



**Human Rights Commission
Meeting Minutes
Housing Committee
March 17, 2021
Virtual/Electronic Meeting
4:00 pm**

Link to rebroadcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

1. WELCOME

- a. Shantell Bingham called the meeting to order at 4:02pm.
- b. ROLL CALL
 - i. Shantell Bingham
 - ii. Mary Bauer
 - iii. Tobiah Mundt
- c. SELECTION OF SUB COMMITTEE CHAIR
 - i. Group agrees that Shantell and Tobiah will co-Chair the Committee.
- d. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MATTERS BY THE PUBLIC

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

3. WORK SESSION - Follow- up with issues identified at HRC retreat

- a. Strengthen our city's capacity to support issues of housing by developing pipelines for legal representation during eviction cases & Support tenants by advocating for a policy that all those in eviction proceedings would be entitled to counsel.
 - i. Emma Geohler and Elizabeth Stark from Charlottesville Democratic Socialists of America (DSA) present data regarding recent evictions in Charlottesville.
 1. Emma offers to share the presentation and re-present at the HRC regular meeting on 03-18-2021.
 - a. Presentation included as attachment to minutes.
 - ii. Legal Aid Justice Center (LAJC) also collecting historical data.
 1. Use data to determine number of lawyers required to meet need for representation in eviction cases.
 - a. Pandemic data may not be a good predictor.
 2. LAJC data showed 700 evictions in the previous year.
 - iii. DSA has not engaged at the policy level.
 1. Volunteers feel that affecting change at the policy level is outside their realm of knowledge.
 2. DSA has been following Jake Gold and Sally Hudson's work at the policy level.

3. DSA would support universal legal counsel for eviction cases.
- iv. National data shows that prevailing in eviction cases goes up significantly with legal representation.
- v. Sally Hudson has proposed legislation that increases the penalties for illegal eviction.
 1. But without legal representation, tenants are left on their own to file the paperwork to prevail against landlords, even when landlord behavior is clearly harmful.
 2. Tenants in eviction cases are often focused on survival rather than self-advocacy in court.
- vi. Status of discussion at City Council about provision of legal counsel for eviction cases.
 1. Has been proposed by LAJC, but status not clear.
- vii. DSA's process of tracking eviction cases with volunteers:
 1. DSA pulls list of eviction cases from General District Court.
 2. DSA attends court hearings and takes notes.
 3. DSA has spoken with Virginia Poverty Law Center (VPLC).
 - a. Some interest in working with Richmond Eviction Lab to develop a more robust court observation system.
 4. Only public information after a court date is typically just the outcome.
 - a. No data as to legal representation.
 - b. DSA uses an observation checklist to capture data that is not collected and shared publicly.
- viii. Part of crafting an effective policy must include an efficient system of connecting tenants to attorneys.
 1. Need to consider what organization or office can hold that responsibility.
- ix. Public data about court dates does not include phone numbers for tenants being evicted, but it does provide the tenant's address.
 1. DSA volunteers will visit tenants ahead of court dates.
 2. Often, tenants are not aware they are being evicted.
 - a. Points to a failure in the noticing system.
 - b. Notices are sent by mail.
 - c. DSA volunteers find that tenants learn of the eviction from the volunteers.
 3. Tenants to who do receive the notice often self-evict ahead of the court date.
 - a. DSA often finds empty units when they do outreach.
 4. It can therefore be hard to find people who are being evicted.
- x. If a legal representation program goes into effect, it will be important to develop a system to make sure tenants are aware of the opportunity.
 1. Richmond has an eviction diversion pilot program.
 - a. Information about the program goes out with the eviction notice from the court.
 - b. Does require that the service system is functioning effectively.
- xi. Mary notes that, when she worked at LAJC, many tenants first learned of the eviction when the Sheriff came to inform them that they would

- have to leave in 3 days.
- xii. Current requirement for landlord notice to tenant:
 - 1. Prior to physical eviction:
 - a. Tenant must be legally served.
 - i. Private citizen or Sheriff can do this.
 - b. Typically the eviction notice is posted on the door.
 - 2. Prior to the court case:
 - a. Pay or quit notice from landlord to tenant.
 - i. During pandemic: 14 days.
 - ii. Prior to pandemic: 5 days.
 - b. Once landlord delivers pay or quit can go to court.
 - i. Court then serves notice of the first court hearing (notice of unlawful detainer).
 - 3. While sometimes the first step is skipped, the judge will frequently allow the case to move forward if there is no lawyer present.
 - xiii. Pilot programs in other localities.
 - 1. Small-scale test of the infrastructure over a set period of time might be a good test.
 - 2. Other cities have developed these programs.
 - 3. May be some Dillon Rule issues with mandating that tenants have a right to counsel.
 - a. But there should be no issue of the City actually just providing access to counsel.
 - 4. There may be some people that may choose not to seek legal representation, i.e. they may already be planning to move out.
 - xiv. DSA provides some coaching to tenants on their rights ahead of court hearings.
 - 1. DSA volunteers have observed tenants that felt confident outside the courtroom then get intimidated in the court room and fail to self-advocate.
 - 2. DSA volunteers cannot accompany them in front of the judge because they are not lawyers.
 - a. Only lawyers can provide advice to the tenant during the hearing or speak on the tenant's behalf.
 - xv. Even tenants who want to leave may benefit from legal representation.
 - 1. The attorney can help negotiate the departure and ensure that the tenant does not have an eviction on their record.
 - xvi. Additional research opportunities.
 - 1. DSA will continue to do observations and collect data.
 - a. DSA may benefit from additional support from the HRC.
 - b. DSA can consider what level of involvement it would like to have with the HRC on policy recommendations.
 - 2. Richmond Eviction Lab.
 - a. Dr. Kathryn Howell is contact.
 - b. They may also have data to share.
 - xvii. Next steps for DSA
 - 1. Possible presentation of data to City Council.
 - 2. DSA housing committee meets monthly

- a. Next meeting Tuesday, March 23, 7:00pm
 - b. Emma and Elizabeth will discuss next steps with larger committee
 - 3. DSA volunteer will present information at the HRC regular meeting on March 18.
- b. Reaching out to potential partners when thinking about legal counsel initiative.
 - i. Charlottesville Low Income Housing Coalition (CLIHC).
 - 1. Organizing and policy development.
 - 2. No set recurring meeting time but meet monthly.
 - 3. Shantell will be liaison.
 - ii. Piedmont Housing Alliance (PHA)
 - 1. Michael Monaco is contact.
 - 2. Already providing tenants with legal counsel.
 - 3. Tobiah will be liaison.
 - iii. Office of Delegate Sally Hudson
 - 1. Jake Gold is contact.
 - 2. Has some data that he has shared with LAJC.
 - 3. Shantell has spoken with him and seen some state data.
 - 4. Mary will be liaison.
 - iv. RVA Eviction Lab
 - 1. Dr. Howell is contact.
 - 2. Barbara Brown-Wilson made initial connection
 - 3. Shantell has reviewed website.
 - a. Eviction map.
 - b. Policy review work.
 - 4. Also working with UVA Equity Atlas and UVA Equity Center.
 - 5. Todd will be liaison.
 - v. UVA Equity Center
 - 1. Todd will be liaison.
 - vi. DSA
 - 1. Tobiah will be liaison.
 - vii. LAJC
 - 1. Mary will be liaison.
- c. Research
 - i. Program design for referring tenants to legal counsel.
 - 1. Tobiah will ask PHA about their program.
 - ii. Looking into how many hours are required per eviction case
 - 1. Mary will ask LAJC and CVLAS.
 - iii. Department of Human Services.
 - 1. Todd will contact Kaki Dimock about what role DHS can play.
- d. Other potential partners.
 - i. Thomas Jefferson Coalition for the Homeless.
 - ii. The Haven.
 - iii. Other localities with similar population size and similar right to Counsel programs.
 - 1. Boulder, CO has a program.
 - 2. Mary knows someone at the national level.
- e. Timeframe
 - i. Move with sense of urgency.

- ii. Raise with Counsel and potentially propose a presentation the following month.
- iii. City Council currently reviewing the budget.
- iv. Follow up with potential partners before next housing committee meeting.
- v. Next proposed housing committee meeting
 - 1. Initially planned for April 7, 4:00pm
 - a. Later rescheduled for March 31, 6:00pm
 - 2. Could invite potential partners to the meeting.

4. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

i. Janice Redinger

- 1. City Council is in the process of reviewing the budget now.
- 2. The issue of a right to a lawyer has come up several times.
- 3. There is a Council work session tonight at 6pm.
- 4. Council will hold one last public meeting on April 5th.
- 5. The budget will pass soon after.
- 6. Recommends reaching out to Council soon if funding is needed.
- 7. Council may not codify a right to counsel but may make funds available to LAJC, CVLAS, or HRC for lawyers.
- 8. Questions for DSA
 - a. How many cases are City vs. County?
 - b. How many eviction cases are public housing vs. private landlords?
- 9. Can help if DSA needs assistance facilitating access to courtrooms to ensure volunteers have a designated spot in the courtroom.

ii. Nancy Carpenter

- 1. Administers the Homelessness Prevention program for The Haven.
- 2. Has data from the last fiscal year regarding evictions.
- 3. Can send to Todd.

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

i. Commission response to Janice Redinger.

- 1. DSA numbers were almost all City.
- 2. DSA numbers did not indicate which were public housing vs. private.
- 3. Mary will attempt to attend the Council budget work session tonight.
- 4. HRC can organize Commissioners speaking on April 5.
 - a. Having the message come from the HRC might be more powerful rather than coming from the non-profit sector.

5. Housing Committee will reschedule its next meeting for an earlier date.
- ii. Commission response to Nancy Carpenter.
 1. Commissioners agree that Nancy should send the data to Todd.

5. NEXT STEPS

- a. Next housing committee meeting scheduled for March 31, at 6:00 pm.
- b. Shantell will reach out to CLIHC.
- c. Tobiah will reach out to PHA.
- d. Mary will reach out to Jake Gold.
- e. Todd will reach out to RVA Eviction Lab.
- f. Todd will reach out to the UVA Equity Center.
- g. Tobiah will reach out to DSA.
- h. Mary will reach out to LAJC.
- i. Todd will reach out the Charlottesville Department of Human Services.

6. ADJOURN

- a. Meeting adjourned at 5:29 pm.