



**Human Rights Commission
Regular Meeting
April 15, 2021
Virtual/Electronic Meeting
6:30 pm**

Agenda Packet Attachments

1. Agenda
2. 03-18-2021 HRC Regular Meeting Minutes
3. April OHR Staff Report

Attachment 1



**Human Rights Commission
AGENDA
Regular Meeting
April 15, 2021
Virtual/Electronic Meeting
6:30 pm**

Please take Notice that this virtual meeting of the Human Rights Commission is for the purposes of planning, developing and drafting management and administration documents for the Human Rights Commission. For the purpose of addressing issues during the quarantine, this virtual meeting will be a limited public forum to discuss the agenda items designated under Section 5 below and to ensure the continuity of services provided by the Commission. The Commission Chair may limit public comments or discussion points that are unrelated to agenda items under Section 5 or that pertain to topics outside the scope of this Agenda. Members of the public are limited to three minutes of comment time per person related to the Agenda below. A maximum of sixteen public comment time slots are allotted per meeting. This will be a virtual/electronic meeting open to the public and registration information is available at www.charlottesville.gov/zoom.

Link to Human Rights Commission shared Box folder: <https://app.box.com/s/xty3wonn2s1tj8h7trkknvd79bipyxezy>

1. WELCOME

- a. CALL TO ORDER
- b. ROLL CALL
- c. 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 (Webinar attendees use the "raise hand" function, phone attendees use *9)
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

3. MINUTES

- a. 03-18-2021 HRC Regular Meeting*

4. BUSINESS MATTERS

- a. CHAIR UPDATE
- b. OHR STAFF REPORT

5. WORK SESSION

- a. AD-HOC COMMITTEE UPDATES
 - i. Accessibility Committee
 - ii. Housing Committee

6. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT (Webinar attendees use the "raise hand" function, phone attendees use *9)
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

7. COMMISSIONER UPDATES

8. NEXT STEPS & ADJOURN

* ACTION NEEDED

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (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.

Attachment 2



**Human Rights Commission
Meeting Minutes
Regular Meeting
March 18, 2021
Virtual/Electronic Meeting
6:30 pm**

Link to rebroadcast: <https://boxcast.tv/channel/vabajtzezyv3iclkx1a>

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Mary Bauer, called the meeting to order at 6:28 pm
- b. Moment of silence for victims of killings in Atlanta, GA
- c. ROLL CALL
 - i. Mary Bauer
 - ii. Kathryn Laughon
 - iii. Jeanette Abi-Nader
 - iv. Shantell Bingham
 - v. Ernest Chambers
 - vi. Jessica Harris
 - vii. Wolfgang Keppley
 - viii. Sue Lewis
 - ix. Tobiah Mundt
 - x. Andrew Orban
 - xi. Lyndelee Von Schill
- 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. MINUTES

- a. Review of minutes from 01-21-2021 HRC Regular Meeting
 - i. Motion to approve as written
 1. Lyndelee
 - ii. Vote
 1. None opposed.
 2. One abstention.
- b. Review of Minutes from 02-27-2021 HRC Annual Retreat
 - i. Motion to approve as written
 1. Wolfgang
 - ii. Vote
 1. None opposed.

4. BUSINESS MATTERS

a. OHR Manager/HRC Director Hiring

i. Update

1. Position posted.
2. HRC recommendations not incorporated into position description.
3. Still advertised as "Office of Human Rights Manager"
 - a. Affects compensation
 - b. May impact authority of position
4. Current OHR staff has no intention of applying for the position
5. Current compensation package is \$73K - \$81K
 - a. City Attorney advertised as \$150k - \$176K
 - b. CPRB Executive Director advertised \$89K - \$137K

ii. Discussion

1. Commissioner asks if position description can be changed.
2. Commissioner asks if input on compensation is typically accepted from commissioners
3. Commissioner suggests requesting that the position be withdraw and amended
4. Council added additional requirements and experience in the Ordinance, and the stated salary does not reflect those requirements
5. This position could also supervise more people than the Director of the CPRB
6. OHR staff has contacted the City Manager to inform that the HRC recommendations had not been incorporated and that the HRC would likely wish to provide input
7. Commissioner suggests a written objection to the position, as currently listed, especially in light of the changes in the Ordinance
8. Commissioner asks who wrote the current position description and is responsible for posting
 - a. Not clear if initiated by HR Director or City Manager
9. Chair suggests requesting a meeting with the HR Director or City Manager to discuss the position
10. Commissioner notes that HRC advocated for a Director vs. Manager and assumes the pay rate differs
11. Commissioner notes that the OHR has been historically understaffed and that undervaluing the Director position does not point to a true commitment to human rights by the City
12. Commissioner suggests writing a letter to the City Manager encouraging him to elevate the position to the level it should have been initially
13. Chair notes that the difference between the PCRB Director and the OHR Manager compensation top range is over \$55K and that this merits and explanation for the basis of the difference
14. Commissioner offers to check with the VAHR about the salary ranges of the Directors of other HRCs
15. Commissioner suggests a follow-up phone call with the City Manager in addition to writing a letter

16. General agreement that the position should be listed as a Director and on the need for an explanation as to why the HRC's recommendations were not considered
 17. Seeing the City's organizational chart might be helpful for determining the position's place in the City
- iii. Proposed actions
 1. OHR staff will request an updated City organizational chart
 2. Chair will work with OHR staff to reach out to City Manager in writing and to request a meeting regarding the OHR Director position
 - a. If this is not successful, Chair can bring to City Council
- b. OHR STAFF REPORT
- i. No service data included in report this month
 - ii. Investigation updates
 1. Case 2019-1
 - a. Complainant is seeking legal counsel for advice regarding whether to accept the Respondent's conciliation offer
 2. Case 2020-2
 - a. Respondent is exempt from source of funds requirements under state law
 - b. Inquiring whether mediation services can be used despite the complaint being non-jurisdictional
 - iii. Outreach
 1. VA Real Estate Board Source of Funds guidance document
 - a. OHR submitted comments in support of the guidance
 - b. Many other advocacy organizations also supported
 - c. Guidance will have a significant impact on local enforcement
- c. CHAIR UPDATE
- i. Attended Council meeting after the HRC retreat
 1. Expressed concerns about the Ordinance during public comment
 - ii. Attended Council budget work session on 3/17/21
 1. Expressed interest in funding for a program that ensures all tenants in eviction proceedings have a lawyer
- d. COMMISSIONER DISCUSSION
- i. Commissioner asks about the next steps regarding the Ordinance
 1. Chair notes that HRC needs to evaluate where to put its focus: the ordinance, the OHR Director, or lawyers for tenants
 - ii. Commissioner notes that all other work depends on having a Director
 - iii. Commissioner suggests bringing up both the Ordinance and the hiring
 - iv. Commissioner suggests that all issues need to be worked on simultaneously
 - v. Ordinance revisions could take place when next set of amendments are presented
 - vi. Commissioner notes that the HRC also considered requesting that Council revert to the originally proposed ordinance amendments

- vii. The Ordinance affects the OHR Director position because Council added additional requirements for the Director
- viii. OHR staff notes that a new version of the Ordinance with the amendments for FHAP consideration could take time, so the HRC could consider whether removing Council's additional amendments are an immediate concern
- ix. Chair notes that, aside from the new requirements for the Director, most of the amendments added by Council will not go into effect immediately, so there should be time to submit changes along with the FHAP language
- x. Commissioner agrees that the changes do not seem urgent and it seems unlikely that Council will take action to remove the additional amendments
- xi. General consensus that submitting the changes along with the FHAP amendments is the best plan of action

5. WORK SESSION

a. AD-HOC COMMITTEE UPDATES

i. Housing Committee

1. Committee met on 03-17-2021
2. Committee co-chaired by Shantell and Tobiah
3. Discussed legal representation for tenants facing eviction
4. Elizabeth Stark and Emma Goehler from the Democratic Socialists of America (DSA) attended and presented findings from court watching between July 14, 2020 and March 9, 2021
5. Committee discussed the needed infrastructure to inform people of the opportunity for legal representation, should a program be available to provide lawyers to tenants facing eviction
6. Committee also discussed collaboration with other organizations
7. Emma Goehler shares the presentation on the DSA findings to the full HRC
 - a. Commissioner notes that the lack of publicly available data on evictions and legal representation is a human rights concern at the state level
 - b. Chair notes that Alabama and Mississippi have statewide searchable court databases
 - c. Emma notes that the VA data that is available has to be accessed case by case then compiled, and the RVA Eviction Lab is doing some of this work.
 - d. Emma notes specific things are not available in court records and can only be found through court observation
 - i. Length of hearings
 - ii. Race and gender of tenants
 - iii. Language access
8. Commissioner notes the Councilor Snook commented in a recent Council meeting that there were only 34 evictions
 - a. Chair notes the Councilor Snook also brought this up in the budget meeting, and he was referring to the number

- of eviction trials
 - b. Chair notes that there are hundreds of people never make it to a trial because the eviction judgement is issued earlier
9. Emma notes that while VA has a moratorium on evictions for non-payment, landlords present eviction cases on other pre-texts even though the underlying reason is non-payment
 10. Commission suggests that OHR brochure could potentially provide information on evictions
 - a. Chair notes that LAJC and others have produced tenants' rights materials
 - b. Chair notes that, even with DSA volunteers were able to meet with tenants in advance of hearings to prepare them, tenants still faired poorly without an attorney
 11. Emma confirms that tenants get nervous and intimidated by the courtroom
 - a. Tenants can get confused about small details that make a big difference in the courtroom when they do not have a lawyer
 12. Commissioner notes that it will be important to create a pipeline to connect tenants to legal resources if a program is in place
 13. Council is currently considering a line item in the budget for legal representation for tenants
 14. The last opportunity for public comment on the City budget is April 5
 15. Chair notes that Council has \$117K has been proposed for this service
 - a. Once Councilor suggested that this was too much money because there were only a handful of eviction trials
 - b. The HRC could bring the data to Council to show that the greater need is at the start of the eviction hearing
 - c. Another advantage of legal advocacy at the start of the hearing is negotiating with the landlord so that the eviction is not on the tenant's record
 16. Commissioner asks about the pieces needed to make this work, i.e. available attorneys, funding
 - a. Council discussed whether the attorney should be a City employee, but this was rejected
 - b. Council discussed funding an outside agency like LAJC or CVLAS
 17. Chair notes that a member of the public also brought up public housing evictions, as CRHA has legal representation in all eviction cases and the loss of public housing can have a major impact on tenants
 18. Chair notes that LAJC data from 2019 shows about 700 eviction cases in Charlottesville
 19. Commissioner suggests presenting local eviction data to Council along with national data supporting legal representation

for tenants

20. Commissioner asks if there are organizations the HRC can partner with in the short term to provide information to tenants on their legal rights
 - a. DSA volunteers have been doing significant outreach to tenants to provide information about tenant rights
 - b. DSA pulls the eviction docket weekly and does individual outreach to people facing evictions before their hearings
 - c. Many people leave or self-evict prior to a week ahead of the hearing
 - d. DSA will meet next week to discuss how they can support the work that the HRC is doing around legal representation
 21. Commissioner suggests that the City could pilot a legal representation program given the demonstrated need
 22. Discussion of funding availability
 - a. \$117K was suggested by Council as a placeholder
 - b. Not clear how this number was derived
 - c. Not clear where this line item is located in the budget
 23. Potential next steps
 - a. Provide data to Council to support the creation of a legal representation program that is funded at the right level to meet the need
 - b. Gather data regarding the number of hours per case an attorney might spend on an eviction case
 - c. Provide a letter of support to Council for the program
 - d. Frame the support as a matter of racial justice
 24. Motion
 - a. To support the housing committee's efforts to advocate for legal representation for eviction cases through action of the HRC Chair, as the housing committee deems necessary.
 - i. Jeanette
 - b. Second
 - i. Jessica
 - c. Discussion
 - i. Commissioner notes that this
 - d. Vote
 - i. In favor/can live with: 10
 - ii. Opposed: 0
 25. OHR staff raises the idea of legal representation for people who file complaints with the OHR
 - a. May not be part of the ask regarding legal representation for evictions
 - b. May need further discussion prior to presentation to Council
- ii. Accessibility Committee
 1. Met two weeks ago and laid out priorities

- a. Finish the disability visibility project
 - b. Build relationship with ADA Coordinator
 - i. Setting up a
 - c. Reduce barriers for residents to communicate with the City
 - i. Remote
 - ii. In-person
 - iii. ASL or language interpretation
 - iv. Adding captions to Zoom meetings
 - d. Advocate for improvements in transportation
 - i. Walkways
 - ii. Public transit
 - e. General review of policies that impact accessibility
 - f. Encourage people to contact the HRC with concerns around accessibility
2. No asks of the HRC from the committee
 3. OHR staff notes that a public housing resident mentioned a concern about the Crescent Hall CAT bus stop moving during redevelopment
 - a. As presented by the resident, the bus stop would relocate from in front of the building to a less accessible location
 - b. The current understanding is that the bus stop would not return to the original location in front of Crescent Hall after redevelopment
 - c. The resident noted that this was a decision made by the CAT Director
 - d. Accessibility committee will discuss this with ADA Coordinator

6. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
 - i. Ann Smith
 1. Expressed concern that a single person was able to influence major changes to the Ordinance without working with the HRC
 2. Regarding the CAT stop at Crescent Hall, Ann notes that there is a CAT stop on 2nd Street, but that it would be inconvenient for Crescent Hall residents
 - a. Encourages HRC to pursue this issue
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. HRC will follow up on CAT concerns
 - ii. Food Justice Network is also addressing transportation
 1. Will also bring the Crescent Hall concern up with CAT leadership

7. COMMISSIONER UPDATES

- a. VAHR
 - i. Working on bylaws updates and meeting process

8. NEXT STEPS

- a. OHR staff will request an updated City organizational chart
- b. Chair will work with OHR staff to reach out to City Manager in writing and to

request a meeting regarding the OHR Director position

i. If this is not successful, Chair can bring to City Council

c. Chair will take action to advocate for legal representation in eviction cases, as deemed appropriate by the housing committee

d. Housing Committee will meet again on March 31 at 6:00 pm

9. ADJOURN

a. Meeting adjourned at 8:14 pm

Pending HRC Approval

Attachment 3

Office of Human Rights
Todd Niemeier Monthly Staff Report
April 2021

Service Provision:

- Data currently entered through 12/31/2020
- 2020 Annual Report in progress
- 2020 Departmental Scorecard update in progress
- Amendments to Charlottesville Human Rights Ordinance for FHAP substantial equivalence in progress
- New contract established with Resolute Mediation & Arbitration, Inc. for mediation services

Active Investigations:

- Case 2019-1
 - Public accommodation discrimination on the basis of race
 - Determination of probable cause served on 11/12/2020 by Acting City Manager John Blair
 - Complainant seeks facilitated settlement through mediator
 - Awaiting Respondent reply to request for mediated settlement
- Case 2020-2
 - Housing discrimination on the basis of race
 - Investigation in progress

Active Fact-finding Inquiries:

- Case 2021-1
 - Employment discrimination on the basis of race
 - OHR staff attempting to contact Respondent following notice of fact-finding inquiry

Outreach:

- Service Provision
 - Revision of OHR brochure in progress
 - Plan underway for expanded outreach in partnership with other organizations
- Education & Awareness
 - No new activities
- Facilitation & Leadership
 - Outdoor Equity
 - OHR staff facilitating breakout group from recent mobility summit to address equity issues related to use of outdoor spaces and trails in urban areas
 - Public Housing Association of Residents – Residents for Respectful Research (RRR)
 - MOUs with UVA in final steps
 - Hiring process begun for RRR Coordinator
 - RRR Advisory Board continues work on developing “community accessible” CITI training modules
 - Affordable Housing
 - Code for Charlottesville is vetting affordable housing navigation software with housing navigators
 - Piedmont Housing Alliance in process of applying for a grant to fund a Financial Opportunity Center/Housing Hub/Legal Resource Center
 - OHR staff invited to present information regarding the housing hub software during a meeting with the potential funder on 4/22/21
 - Welcoming Greater Charlottesville (WGC)
 - Idea proposed for dialogue on race and ethnicity using “One Small Step” model
 - Awaiting response from potential partners