon (Piedmont Housing Alliance Executive Director) and Dan Rosensweig (Habitat for Humanity Executive Director) about the City’s Comprehensive Plan and proposed zoning revisions. |
| 11/10/2021 | <p>Duties & Responsibilities: Sec. 2-434 Community dialogue and engagement</p> <p>Annual Goals: 2. Address barriers to housing.</p> | Public Discussion | The HRC Chair, representatives of Legal Aid Justice Center, and OHR staff visited Midway Manor to listen to resident concerns about the conditions in their building. The HRC subsequently voted to hold a future public panel on public and subsidized housing. The OHR wrote a letter to the property owner summarizing the concerns residents expressed and requesting an in-person meeting with corporate representatives to discuss solutions. |

| Date | Alignment | Action | Summary |
|------------|---|--------------------|--|
| 11/18/2021 | <p>Ordinance: Sec. 2-434 Community dialogue and engagement</p> <p>Annual Goals: 2. Address barriers to housing.</p> | Public Discussion | The HRC hosted a presentation by Anna Mendez (Partner for Mental Health Executive Director) regarding housing discrimination on the basis of mental health and substance use. |
| 11/24/2021 | <p>Ordinance: Sec. 2-435 Systemic issues</p> <p>Annual Goals: 2. Address barriers to housing.</p> | Letter of Position | The HRC, in collaboration with Partner for Mental Health, sent a letter to People and Congregations Engaged in Ministry (PACEM) encouraging the inclusion of substance use disorder on the list of high COVID-19 risk criteria that might qualify an individual for shelter at Premier Circle. |
| 11/30/2021 | <p>Ordinance: Sec. 2-435 Systemic issues</p> <p>Annual Goals: 2. Address barriers to housing.</p> | Letter of Position | The HRC, in collaboration with Partner for Mental Health, wrote an open letter to local hotels to express concern over the refusal to rent rooms to individuals based on a diagnosis or perceived diagnosis of mental illness. |
| 12/16/2021 | <p>Ordinance: Sec. 2-434 Community dialogue and engagement</p> <p>Annual Goals: 2. Address barriers to housing.</p> | Public Discussion | The HRC hosted a presentation by Victoria Horrock (Legal Aid Justice Center Attorney) regarding proposed amendments to the Virginia Residential Landlord & Tenant Act. |

OHR Actions

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

Over many years of engaging the community through a variety of community events, meetings, and presentations, OHR staff observed that this categorization system emerged naturally and made it easier to quantify and track the work.

As in CY2020, during CY2021, the OHR had only one full-time staff person in addition to two part-time Interns with highly specific duties. Given the volume of incoming individual service requests this year, outreach activities were again very limited and mostly confined to Collaboration & Leadership work.

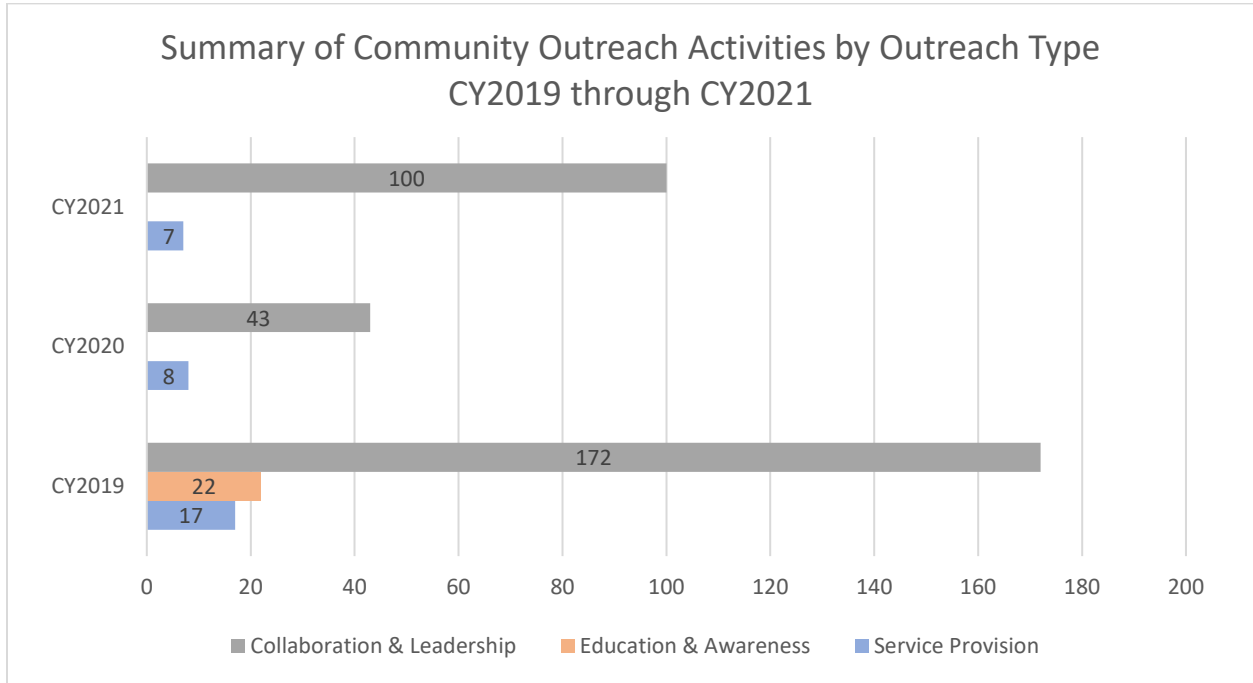
Total Number of OHR Community Outreach Activities by Outreach Type *(Objective 2, Measure 1 in the Department Scorecard)*

In CY2021, OHR staff engaged in a total of 107 community outreach activities classified as the following:

| Outreach Type | Total Number of Activities |
|----------------------------|----------------------------|
| Service Provision | 100 |
| Education & Awareness | 0 |
| Collaboration & Leadership | 7 |

Over the past two years, the OHR has been unable to maintain Education & Awareness outreach. This work was primarily conducted at in-person events in previous years was primarily held by the former Director who left the OHR in March of 2020. With the hire of a Community Outreach Specialist in CY2022, the OHR plans to rebuild a regular calendar of Education & Awareness events.

The chart below shows a summary of outreach activities conducted by the OHR over the last three years:



Total Number of Collaborative Activities and Partner Agencies Engaged
(Objective 2, Measure 2 in the Department Scorecard)

As noted above, most of the OHR's outreach in CY2021 was classified as Collaboration & Leadership. The OHR engaged with a variety of community partners to organize outreach events, develop referral networks for individuals seeking services, and lead discussion in projects that serve people who engage in protected activities or are members of protected classes.

Of the 107 outreach activities conducted by the OHR in CY2021, 106 were in collaboration with other community partners. In CY2021, the OHR worked with the 27 primary collaborators listed below through a variety of meetings and collaborative events:

- BUCK Squad
- Charlottesville Department of Human Services (DHS)
- Charlottesville Low-Income Housing Coalition (CLIHC)
- Charlottesville Office of Community Solutions
- Charlottesville Office of Equity, Diversity, and Inclusion
- Charlottesville Planning Commission
- Charlottesville Public Works - Climate Action
- Charlottesville Redevelopment and Housing Authority (CRHA)
- Code for Cville
- Community Climate Collaborative (C3)
- Cultivate Charlottesville
- Just C-ville
- Northern Real Estate Urban Ventures
- Partner for Mental Health
- People And Congregations Engaged in Ministry (PACEM)
- Piedmont Environmental Council (PEC)
- Piedmont Housing Alliance (PHA)
- Prince William County Human Rights Commission
- Public Housing Association of Residents (PHAR)
- Region Ten
- Richmond Virginia (RVA) Eviction Lab
- Sin Barreras
- The Haven
- Thomas Jefferson Area Planning District (TJPDC)
- UVA Equity Center
- Visible.org
- Welcoming Greater Charlottesville

Charlottesville Human Rights Ordinance Sec. 2-433. (c)
(Objective 3 in the Department Scorecard)

Sec. 2-433. (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.

This role falls primarily with the HRC, with the OHR providing administrative support. The specific duties and responsibilities under this role are further explained in *Sec. 2-435. Duties and responsibilities – Systemic issues.*

HRC Actions

The HRC engaged in 4 actions focused on City policies. Below is a chart summarizing the actions taken by the HRC and showing the alignment with the duties & responsibilities sections in the Charlottesville Human Rights Ordinance and the goals Commissioners identified during their annual retreat. Documents referenced in the action summaries are publicly posted on the “Human Rights Documents” subpage within the “Human Rights” webpage on the City website.

| Date | Alignment | Action | Summary |
|-----------|--|------------------------|---|
| 9/21/2021 | Duties & Responsibilities: Sec. 2-435 Systemic issues. Annual Goals: 2. Address barriers to housing. | Council Recommendation | The HRC sent a letter to City Council and the Planning Commission outlining its support for the inclusion of specific details in the Future Land Use Map (FLUM) to permit and encourage the construction of affordable housing. |

| Date | Alignment | Action | Summary |
|------------|---|------------------------|---|
| 11/9/2021 | <p>Duties & Responsibilities: Sec. 2-435 Systemic issues.</p> <p>Annual Goals: No direct alignment.</p> | Council Recommendation | <p>The HRC presented a letter to City Council outlining recommendations to address systemic inequities in City employment practices, including publishing an updated organizational equity report, conducting a compensation and class study, reporting the full basis for the termination of the former Police Chief, publishing a plan to continue the internal reforms of the police department begun by the recently dismissed Chief, and reviewing the previous recommendations provided by the HRC regarding bias-based policing and constitutional procedures.</p> |
| 11/18/2021 | <p>Duties & Responsibilities: Sec. 2-434 Community dialogue and engagement.</p> <p>Annual Goals: No direct alignment.</p> | HRC Resolution | <p>The HRC adopted Resolution A21-1 Advocacy and Action to codify its methods when taking action on community issues brought to its attention. This resolution also defined the scope of the Chair's ability to act on the HRC's behalf regarding urgent concerns that arise between regular meetings of the HRC.</p> |
| 11/18/2021 | <p>Duties & Responsibilities: Sec. 2-434 Community dialogue and engagement.</p> <p>Annual Goals: 1. Accessibility and ADA Compliance.</p> | HRC Resolution | <p>The HRC adopted Resolution A21-2 Use of Plain Language to codify its intent to use plain language in future resolutions when possible and to create plain language versions of resolutions and other documents when the original document was written in less understandable language.</p> |

Charlottesville Human Rights Ordinance Sec. 2-433. (d)
(Objective 4 in the Department Scorecard)

Sec. 2-433. (d) Seek work share agreements with the Equal Employment Opportunity Commission (“FEPA”) and the Department of Housing and Urban Development (“HUD-FHAP”) to conduct investigations of employment and housing discrimination on their behalf, and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.

This majority of the duties and responsibilities relating to the pursuit of a Fair Employment Practices Agency (FEPA) workshare with the Equal Employment Opportunity Commission (EEOC) and a Fair Housing Assistance Program (FHAP) workshare with the U.S. Department of Housing and Urban Development (HUD) fall to the OHR, with the HRC playing a supporting role. This role, though not further clarified within the ordinance, will have a dramatic effect on the enforcement processes detailed in *Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings* and *Sec. 2-439.1. Enforcement authority – The role of the Commission.*

HRC Actions

| Date | Alignment | Action | Summary |
|-----------|---|-------------------|---|
| 1/21/2021 | <p>Duties & Responsibilities: Sec. 2-439.1 Enforcement authority.</p> <p>Annual Goals: 4. Pursue FHAP workshare.</p> | Public Discussion | <p>The HRC hosted a question-and-answer session with Erik Steinecker, Staff Attorney with the Federal Department of Housing and Urban Development (HUD) Fair Housing Office about the process of the City applying and qualifying for a Fair Housing Assistance Program (FHAP) workshare. This discussion helped inform the HRC's strategic planning and its annual retreat in February, during which Commissioners decided to pursue a FHAP workshare prior to entering a Fair Employment Practices Agency (FEPA) workshare with the Equal Employment Opportunity Commission (EEOC).</p> |

| Date | Alignment | Action | Summary |
|-----------|--|--------------|--|
| 2/23/2021 | <p>Duties & Responsibilities: Sec. 2-439.1 Enforcement authority.</p> <p>Annual Goals: 4. Pursue FEPA workshare.</p> | Work Session | <p>The HRC Chair, HRC Vice Chair, and HRC Director met with Cheryl Mabry (Director) and James Yao (Deputy Director) of State, Local, and Tribal Programs for the U.S. Equal Employment Opportunity Commission (EEOC) to discuss the process of applying and qualifying for a Fair Employment Practices Agency (FEPA) workshare agreement with the EEOC. Based on the information provided, the HRC decided to prioritize pursuit of a FHAP workshare agreement prior to pursuing a FEPA workshare agreement.</p> |

OHR Actions

The Director began the necessary steps for entry into both the FEPA and FHAP workshares, though pursuit of the FHAP workshare was prioritized over the FEPA because simultaneous pursuit of both workshares without additional staff support was not practical. While entry into the FHAP workshare required the most initial work, including major revisions to the Charlottesville Human Rights Ordinance, interim FHAP certification also offered substantial funding for capacity building during the first three years. FEPA certification offered no additional funding for capacity building, and the reimbursement rate offered by the EEOC for completed cases was half the 2021 rate offered by HUD.

Both the FEPA and FHAP workshare agreements still require extensive action in CY2022 by the HRC and OHR, including continuing to draft the required documents and sending them for review to the City Attorney, HRC, City Council, and federal agency before final approval by the federal agency.

CY2021 FEPA Workshare progress
(Objective 4 Measure 1 in the Department Scorecard)

The chart below shows the actions taken in CY2021 to enter a FEPA workshare agreement with the EEOC.

| Step | Summary of Actions |
|--|--|
| <i>OHR initiates contact with federal agency.</i> | The Director set up the above-mentioned work session with the HRC Chair, HRC Vice Chair, Cheryl Mabry, and James Yao of the EEOC. |
| <i>OHR drafts necessary documents for application.</i> | The Director began a draft of the required request letter for consideration by the HRC prior to submission to the EEOC for informal review. This effort was put on hold to pursue the FHAP workshare agreement with HUD. |

CY2021 FHAP Workshare Progress
(Objective 4 Measure 2 in the Department Scorecard)

The chart below shows the actions taken in CY2021 to enter a FHAP workshare agreement with HUD.

| Step | Summary of Actions |
|--|---|
| <i>OHR initiates contact with federal agency.</i> | The Director set up the above-mentioned question-and-answer session with the HRC and Erik Steinecker from the HUD Fair Housing Office. |
| <i>OHR drafts necessary documents for application.</i> | The Director drafted a revised version of the Charlottesville Human Rights Ordinance that included language necessary for substantial equivalence with federal fair housing law. |
| <i>OHR submits draft documents to federal agency for informal review.</i> | The Director worked with Erik Steinecker at the HUD Fair Housing Office throughout 2021 to edit the initial draft of the revised Charlottesville Human Rights Ordinance. |
| <i>OHR submits draft documents to City Attorney for review.</i> | The Director met with Allyson Davies in the City Attorney’s Office for an initial review of the revised Charlottesville Human Rights Ordinance. Following this meeting, the Director contacted the Fairfax County Office of Human Rights to ask questions about the practical implications of some of the duties required by substantial equivalence to federal fair housing law. |
| <i>OHR revises draft documents based on federal agency and City Attorney feedback.</i> | <i>Work to be continued in 2022.</i> |

Charlottesville Human Rights Ordinance Sec. 2-433. (e)
(Objective 5 in the Department Scorecard)

Sec. 2-433. (e) 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.

This role rests primarily with the HRC with support from the OHR. This role also relates to the HRC's work under *Sec. 2-434. Duties and responsibilities – Community dialogue and engagement* and *Sec. 2-435. Duties and responsibilities – Systemic issues*.

In CY2021, the HRC submitted recommendations to Council that reiterated its CY2020 priorities and included a recommendation to support SB 43, which would allow a City or County to take legal action to enforce the provisions of the Virginia Residential Landlord and Tenants Act related to health and safety.

Charlottesville Human Rights Ordinance Sec. 2-433. (f)
(Objective 6 in the Department Scorecard)

Sec. 2-433. (f) Prepare recommendations to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modifications or operating procedures approved by City Council.

This role is shared by the HRC and OHR and relates to all other duties and responsibilities detailed in the Charlottesville Human Rights Ordinance. The table on the following page summarizes the recommendations the HRC made to Council in CY2021.

| Date | Alignment | Action | Summary |
|-----------|--|------------------------|---|
| 1/19/2021 | <p>Duties & Responsibilities: Sec. 2-439.1 Enforcement authority.</p> <p>Annual Goals: No direct alignment.</p> | Policy Review | <p>The HRC adopted proposed amendments to the Code of the City of Charlottesville Chapter 2, Article XV (Charlottesville Human Rights Ordinance) for recommendation to City Council. The proposed amendments included language to bring the ordinance into alignment with recent changes to state laws governing human rights and fair housing. The proposed amendments also broadened the potential applicant pool for new Commissioners, removed gendered language from the ordinance, and clarified aspects of the enforcement process. The proposed amendments were adopted along with some revisions presented by Council on 2/1/2021.</p> |
| 3/1/2021 | <p>Duties & Responsibilities: Sec. 2-435</p> <p>Systemic Issues</p> <p>Annual Goals: No direct alignment.</p> | Council Recommendation | <p>The HRC provided feedback to City Management and Council regarding the hiring of a Director for the Human Rights Commission and Office of Human Rights. City Management made an offer of hire on 10/15/2021, which was accepted on 10/21/2021.</p> |
| 4/4/2021 | <p>Duties & Responsibilities: Sec. 2-435</p> <p>Systemic Issues</p> <p>Annual Goals: 2. Address barriers to housing.</p> | Council Recommendation | <p>The HRC provided recommendations regarding the establishment of a program that would ensure legal counsel for tenants facing evictions. The HRC presented data collected on local court hearings as well as national data regarding other localities with similar programs.</p> |

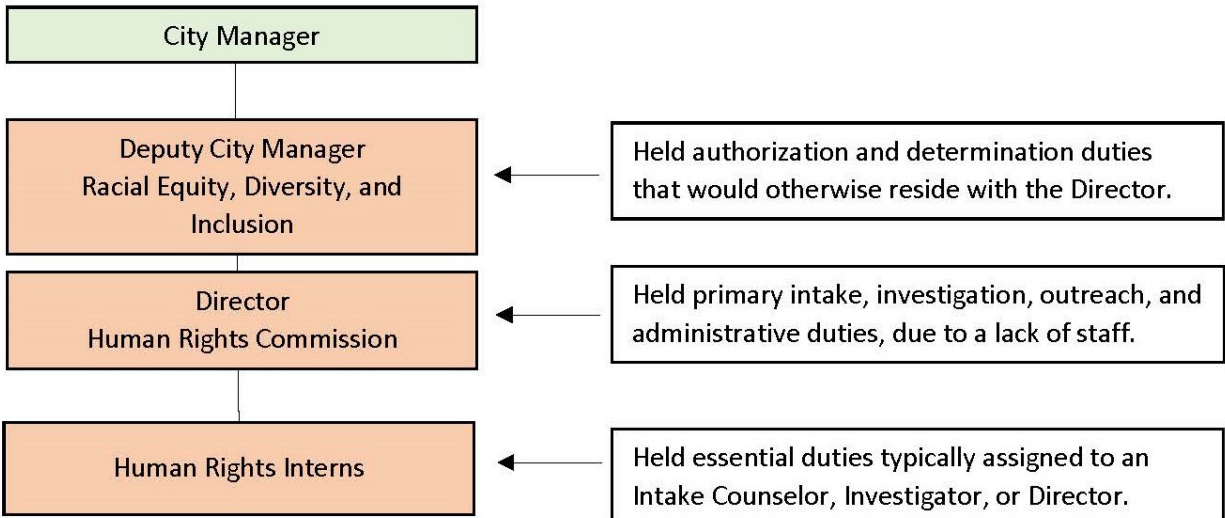
Recommendations

In CY2021, the OHR had one full-time staff person, the Community Outreach and Investigation Specialist, authorized to receive and investigate complaints. The Community Outreach and Investigation Specialist, who was promoted to the role of Director of the Human Rights Commission in October 2021, held all intake, investigation, outreach, and administrative duties for the OHR, as well as administrative duties for the HRC. Other comparable OHRs with enforcement responsibilities have separate staff responsible for intake, investigation, outreach, and administration. This division of labor is especially essential for the separation of approving further action on complaints, complaint investigation, and rendering final determinations on complaints. To preserve the integrity of the investigation, the Investigator must remain a neutral third party to the complaint and thus typically relies on the Director to approve further action on complaints and serve as the Administrative Judge who renders a determination on the investigated complaint.

Given the lack of staffing in the OHR, the roles of approving complaints for further action and rendering final determination fell to the City Manager’s Office. Throughout CY2020 and CY2021, these responsibilities were passed between several individuals within the City Manager’s Office until the hire of the Deputy City Manager for Racial Equity, Diversity, and Inclusion in late April 2021. While the Deputy City Manager can hold both these roles in lieu of the Director, it is atypical for an Office of Human Rights to function in this manner and places an additional and undue responsibility on the Deputy City Manager.

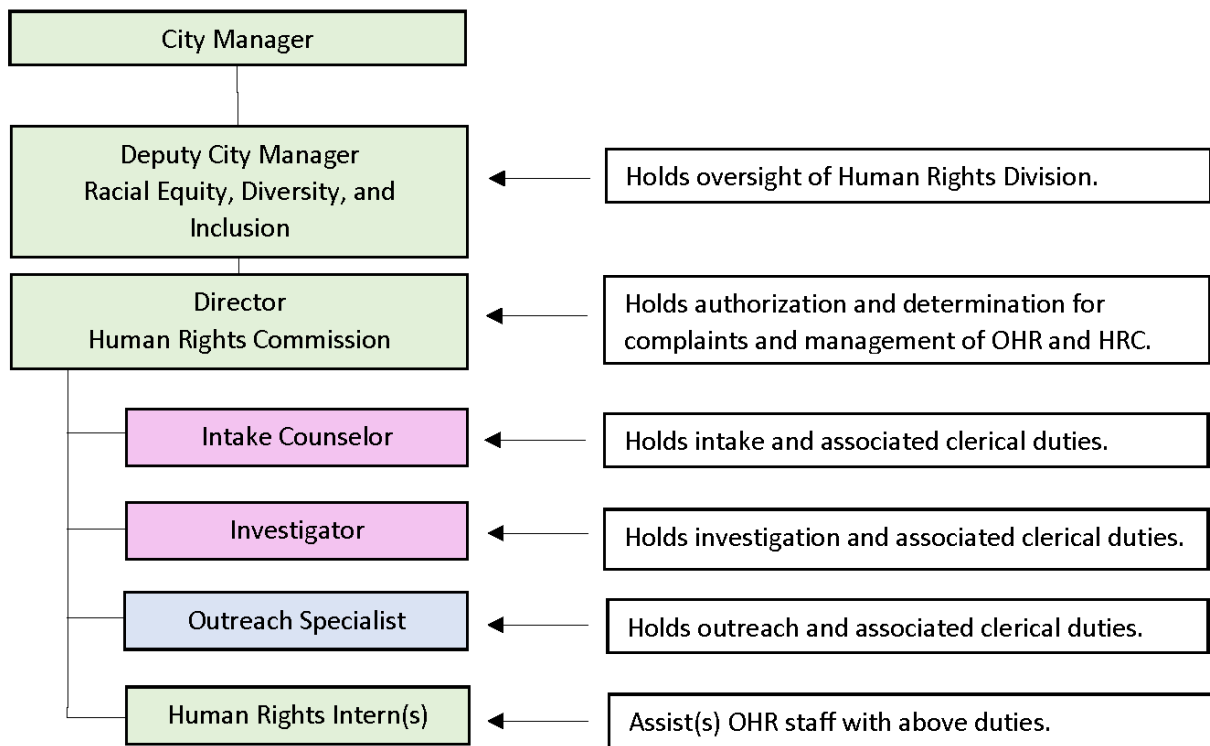
The chart below shows the OHR staff and organizational structure in CY2021. Green boxes indicate a position that holds the appropriate duties and responsibilities in relation to the OHR and HRC (City Manager). Orange boxes indicate a position that holds a duty for the OHR and HRC that is outside of that individual’s prescribed role in the City (Deputy City Manager for Racial Equity, Diversity, and Inclusion; HRC Director; Human Rights Interns).

CY2021 OHR Organizational Structure



The chart below presents the recommended organizational structure of the OHR consistent with other OHRs in Virginia. The same color scheme described above applies below with the added colors of blue to indicate a position scheduled for hiring in early CY2022 (Outreach Specialist) and lavender to indicate positions for which there was no approved funding in FY22 or FY23 (Intake Counselor, Investigator).

Recommended OHR Organizational Structure



Conclusions

In CY2022, the OHR will hire an Outreach Specialist to expand community engagement, continue the work begun on the FHAP workshare agreement, and continue working in partnership with the HRC to develop capacity for addressing systemic issues. With Council’s support to hire an Intake Counselor and an Investigator, the OHR will be better equipped to effectively process incoming inquiries and complaints and be prepared to enter the FHAP workshare.

Attachments

1. OHR Data Dictionary
2. OHR CY2021 Individual Service Data

2021 Charlottesville Office of Human Rights Data Dictionary

| Term | Definition |
|---|--|
| Appointment Set-up | A contact involving the scheduling of an appointment with the Office of Human Rights. |
| Case | A complaint of unlawful discrimination that has been accepted for further action by the Office of Human Rights. |
| Charlottesville Human Rights Ordinance | A part of the Code of the City of Charlottesville found in Chapter 2, Article XV, that explains the roles and responsibilities of the Human Rights Commission and Office of Human Rights and defines the protected activities, protected classes, and enforcement mechanisms authorized to address unlawful discrimination within the jurisdiction of the City of Charlottesville. |
| 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 Human Rights Ordinance. |
| Complainant | An individual or group of individuals who have filed a formal complaint of unlawful discrimination with the Office of Human Rights. |
| Contact | All walk-ins, appointments, phone calls, text messages, and emails with individuals. |
| Counseling | Assistance provided to an individual who presents an inquiry or complaint in which staff present various courses of action to address a concern. |

| Term | Definition |
|------------------------------|---|
| Determination | A decision made by the Director, based on the evidence presented in an investigative report regarding a complaint of unlawful discrimination, whether there is cause to believe that a violation of the Charlottesville Human Rights Ordinance has occurred. This term is used synonymously with “Finding.” |
| Dismissed Complaint | A complaint that has been closed by staff due to the case being too far outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff, prior to the complainant providing enough information to decide if the complaint presents a jurisdictional, prima facie case of discrimination. |
| Dismissed Inquiry | An inquiry that has been closed by staff due to the case being too far outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff. |
| Finding | A decision made by the Director, based on the evidence presented in an investigative report regarding a complaint of unlawful discrimination, whether there is cause to believe that a violation of the Charlottesville Human Rights Ordinance has occurred. This term is used synonymously with “Determination.” |
| Further Action | Steps taken to address a complaint of discrimination that may include informal conciliation, mediation, and investigation. |
| 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. |
| Informal Conciliation | A method of resolving a complaint of unlawful discrimination in which the Director engages in an informal dialogue with the complaint and respondent and a non-binding agreement is reached that resolves the complaint to the complainant’s satisfaction. |
| 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. |

| Term | Definition |
|-----------------------------------|--|
| Investigation | The formal process of gathering factual evidence regarding a complaint of discrimination. Fact gathering can include interviewing the complainant, respondent, and witnesses. It may also include gathering other evidence such as documents, audio recordings, video footage, or physical evidence. |
| Investigation Activity | Any activity associated with the formal investigation of a complaint. |
| Jurisdiction | The geographic and legal scope of enforcement authority as defined by the Charlottesville Human Rights Ordinance. |
| Mediation | A method of resolving a complaint of unlawful discrimination in which a third-party, licensed mediator facilitates a formal dialogue and negotiation between the complainant and respondent. If mediation is successful, the resulting settlement agreement is a private, legally binding contract between the complainant and respondent that is enforceable through civil action in the appropriate court. |
| 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. |
| Prima facie | <p>A term used to define whether a complaint presents an actionable allegation of discrimination “on its face.” In a prima facie case, the following criteria must be met:</p> <ul style="list-style-type: none"> • Complainant was engaged in a protected activity. • Complainant either self-identifies or is perceived by Respondent to be a member of a protected class. • There is testimonial or documentary evidence of a practice or policy to exclude or otherwise adversely treat individuals in Complainant’s protected class. • There are specific harms identified by Complainant, resulting from the alleged discrimination. |

| Term | Definition |
|---------------------------|---|
| 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 accommodation, credit, and private education. |
| Protected Class | <p>A grouping of people, as defined by state and federal law, of which an individual either self-identifies as a member or is perceived to be a member, that is protected from discrimination when an individual is participating in a protected activity. The Charlottesville Human Rights Ordinance lists the following classes as protected:</p> <ul style="list-style-type: none"> • Age/Elderliness • Childbirth or related medical conditions • Disability • Familial Status (in housing) • Gender Identity • Marital Status • National Origin • Pregnancy • Race • Religion • Sex • Sexual Orientation • Color • Source of Funds (in housing) • Status as a Veteran |
| 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 either a determination of probable cause after the formal investigation of a complaint <i>or</i> a review of a determination of no probable cause for which a complainant seeks an appeal. |
| Referral | A recommendation made by OHR staff for an individual to contact another agency in order to address a concern raised during an individual contact with the Office of Human Rights. |
| Respondent | An individual, group of individuals, or agency that is named by the complainant in a formal complaint of unlawful discrimination as responsible for a discriminatory act against the complainant. |
| Staff Follow-up | An outgoing contact in which staff communicates with an individual who has previously contacted the Office. |

| Term | Definition |
|-------------------------------------|--|
| Third-Party Incoming Contact | An incoming contact with a person other than the individual directly involved with an inquiry or complaint being discussed. |
| Third-Party Outgoing Contact | An outgoing contact with a person other than the individual directly involved with an inquiry or complaint being discussed. The person directly involved must give verbal or written consent for staff to initiate a third-party outgoing contact. |
| Unlawful Discrimination | The denial of a person’s opportunity to engage in a daily life activity that is protected by law. |

Office of Human Rights CY2021 Individual Service Provision Data

| 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> | 171 | 139 | 145 | 133 | 197 | 272 | 307 | 287 | 330 | 442 | 307 | 229 | 2959 |
| <i>Total Incoming Contacts</i> | 83 | 70 | 71 | 68 | 131 | 176 | 195 | 210 | 238 | 308 | 237 | 175 | 1962 |
| <i>Average Incoming & Outgoing Contacts/Day</i> | 8 | 7 | 7 | 6 | 9 | 14 | 14 | 13 | 17 | 19 | 16 | 13 | 12 |
| <i>Average Incoming Contacts/Day</i> | 4 | 4 | 3 | 3 | 6 | 9 | 9 | 10 | 12 | 13 | 12 | 10 | 8 |
| <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 | 1 | 3 | 9 | 6 | 6 | 3 | 4 | 0 | 9 | 5 | 0 | 46 |
| <i>Total Staff Follow-ups (Outgoing)</i> | 49 | 33 | 30 | 30 | 39 | 45 | 48 | 32 | 48 | 49 | 39 | 29 | 471 |
| <i>Total Third-Party Contacts (Outgoing)</i> | 39 | 36 | 44 | 35 | 27 | 51 | 64 | 45 | 44 | 85 | 31 | 25 | 526 |
| <i>Total Client Follow-ups (Incoming)</i> | 45 | 34 | 36 | 27 | 65 | 120 | 105 | 127 | 154 | 157 | 131 | 102 | 1103 |
| <i>Total Third-Party Contacts (Incoming)</i> | 28 | 28 | 19 | 30 | 45 | 40 | 73 | 54 | 74 | 130 | 86 | 64 | 671 |
| <i>Total General Contacts (Incoming)</i> | 3 | 4 | 3 | 4 | 6 | 12 | 11 | 15 | 2 | 8 | 12 | 4 | 84 |
| <i>Total New Inquiries (Incoming)</i> | 6 | 3 | 12 | 7 | 14 | 4 | 5 | 11 | 8 | 12 | 6 | 4 | 92 |
| <i>Total New Complaints (Incoming)</i> | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 3 | 0 | 1 | 2 | 1 | 12 |
| <i>Total Allegations (Both I&C)</i> | 2 | 1 | 1 | 1 | 4 | 1 | 1 | 5 | 1 | 8 | 4 | 3 | 32 |
| <i>Total I&C: Locality - Cville</i> | 6 | 3 | 5 | 3 | 12 | 3 | 5 | 9 | 4 | 6 | 3 | 3 | 62 |
| <i>Total I&C: Locality - Albemarle</i> | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 6 |
| <i>Total I&C: Locality - Other or Not Specified</i> | 0 | 1 | 7 | 2 | 3 | 1 | 1 | 5 | 3 | 7 | 4 | 2 | 36 |
| <i>Total Inquiries: P.A. - Employment</i> | 0 | 0 | 1 | 1 | 2 | 0 | 0 | 1 | 1 | 2 | 3 | 2 | 13 |
| <i>Total Inquiries: P.A. - Housing</i> | 6 | 3 | 8 | 5 | 8 | 1 | 5 | 4 | 3 | 5 | 2 | 1 | 51 |
| <i>Total Inquiries: P.A. - Public Accommodation</i> | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 2 | 1 | 2 | 0 | 1 | 8 |
| <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> | 0 | 0 | 2 | 0 | 4 | 3 | 0 | 4 | 3 | 3 | 1 | 0 | 20 |
| <i>Total Complaints: P.A. - Employment</i> | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 5 |
| <i>Total Complaints: P.A. - Housing</i> | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | 5 |
| <i>Total Complaints: P.A. - Public Accommodation</i> | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| <i>Total Complaints: P.A. - Credit</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| <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 | 1 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 2 | 2 | 1 | 10 |

| Measures | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | TOTALS |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|
| <i>Employment allegations in Charlottesville</i> | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 6 |
| <i>Employment allegations in Albemarle Co.</i> | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| <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 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total housing discrimination allegations | 2 | 0 | 0 | 0 | 2 | 1 | 0 | 1 | 0 | 4 | 2 | 1 | 13 |
| <i>Housing allegations in Charlottesville</i> | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 4 | 1 | 1 | 10 |
| <i>Housing allegations in Albemarle</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total public accommodation discrimination allegations | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 1 | 2 | 0 | 1 | 7 |
| <i>Public accommodation allegations in Cville</i> | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| Total credit discrimination allegations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| <i>Credit allegations in Charlottesville</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total private education discrimination allegations | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Private education allegations in Charlottesville</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Other (Unprotected) activity allegations | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| <i>Total I&C: P.C. - Age</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Total I&C: P.C. - Disability</i> | 1 | 0 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 1 | 1 | 8 |
| <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 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 3 |
| <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> | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 3 | 0 | 2 | 1 | 0 | 10 |
| <i>Total I&C: P.C. - Color</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <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 | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 5 |
| <i>Total I&C: P.C. - Gender Identity</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| <i>Total I&C: P.C. - Sexual Orientation</i> | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 2 |
| <i>Total I&C: P.C. - Source of Funds</i> | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| <i>Total I&C: P.C. - Veteran Status</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| <i>Total I&C: P.C. - Not specified</i> | 4 | 3 | 12 | 5 | 12 | 4 | 4 | 8 | 4 | 7 | 6 | 2 | 71 |
| <i>Total I&C: P.C. - Other (Unprotected)</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 2 | 0 | 1 | 6 |
| Total Counseling Contacts | 17 | 21 | 17 | 8 | 18 | 20 | 18 | 16 | 6 | 10 | 6 | 9 | 166 |
| Total Employment Counseling | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | 2 | 2 | 3 | 11 |
| Total Housing Counseling | 17 | 21 | 16 | 6 | 12 | 18 | 12 | 13 | 4 | 7 | 3 | 6 | 135 |

| Measures | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | TOTALS |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| Total Public Accommodation Counseling | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 3 |
| Total Credit Counseling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Private Education Counseling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Other (Unprotected) Counseling | 0 | 0 | 1 | 0 | 5 | 2 | 5 | 1 | 1 | 1 | 1 | 0 | 17 |
| Total Contacts resulting in Referrals | 2 | 4 | 5 | 2 | 5 | 0 | 6 | 4 | 2 | 1 | 0 | 3 | 34 |
| Referrals to CSRAP | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Referrals to LAJC | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 1 | 1 | 0 | 0 | 2 | 6 |
| Referrals to CVLAS | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 4 |
| Referrals to PHA | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| Referrals to EEOC | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Referrals to DPOR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Referrals to Other | 2 | 3 | 5 | 2 | 4 | 0 | 5 | 4 | 1 | 1 | 0 | 1 | 28 |
| 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 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 4 |
| 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 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 |
| 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 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Total Employment Complaints: P.C. - Veteran Status | 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 | 1 | 1 | 1 | 3 |
| 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 |

| Measures | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | TOTALS |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| Total Housing Complaints: P.C. - Race | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 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. - Source of Funds | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Total Housing Complaints: P.C. - Veteran Status | 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 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 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 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 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. - Veteran Status | 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 | | | | | | | | | | | | | 17 |
| Total Closed Inquiries | | | | | | | | | | | | | 75 |
| Total Dismissed Inquiries | | | | | | | | | | | | | 0 |
| Total Open Complaints | | | | | | | | | | | | | 6 |
| Total Closed Complaints | | | | | | | | | | | | | 4 |
| Total Dismissed Complaints | | | | | | | | | | | | | 2 |
| Primary Service: Appointment Set-up | 3 | 2 | 1 | 0 | 8 | 19 | 11 | 2 | 3 | 3 | 5 | 3 | 60 |
| Primary Service: Clerical Assistance | 0 | 5 | 1 | 0 | 3 | 13 | 18 | 3 | 0 | 1 | 0 | 0 | 44 |

| Measures | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | TOTALS |
|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|---------------|
| <i>Primary Service: Counseling</i> | 17 | 21 | 17 | 8 | 18 | 20 | 18 | 16 | 6 | 10 | 6 | 9 | 166 |
| <i>Primary Service: Event Information</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Primary Service: Investigation Activity</i> | 7 | 27 | 39 | 33 | 35 | 12 | 22 | 18 | 23 | 14 | 4 | 6 | 240 |
| <i>Primary Service: Information</i> | 144 | 84 | 87 | 87 | 129 | 208 | 227 | 240 | 292 | 404 | 268 | 202 | 2372 |
| <i>Primary Service: Mediation Related Services</i> | 0 | 0 | 0 | 5 | 4 | 0 | 11 | 8 | 6 | 10 | 24 | 9 | 77 |
| <i>Primary Service: Outreach Coordination</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Primary Service: Public Hearing</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <i>Primary Service: Volunteer Coordination</i> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

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



| | |
|------------------|---|
| Agenda Date: | November 7, 2022 |
| Action Required: | Resolution |
| Presenter: | Alexander Ikefuna, Director of Community Solutions |
| Staff Contacts: | Alexander Ikefuna, Director of Community Solutions |
| Title: | Amending Community Development Block Grant (CDBG) 2022-2023 Substantial Action Plan - \$178,394.34 (1 of 2 readings) |

Background

This agenda item includes a resolution for the FY22-23 substantial action plan amendment for Community Development Block Grant funds received by the City of Charlottesville from the U.S. Department of Housing and Urban Development (HUD).

In Fall 2021, the City of Charlottesville advertised a Request for Proposals (RFP) based on the priorities set by Council on September 21, 2021. The priorities were for affordable housing (including but not limited to low-income housing redevelopment), workforce development (including but not limited to efforts to bolster Section 3 training opportunities and partnerships with the City's GO programs), microenterprise assistance, access to quality childcare, homeowner rehabilitation, and down payment assistance. The CDBG/HOME competitive Request for Proposals was based on the 2022-2023 City Council's CDBG/HOME priorities, the 2018-2022 Consolidated Plan, Charlottesville Affordable Housing Plan, and HUD's CDBG/HOME national priorities.

Discussion

The CDBG Substantial Action Plan Amendment totals \$178,394.34 for the 2022-2023 program year. It is important to note that all requests for proposals went through an extensive review by the CDBG/HOME Taskforce because of a competitive RFP Process. The Taskforce selected two programs which were reviewed and recommended for funding by the City's Planning Commission on September 13, 2022.

Priority Neighborhood – On September 21, 2021, Council approved Ridge Street to be the Priority Neighborhood. The Taskforce recommended the Department of Parks and Recreation Pollocks Branch Trail Bridge at Jordon Park. Estimated benefits include the construction of a bicycle and pedestrian ADA accessible bridge to connect Jordon Park to the developing Moores Creek trail between Avon Street and 5th Street.

CDBG Housing Programs – The Taskforce recommended the Arc of the Piedmont for a HVAC replacement of their Shamrock Group Home. Estimated benefits include the replacement of a 30-

year-old HVAC system in the Shamrock Road Group Home benefitting up to seven developmentally disabled individuals.

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. 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. It also complies with several provisions in the 2021 Comprehensive Plan.

Community Engagement

The original CDBG and HOME budget approval was part of the Action Plan that was advertised for a thirty-day comment period (March 30th – April 30th 2022) before being sent to HUD for approval in the Daily Progress. The Action Plan was also sent to Charlottesville Neighborhood community members and Thomas Jefferson Planning District Commission (TJPDC) Housing Directors Council for public comment. Comments received were incorporated into the Action Plan. HUD approved the Action Plan on August 10, 2021. The CDBG Taskforce reviewed the budget recommendations on March 21, 2022 during a public meeting where public comments were received. City Council approved the final budget on May 16, 2022.

If council approves the request, then an approval will be submitted to HUD as a Substantial Action Plan Amendment for the 2022-2023 fiscal year. The full action plan can be viewed on the City Website through the following [link](#).

Budgetary Impact

None.

Recommendation

Staff recommends approval of the Substantial Action Plan Amendment for FY2022-2023.

Alternatives

None.

Attachments

1. CDBG/HOME Taskforce Minutes
2. CDBG/HOME Taskforce Scores
3. Resolution_CDBGAmendment-\$178,394.34



Community Development Block Grant/HOME Taskforce

Wednesday, July 27th, 2022

4-5PM

Virtual Meeting (Zoom)

AGENDA

1. Housekeeping

- a. Erin Atak (EA), Grants Coordinator: Explained to the Taskforce that the FY2022-2023 Action Plan was submitted and the City was pending HUD approval.
- b. Attendance was taken.

| Name | Attendance |
|-------------------|---|
| Nancy Carpenter | <i>Absent – sent in funding recommendations</i> |
| Helen Sporkin | <i>Present</i> |
| Matthew Gillikin | <i>Present</i> |
| Connor Brew | <i>Absent – sent in funding recommendations</i> |
| James Bryant | <i>Present</i> |
| Kem Lea Spaulding | <i>Absent</i> |
| Howard Evergreen | <i>Present</i> |
| Emily Cone Miller | <i>Absent</i> |
| Taneia Dowell | <i>Absent</i> |

2. CDBG Scores

The committee received two applications for consideration. Discussion started with the Parks and Recreation application on the Pollocks Branch Trail Bridge at Jordon Park.

EA states the application satisfied the Ridge Street Priority Neighborhood requirement of creating communities that are boke and pedestrian accessible. The Park does not require a site plan submission but will need a storm water and erosion sediment control component attached

Staff Contact:

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093

according to staff. HUD Davis Bacon and Section 3 requirements will also get triggered with the activity.

Connor Brew, CB, mentioned that he had some concerns about whether there was outreach done with the community.

EA stated that the applicant, Chris Gensic, replied stating that he had contacted the Ridge Street residents with regards to the project. He is also in the process of reaching out to the Jackson School.

Matthew Gillikin, MG, asked about the timeliness on the project.

EA states that there is CIP finding with the activity and that there are no concerns with timeliness with staff on board. The floodplain requirement is also not triggered which is a bonus.

Helen Sporkin, HS, states that this is a worthy project with no concerns.

James Bryant, JB, asked about the timeline about the project.

EA the applicant is aiming for one year from September this year.

Discussion now turns to the Arc of the Piedmont application. EA explains that this application was initially submitted under the Charlottesville Affordable Housing Fund NOFA and was later redirected to CDBG.

EA explains that the Arc of the Piedmont was a prior recipient of CDBG funds with no timeliness concerns. No past audit concerns with their former contract.

HS states that there was not much of a budget but assumes that there is a quote for the HVAC replacement.

EA states that it is the \$6,000 HVAC replacement.

CB recommended fully funding the Arc of the Piedmont and allocating the remaining funds to the Parks of Recreation application.

The rest of the Taskforce agreed on CB's funding recommendation.

3. Public Comment

None was received, no members of the public were present.
Meeting adjourned.

Staff Contact:

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator (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 can be made.

Staff Contact:

Erin Atak, Grants Coordinator (atake@charlottesville.gov), (434) 970-3093

| Applicant | Average Score | Funding Request | TF Funding Recommendations |
|------------------|----------------------|------------------------|-----------------------------------|
| Parks and Rec | 31.5 | \$ 170,000.00 | \$ 171,655.34 |
| Arc of Piedmont | 32.50 | \$ 6,739.00 | \$ 6,739.00 |
| | | \$ 176,739.00 | \$ 178,394.34 |

Funding Available \$ 178,394.34

RESOLUTION
The FY 2022-2023 CDBG Substantial Action Plan Amendment
\$178,394.34

WHEREAS on May 7, 2018 the Charlottesville City Council approved a Consolidated Plan for the City of Charlottesville and the Thomas Jefferson Planning District, covering the period from July 1, 2018 through June 30, 2023, which sets forth a plan to provide support for certain community development needs—including, but not limited to—housing needs, within those jurisdictions; and

WHEREAS the Consolidated Plan includes a citizen participation plan, and Sec. 2-419(10) specifies that, once City Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the approved citizen participation plan;

WHEREAS the Consolidated Plan is implemented during the coverage period through certain “Action Plans”, the most recent of which is designated as the “FY 2022-2023 Action Plan” previously approved by resolution of City Council on June 6, 2022; and

WHEREAS within the FY2022-2023 Action Plan the Ridge Street Priority Neighborhood was selected as a subrecipient of CDBG funding from the City, in the amount of \$178,394.34, with a target of June 30, 2022 for expenditure of the funding in accordance with an approved project pending a request for proposal; and

BE IT RESOLVED that the Charlottesville City Council hereby approve a Substantial Amendment of the City’s FY2022-2023 Action Plan, to authorize the City of Charlottesville Parks and Recreation Pollocks Branch Trail Bridge at Jordon Park. Estimated benefits include the construction of a bicycle and pedestrian ADA accessible bridge to connect Jordon Park to the developing Moores Creek trail between Avon Street and 5th Street and the Arc of the Piedmont for a HVAC replacement of their Shamrock Group Home. Estimated benefits include the replacement of a 30-year-old HVAC system in the Shamrock Road Group Home benefitting up to seven developmentally disabled individuals. This will assist the City of Charlottesville in meeting CDBG timeliness goals in accordance with federal regulations set forth at 24 CFR 570.902.

Approved by Council
November 7, 2022

Kyna Thomas, MMC
Clerk of Council

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



| | |
|-------------------------|--|
| Agenda Date: | November 7, 2022 |
| Action Required: | Consideration of an application for a Critical Slope Waiver |
| Presenter: | Matthew Alfele, City Planner |
| Staff Contacts: | Matthew Alfele, City Planner |
| Title: | Considering a Critical Slope Waiver request at 1003 - 1005 Carlton Avenue, 0 Walnut Street, 730 - 732 Walnut Street, 735 Walnut Street, and 0 Cherry Street (1 reading) |

Background

Belmont & Carlton Holdings, LLC (owner) has submitted a Critical Slope Waiver application prior to submitting a final site plan for a proposed mixed use development near the intersection of Carlton Avenue and Garden Street and identified as Tax Map and Parcels 570020000, 570002100, 570004000, 570006000, 570007100, 570007300, 570007500, 570007700, 570007900, 570002000, 570003000, 57005000, 570007000, 570007200, 570007400, 570007600, 570007800, 570010000. The proposed by-right development would include one-hundred and thirty (130) residential units, eight-thousand seven-hundred and fifty (8,750) square feet of commercial space, new private street, reconfiguration of Holly Street, new City streets, a connection to Spruce Street, and open space. The application also indicated that 5% of the residential units will be affordable for a total of seven (7) units. It should be noted that nothing in the application materials currently available indicates a level of affordability, timeframe, or enforcement mechanism. To construct the mixed use development as presented in the application, the developer will need to disturb 86.4% of the critical slopes on the site. Of that, 86.4%, 65.3% needs a waiver from City Council. The remaining percentage of critical slopes is exempt per Section 34-1120(b)(7)(c).

Discussion

The Planning Commission held a hybrid virtual and in-person meeting on October 11, 2022 where this application was deliberated. During their discussions the following points were raised:

- Details of how the stormwater and E&S plan would work.
- How the affordable housing units shown on the plan could be memorialized.
 - The applicant stated during the meeting the units would be available for persons making up to 80% AMI and affordable for 10 years. They did not indicate which units within the development would be affordable. It should also be noted that the information provided to the Planning Commission in the meeting is not stated within the application or supporting documents.
- Pre-impervious surfaces vs post-impervious surfaces.

- Past iterations of the plan.
- Removal of existing trees and outfall locations.

The Planning Commission heard a presentation from the applicant and a detailed overview of stormwater and E&S regulations from the City's Engineer. In addition to what is listed above, the Planning Commission stated they liked the revised plan as it related to street connectivity, stormwater treatment (onsite), and civic open space for the development and surrounding community. The Planning Commission did state they wished the affordable aspect of the proposal could be better defined and memorialized with the Critical Slope Waiver.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 02:54 mark.

[Link to Recording of October 11, 2022 Planning Commission Meeting](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 119.

[Link to Application and Staff Report from the October 11, 2022 Planning Commission Meeting](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Critical Slope Waiver Application, 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

Under the City's Zoning Code, a Critical Slope Waiver Application does not require a Public Hearing or community engagement meeting, but public engagement for this project has been achieved through other methods such as meetings related to the site plan(s), emails, and phone calls. Many members of the public have reached out directly to the Planning Commission and City Council to voice their concerns. In addition, seven (7) members of the public spoke during Matters to be Presented by the Public not on the formal Agenda at the October 11, 2022 meeting and had the following comments:

- Concerned a site plan has not been fully developed prior to submitting a Critical Slope Waiver application.
- Development of the site will negatively impact the surrounding neighborhood.
- The proposed street connection to Spruce Street will have a negative impact on bicycles and pedestrians.
- Stormwater discharge from the site will create problems.
- The proposed new street that will connect to Spruce Street will be good for the neighborhood.
- Carlton Avenue cannot handle a development of this size.
- Too many unanswered environmental concerns.

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 6-0 to recommend the application be approved.

Alternatives

City Council may deny or indefinitely defer the requested Critical Slope Waiver:

- (1) Denial: "I move to deny the Critical Slope Waiver requested with application P22-0039"
- (2) Deferral: "I move to defer Council action on Critical Slope Waiver P22-0039"

Attachments

1. Resolution_2022-10-19 CSW RES - Belmont Condos Oct 2022

RESOLUTION

Granting a critical slope waiver for a residential development referred to as “Belmont Condominiums”

WHEREAS Belmont & Carlton Holdings, LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification Nos. 570020000, 570002100, 570004000, 570006000, 570007100, 570007300, 570007500, 570007700, 570007900, 570002000, 570003000, 57005000, 570007000, 570007200, 570007400, 570007600, 570007800, 570010000, said parcels having current street addresses of 1003-1005 Carlton Avenue, 0 Walnut Street, 730 – 732 Walnut Street, 735 Walnut Street, and 0 Cherry Street (collectively, the “Subject Property”); and

WHEREAS the Subject Property contains critical slopes, over and within an area of approximately 0.988 acre, which is approximately 16% of the combined area of the various parcels that constitute the Subject Property, and Landowner is requesting a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6)(b), in connection with the Owner’s plan to construct a mixed use development on the Subject Property (the “Project”); and

WHEREAS the Project is described in more specific detail within the application materials submitted in connection with waiver application no. P22-0039, as required by City Code §34-1120(b)(6) (collectively, the “Application Materials”); and

WHEREAS the Planning Commission considered and recommended approval of this application at their October 11, 2022 meeting, subject to conditions proposed within the Staff Report and modified as discussed in the meeting; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a waiver is hereby granted of the critical slopes requirements for the Project, to allow for the development of the Project as described within the Application Materials, subject to the following conditions:

(1) Erosion and sediment control (ESC) plans for the Project shall include, at a minimum, four (4) stages/phases of ESC controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed sediment traps shall be established with rigorous independent ESC controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.

(2) Any channels/diversions that convey ‘clear’ water shall be stabilized with sod on the ‘clear water’ side immediately after installation.

(3) A “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.

(4) Any disturbance occurring outside of conveyances to a sediment 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”).

(5) At no time shall concentrated water be directed toward the areas of critical slopes, without adequate conveyance down and beyond the slopes to an acceptable outfall.

(6) To document the landowner's representations within the Application Materials regarding intended onsite water quality measures, the Stormwater Management Plan for the Project shall include either (a) a design for onsite water quality provided by a facility, or (b) facilities that are either i) designed in accordance with the BMP Clearinghouse “2013 Draft Design Specifications for Practices 1-15”, or ii) proprietary Manufactured Treatment Device(s) approved by the Virginia Department of Environmental Quality (“DEQ”) as of the date the stormwater management plan for the Project is submitted for the City’s review. The facility or facilities should provide 125 percent of the onsite Phosphorus removal required by the Virginia Water Quality requirements for the development Project. Compliance with the 125 percent will be demonstrated by accurate project data set forth within a completed Virginia Runoff Reduction Method (“VRRM”) spreadsheet for the project.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: November 7, 2022

Action Required: Consideration of an application for a Special Use Permit

Presenter: Matthew Alfele, City Planner

Staff Contacts: Matthew Alfele, City Planner

Title: Considering a Special Use Permit request at 1113 5th Street SW (1 reading)

Background

Green Clean Albemarle LLC (Contract Purchaser) represented by Williams Mullen Law Firm has submitted an application requesting a Special Use Permit (SUP) pursuant to Code Sec. 34-796 and 34-358 at 1113 5th Street SW or the Subject Property. The Subject Property is identified as Tax Map and Parcel 21B004400 and is owned by Patriot Bank. The Subject Property has street frontage on Harris Road and 5th Street SW. The applicant is proposing the SUP for the construction of an automatic Car Wash. The proposed Car Wash will have a main building fronting on 5th Street SW with parking, pay stations, vacuums, a dumpster, and an ingress/egress from Harris Road. Offsite improvements include pedestrian markings across the entrance to Willoughby Square Shopping Center. The Subject Property is zoned HW (Highway Mixed Use Corridor) with an Entrance Corridor overlay.

Discussion

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on October 11, 2022, on this matter. In addition to the Public Hearing, the Planning Commission, in the role of Entrance Corridor Review Board (ERB), also deliberated on this proposal. The Planning Commission and City Council had the following comments on concerns:

- Level of noise created by the vacuum compressors.
- Ways to mitigate any noise from the vacuum compressors, such as moving them to an enclosure near the center of the site.
- How this development, or any development, could impact the intersection of Harris Road and 5th Street SW.
- The environmental impact of a Car Wash and the amount of water that is recycled (80% was the amount provided by the applicant).
- Lighting from cars leaving the site could impact residential units on the north side of Harris Street.

The Planning Commission and City Council had a long conversation related to this project and the

public good threshold for SUPs in general. There was a long conversation about whether a car wash would benefit City residents at this location and if it was the best use for the site. For the most part, the Planning Commission felt any noise generated from the vacuum compressors could be mitigated with conditions. Although traffic is a major concern at this intersection, the Planning Commission, and City Traffic Engineer, believed the Car Wash would not create an undue burden. Safety was a concern and a condition was proposed that would update traffic markings if warranted by the Traffic Engineer. Two City Councilors voiced concerns as to the adverse impacts a Car Wash could have on the surrounding residential neighborhood. These concerns included noise, traffic, lighting, and lack of a public benefit.

The Planning Commission did not discuss the information in the ERB packet related to the SUP and passed the materials on the consent agenda.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 01:00 mark.

[Link to the recording of the October 11, 2022 Public Hearing](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 59.

[Link to the application and staff report from the October 11, 2022 Public Hearing](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Special Use Permit request, the project could contribute to Goal 4: A Strong, Creative and Diversified Economy, 4.2 Attract and cultivate a variety of businesses.

Community Engagement

The applicant held a community meeting on September 8, 2022 which was attended by five (5) members of the public. A recording of the meeting can be found at the link below.

[Link to the September 8, 2022 Community Meeting](#)

Staff has received a few emails and phone calls expressing concerns about the development. These concerns include:

- The Car Wash will create too much noise.
- Light from cars will shine into people's homes.
- The intersection of Harris Road and 5th Street SW cannot handle more traffic.
- It is already hard to turn left out of Willoughby Townes and this development will make it worse.

Any emails received by staff regarding this project have been forwarded to the Planning Commission and City Council.

On October 11, 2022, the Planning Commission and City Council held a joint Public Hearing. The Public Hearing was a hybrid meeting with the public able to attend online and in person. During the Public Hearing, two (2) members of the public participated. Below is an outline of their comments:

- Noise will be an issue.
- This is not the right location for a Car Wash.
- The intersection is already dangerous and cannot handle more cars from a development like this.
- The back and sides of the building, along with the parking lot, will not be attractive.
- It will devalue the surrounding residential homes.

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 4-2 to recommend the application be approved.

Alternatives

City Council may deny or indefinitely defer the requested Special Use Permit:

- (1) Denial: "I move to deny the Special Use Permit requested within zoning application no. SP22-00007"
- (2) Deferral: "I move to defer Council action on zoning application no. SP22-00007"

Attachments

1. Resolution_2022 Special Use RES - 1113 5th St SW
2. Updated Layout per Public Hearing Meeting_8x11

RESOLUTION
Granting a Special Use Permit to allow a Car Wash
On Property located at 1113 5th Street S.W.

WHEREAS Green Clean Albemarle, LLC (“Applicant”) is the contract purchaser of certain land identified within the City of Charlottesville real estate records as Parcel Identification No. 21B004400 (the “Subject Property”), which has frontage on 5th Street SW and Harris Road; and

WHEREAS the Subject Property is located within an Entrance Corridor Overlay District and within the Highway Corridor mixed use zoning district, a district in which, according to the Use Matrix set forth within City Code 34-796, use of the property as a car wash may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the application materials submitted in connection with SP22-00007, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS the City Council and the Planning Commission conducted a joint public hearing on October 11, 2022, following public notice given in accordance with applicable law; and

WHEREAS the Planning Commission considered and recommended approval of this application at their October 11, 2022 meeting, subject to conditions recommended within the Staff Report, and modified as discussed in the meeting; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted, to allow the Project as a permissible use of the Subject Property subject to the following conditions:

(1) Pedestrian crosswalk striping will be provided by landowner along with CG-12 detectable warning surfaces to the west of the Subject Property across the entrance road to the Willoughby Square Shopping Center.

(2) Operation of the Car Wash will be limited to Monday-Saturday from 7am -8pm and Sunday from 9am -6pm.

(3) Any noise produced by the car wash’s vacuum producers shall not exceed 55dB(a) at the nearest residential property line. The applicant will work with staff during final site plan review to find solutions that will ensure that this decibel limit will be complied with. Solutions may include, but are not limited to, construction of a small wall or physical barrier to reflect noise back on site, larger shrubs (at planting), relocation of the vacuum producers to an enclosure within the site, reduction in the number of vacuums, and/or installation of low noise vacuums.

(4) Vehicular headlights from cars using the car wash shall not spillover into residential units. The applicant will work with staff during final site plan review to find solutions that will ensure that this condition will be complied with. Solutions may include, but are not limited to, large

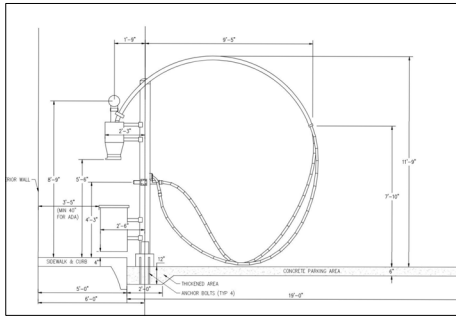
evergreen shrubs or plantings, or physical barriers, such as a masonry wall or a fence installed at a height of 36” to 42”.

(5) All outdoor lighting will be full cutoff luminaires.

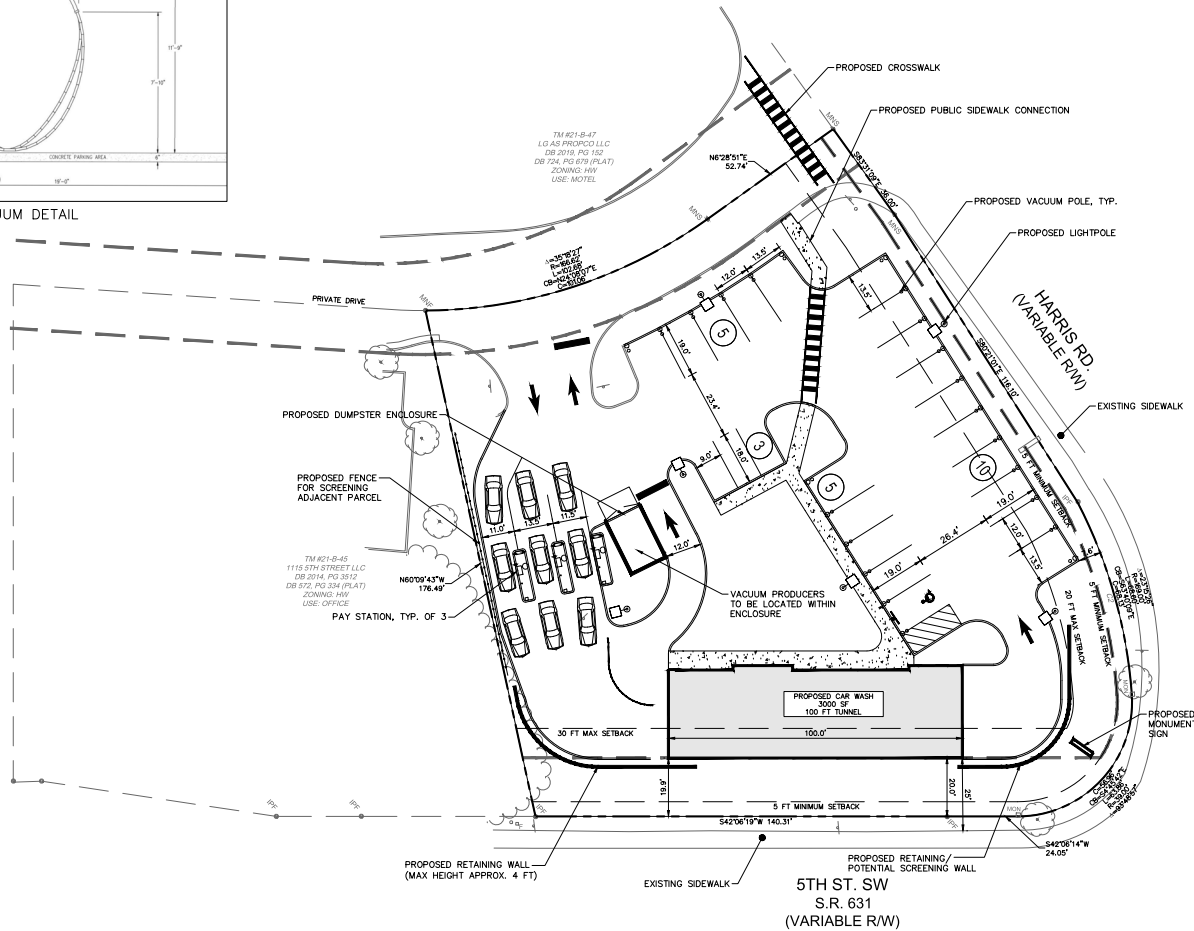
(6) The landowner will provide additional traffic markings on Harris Road at the direction of the City’s Traffic Engineer.

**GREENCLEAN
AUTO WASH
5TH STREET**

TAX MAP: #21-B-44
 ZONING: HW
 SITE AREA: 0.901 ACRES (39,247 SF)
 CURRENT USE: BANK
 PROPOSED USE: CARWASH
 BUILDING LENGTH: 100 FT
 BUILDING AREA: 3000 SF
 VACUUM SPACES: 20
 EMPLOYEE PARKING SPACES: 3
 STACKING REQUIRED: 240 FT
 STACKING PROVIDED: 300 FT+



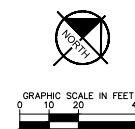
TYPICAL VACUUM DETAIL



LIGHTING NOTE:
 ALL LIGHTING SHALL BE IN CONFORMANCE WITH THE
 REGULATIONS SET FORTH IN SECTIONS 34-1000, ET SEQ.





LAYOUT PLAN

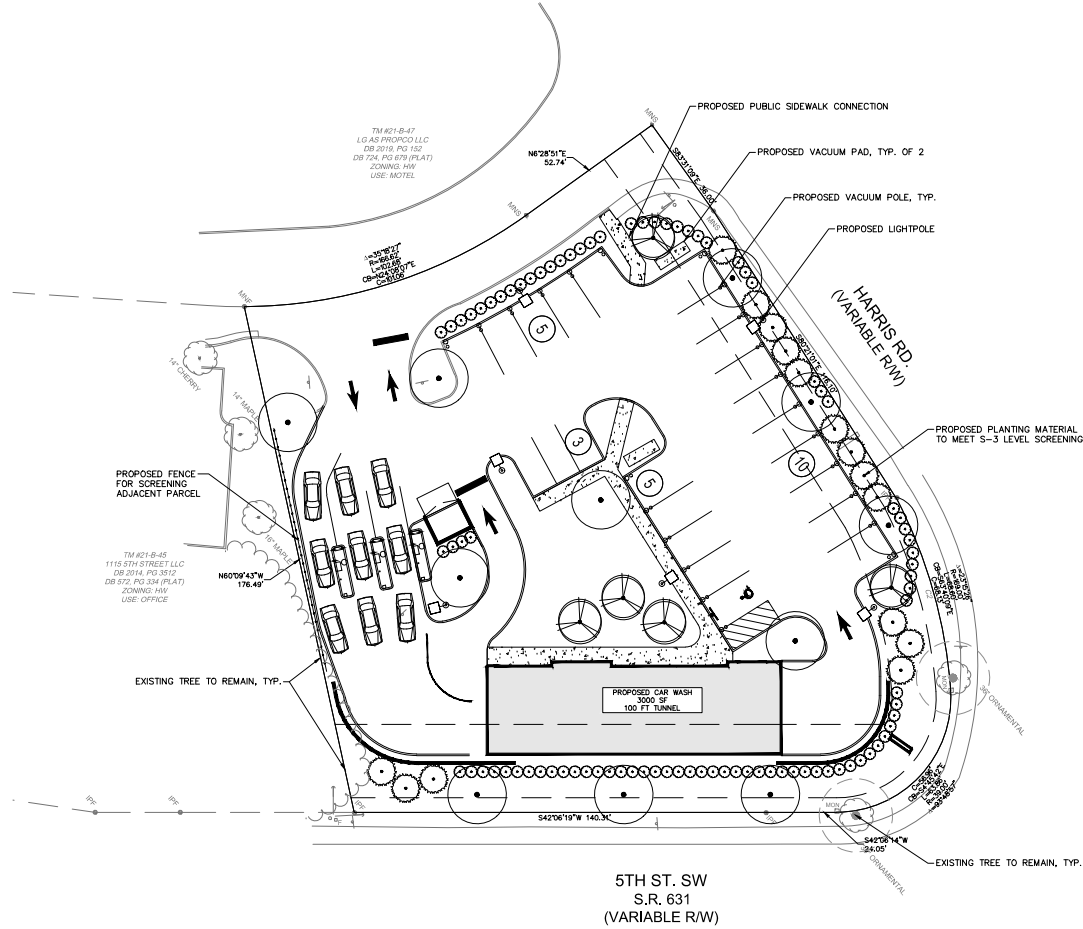
DATE: 10.10.22



Kimley»Horn

CONCEPT PLANT SCHEDULE

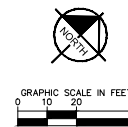
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|  | LARGE DECIDUOUS TREES 250 SF CANOPY/EA | 11 | |
| | Acer rubrum 'October Glory' TM / October Glory Maple | | B & B, 2.5' Cal |
| | Liquidambar styraciflua / Fruticose Sweet Gum | | B & B, 2.5' Cal |
| | Platanus x acerifolia 'Boothooood' / London Plane Tree | | B & B, 2.5' Cal |
| | Quercus phellos 'Hightower' / Willow Oak | | B & B, 2.5' Cal |
|  | ORNAMENTAL TREES | 5 | |
| | Cercis canadensis 'Hearts of Gold' / Hearts of Gold Redbud | | B & B, 8' HT. MIN |
| | Cornus x 'Rutican' TM / Constellation Flowering Dogwood | | B & B, 8' HT. MIN |
| | Prunus x yedoensis 'Yoshino' Cherry | | B & B, 8' HT. MIN |
|  | EVERGREEN TREES | 15 | |
| | Ilex opaca 'Jersey Knight' / Jersey Knight American Holly | | B & B, 8' HT. MIN |
| | Ilex x 'Nellie R. Stevens' / Nellie R. Stevens Holly | | B & B, 8' HT. MIN |
|  | SHRUBS | 87 | |
| | Azalea x 'Rose Creek' / Rose Creek Azalea | | Cont., 36" HT. MIN. |
| | Ilex cornuta 'Burfordii Nana' / Dwarf Burford Holly | | Cont., 36" HT. MIN. |
| | Ilex glabra 'Shamrock' / Shamrock Inkberry Holly | | Cont., 36" HT. MIN. |



GREENCLEAN
AUTO WASH
5TH STREET

LANDSCAPE PLAN

DATE: 8.16.22



Kimley»Horn