



**Human Rights Commission  
Meeting Minutes  
Regular Meeting  
September 16, 2021  
Virtual/Electronic Meeting  
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
  - i. Chair, Mary Bauer, called the meeting to order at 6:28 pm
- b. ROLL CALL
  - i. Mary Bauer
  - ii. Kathryn Laughon
  - iii. Jeanette Abi-Nader
  - iv. Jessica Harris
  - v. Wolfgang Keppley
  - vi. Sue Lewis
  - vii. Lyndele Von Schill
  - viii. Ernest Chambers (arrived later)
- 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
  - i. None
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
  - i. None

**3. MINUTES**

- a. Review of minutes from 08/19/21
  - i. Bullet point 4.a.iii.3.a.i: there is a typo; "Civil Right to Council" should be "Civil Right to Counsel"
  - ii. Bullet point 4.a.iv: should be about land use proposals, not zoning proposals
  - iii. **Todd will fix these**
  - iv. Vote
    1. In favor: 6
    2. Can live with: 0
    3. Opposed: 0
    4. Abstained: 1

**4. BUSINESS MATTERS (1)**

- a. Closed session
  - i. Chair proposes to move open session to closed session as per section

2.2-3711 and 2.2-3712 of the Virginia Code for the “Discussion, consideration, and/or promotion of a prospective candidate for the position of the Director of the Human Rights Commission as authorized by Virginia Code sec. 2.2-3711 (A) (1).”

1. Motion to approve
    - a. Kathryn Laughon
  2. Second
    - a. Sue Lewis
  3. Vote
    - a. In favor: 7
    - b. Opposed: 0
- ii. Commission moves to a closed session
- iii. Certification of Closed Meeting
1. Motion to approve
    - a. Sue Lewis
  2. Second
    - a. Lyndele Von Schill
  3. Vote
    - a. In favor: 7
    - b. Opposed: 0
- iv. Motion passed

## **5. WORK SESSION (1)**

- a. Land use plan overview and panel discussion with speakers Rory Stolzenberg (Charlottesville Planning Commission), Dan Rosensweig (Habitat for Humanity), and Sunshine Mathon (Piedmont Housing Alliance)
  - i. Rory Stolzenberg
    1. Comprehensive plan
      - a. VA says each locality must update its comprehensive plan every 5 years to serve as an overarching guide for land use, housing, and commercial growth, as well as guide city decisions
      - b. Charlottesville updates its plan to reflect anticipation of city changes and what strategies will be necessary
      - c. Started the planning for this particular comprehensive plan in January 2017
    2. Future land use map
      - a. Not a zoning map; more of a high-level vision to guide the zoning map that will be created later
    3. Public feedback process
      - a. Phase I: kicked off May and June 2017 with community engagement tabling events at meetings, libraries, schools
        - i. Re-evaluation was necessary after the events of August 2017
      - b. Phase II: Planning Commissioners went around to local community events to get feelings about housing, land use, and the city
      - c. Phase III: survey distributed online in 2018 to get as many responses as possible

- i. Also received a housing needs assessment analyzing census data and housing availability from a consultant in 2018
      - ii. After adjusting for students
      - iii. 1,740 households <30% AMI were extremely low income, 810 households were very low income
      - iv. Shortage of affordable housing units with 3,318 and expected to grow
4. Draft of Planning Commission's land use map presented to Council from 2018
  - a. Increase in intensity contemplated across the city with particular focus near parks, schools, UVA housing, commercial corridors
  - b. Decrease in intensity around single-family townhomes, duplexes, triplexes, fourplexes to break cycle of exclusion
5. Op-ed in Cville Tomorrow by Carmelita Wood discusses how housing land use restrictions were driven by Jim Crow era of segregation
  - a. Zoning began as a way to keep noxious industry fumes away from housing, but quickly turned into a way to racially separate housing
  - b. Racial zoning was deemed unconstitutional, so density zoning along class lines (and, therefore, race) began to occur
  - c. Harland Bartholomew was commissioned for the housing plan that excluded non-whites
6. 5-year maps followed this original pattern of development restricted whitest and wealthiest areas of the city to two-family zoning
7. 2018's draft land use map showed Council what a big change the Planning Commission was proposing, to distribute housing across the city (especially in formerly exclusionary areas)
8. Cville Plans Together phase
  - a. Council brought in consultants for the modern Cville Plans Together process in early 2019 to finish Affordable Housing Plan and Comprehensive Plan, as well as rewrite the zoning ordinance
  - b. Details \$10 million per year funding commitment for affordable housing for the next 10 years, subsidies, tenant rights, etc.
9. Future land use map iterations were created over time, which have created much feedback from the community
  - a. There is some talk about Affordable Housing Plan requiring some percentage of affordable housing as part of the zoning ordinance
10. In regard to homelessness, single-occupancy housing and more expensive homes have contributed to the current situation; the

Crossings project was just enabled a few years ago, but it is still restricted and not really covered in this project

11. Go to [cvilleplanstogether.com](http://cvilleplanstogether.com) to look at all documents

ii. Dan Rosensweig

1. The current zoning map is the law, unlike the future land use map
2. Comprehensive Plan wanted multiple things at once, but not often worked through
  - a. Idea of neighborhood preservation vs an equitable Charlottesville
3. Zoning was intentionally exclusive; many lots designated R1 in Charlottesville were restricted to only whites, backed by federal policy
  - a. FAJ started guaranteeing loans to developers of larger subdivisions; financing was exclusively for whites
4. Harland Bartholomew came through and decided which neighborhoods were worth preserving and which were not
  - a. The ones torn down were Black neighborhoods where the city did not extend public amenities like water and sewer
5. The city took away wealth and ownership from the Black communities in Charlottesville and replaced their neighborhoods with public housing
  - a. At the time was decent housing, but not decent enough to last
  - b. Harland Bartholomew's intentionally racist map is the same as the current zoning map; Charlottesville zoning still features racism and inequity
6. Habitat for Humanity was invigorated by consultants' work in bettering the housing plan, but also witnessed the beginning of a "civil war" in Charlottesville over the future land use map
  - a. Some say there is too much change too fast; others say upping density across the city will just quicken gentrification in largely African-American neighborhoods
  - b. Everyone wants affordable housing; there is just disagreement as to whether the current plan was going to get it
7. Solution piloted in Cambridge, MA: you can please everyone and get greater density if and only if what you build, in addition to base density, is affordable

iii. Sunshine Mathon

1. Comments apply to an older land use map, but are still relevant
2. Charlottesville is not unique in its exclusionary zoning practices—this is the case across the nation, though some cities are beginning to experiment
  - a. Minneapolis was one of the first to experiment by taking R1-equivalent zoning and allowing four units of housing on all
  - b. Portland, OR, Charlotte, and Cambridge did something

similar

- c. Cambridge did “affordable housing overlay” which puts affordable housing into a special category to get additional density and make it more economically viable to build affordable housing on any given lot
  3. Transitioning from Affordable Housing Plan into Comprehensive Plan and Future Land Use Map into rezoning
    - a. A rarity; most cities do not link the three together
  4. Nationwide, there is a common conception that affordable housing is a supply/demand issue, but it is not just that; there are kernels of truth, but it is important to realize that essentially all cities are “behind” in terms of housing
  5. Planning Commission – Future Land Use Map alternative framework document
    - a. First key concept: creating a low-intensity residential land use category
      - i. Consultants call them “sensitive areas/neighborhoods”
    - b. Second key concept: all other residential portions of the city would have a base land use of the currently proposed general residential land use category
      - i. Would shift growth patterns to higher-income areas
    - c. In effect, all residential areas of the city would have a base land use of either low-intensity residential or general residential
    - d. There would be a base level of allowable density across the entire city, and if you want more, affordable housing would have to be a part of it
    - e. Need for gradations of middle-intensity or high-intensity residential allowances in different parts of the city
    - f. Still need to work through the specifics of affordability; this proposal does not yet address these details
      - i. Must strike balance between affordability and impact
    - g. Proposal recognizes that good land use and zoning policies are necessary, but still insufficient in making the city wholly equitable; other interventions like adequate funding, rapid development approval processes, and tenant protections are still necessary
  6. There is no county or city in the nation where a person making minimum wage can afford a two-bedroom apartment market rate
  7. Current land use map proposal highlights low-intensity residential and general residential as the primary land uses
- b. Q&A session
  - i. Chair asks what specific tenant plans Sunshine was referring to
    1. Everything from capitalizing access to lawyers for eviction prevention to potentially rent control (must be enabled by state

- legislature)
2. Other two are that any development with city assistance must push for extra rights not given by the state, as well as just cause eviction (must also have approval from the state)
  3. A couple jurisdictions have growing movements to do the first right of refusal in which tenants have the first right to buy a rental building when it goes up for sale
- ii. Commissioner asks what it means to add a fourplex when adding affordable housing to medium-density corridors
1. The new draft that came out today says that the general residential category (majority of the city) allows for triplexes and fourplexes
  2. New change that should be in the new draft is that when adding to a single home on a site, the first unit would be market rate while the next would be the affordable one; then up to two more would be market rate
    - a. This way, affordability is built in at the front end
  3. Commissioner says that the Commission would probably prefer a fourplex over a triplex for accessibility (FHA/ADA regulations kick in after the fourth unit in a building)
    - a. Cost would bump up after four, but at least two units would be accessible
  4. In the new draft, the second-unit affordability piece applies to sensitive areas, while non-sensitive areas allows for three units, then unspecified affordability bonuses beyond this; there is talk of making it so that the affordability bonus program kicks in after four units to incentivize accessible units
  5. Dan predicts that formerly-exclusionary areas will get single homes turned into three or four units; it will be difficult to get accessibility because few have zero-step energy
    - a. The strongest mechanism for creating accessibility are public funding mechanisms, stronger than the FHA regulations
- iii. Commissioner asks about when developers say they are going to make affordable units, but decide halfway through to pay a fine instead to build whatever they want—does the plan take this loophole away?
1. They can get a certificate of occupancy, meaning they would not be able to complete their project without compliance
  2. Until last year, there was limited authority from the state to require affordable units
- iv. Commissioner confirms that the initial recommendation was to require second-unit affordability housing in both sensitive areas and non-sensitive areas, but the plan that came out today only required it in sensitive areas
1. Encouraged consultants to bring forth some consistency during meetings a few days ago
  2. Commissioner says that HRC could support this through a letter to the Cville Plans Together team
  3. Making every neighborhood more accessible to more families at

- a lower rate than now is the motivation to allowing a few units by right to those
4. Big change in the new draft is that more than four units would be allowed if affordability was included in those
  5. Council recently gave funding to make sure inclusionary zoning works
  6. Idea that market-rate units cross-subsidize affordable units despite high cost of land so that the change actually happens
  7. Level of affordability is important—fair-market rent is about 60% AMI, which is the target to be able to apply housing vouchers; then, subsidies could be layered on top
- v. Commissioner confirms that the current plan prevents developers from paying a fine instead of constructing affordable housing
1. Currently, it is required for all units above a single-family house in sensitive areas and all units larger than a triplex in non-sensitive areas
    - a. Mostly required in medium areas
- vi. OHR staff says HRC provides recommendations to City Council for the annual legislative agenda that then get taken to the General Assembly by the TJPDC; asks about enabling legislation at the state level that would allow municipalities to set rent control, particularly in alignment with HUD payment standards for vouchers; many times, rent is being raise beyond payment standards to exclude those with vouchers; also wonders what the Commission could do to lift enabling legislation recommendations to Council such that some of these protections might be set in place
1. It is worth looking at the Affordable Housing Plan again to see what legislation would be helpful from their perspective
  2. VA Housing Alliance has been impactful in getting change in terms of funding and other measures; there will be some new bills that VA Housing Alliance will support coming up
- vii. Commissioner asks what specific actions HRC could take to ensure that there is a solid plan moving forward
1. Money
  2. Charlottesville has been doing well with redevelopment of some areas, but fallen down in support for affordable homeownership
  3. Affordable Housing Plan explicitly calls for a list of things to be funded; these are necessary for the plan to work
    - a. A few weeks ago, Charlottesville Affordable Housing Coalition submitted an email to City Council highlighting potential projects and their positive impacts over the next three years, but they are not possible without funding
  4. This platform is important and relevant now because the CIP process is underway—city affordable housing money is allocated via the capital improvement program
    - a. There is a lot of federal money out there, but most sources require a local match
    - b. Could receive \$10 million

- c. Not focusing on this will possibly make the project lose billions of dollars in stimulus money
  - c. Follow-up discussion to panel
    - i. Chair asks what steps the Commission should take—there is general support for taking action
    - ii. Commissioner says HRC should support the second-unit model they proposed, as well as the \$10 million from real estate tax by funding writing a letter or going to Council or Planning Commission
    - iii. Commissioner feels that HRC should take special care to be prepared to provide recommendations to City Council about state legislation
    - iv. Commissioner expresses support for pushing Council to go after the stimulus money
    - v. Commissioner would like to see some of materials that Rory, Dan, and Sunshine presented before deciding exactly what to do about the land use plan; feels all HRC can do at the moment is follow up with Council on all of the monies possible
      - 1. Chair is concerned about the public discourse surrounding the future land use map and the neighborhood preservation rhetoric
      - 2. HRC can help frame this discussion in terms of commitment to equity and racial justice
    - vi. Commissioner says HRC has a prime opportunity to disrupt structural racism, so Commissioners can be showing up at meetings, sending in written comments, having discussion about how to represent the Commission, etc.
      - 1. Both City Council and the Planning Commission
    - vii. Chair suggests having a small group come together to form some written comments
      - 1. Housing committee could do this?
      - 2. People who are not just on the Housing committee have expertise in this area
      - 3. Could do it through the Housing committee and make the drafting process available to everyone
    - viii. Final work session on future land use map is next Tuesday, 9/21; there will be some discussion on the chapters, then another meeting on 10/12 during which the Planning Commission will vote on and approve a final draft
      - 1. Will then go to City Council for a first hearing in November; Council will make any amendments it wants to, then approve it in December
    - ix. Ashley suggests drafting via Google Docs to draft comfortably outside of meetings, so long as no more than 2 Commissioners are in the document at one time
    - x. Housing committee would like to meet at 1pm on 10/7
    - xi. Commissioners work on a Google document before the Tuesday Planning Commission meeting; Mary can make comments as Chair without needing to have a vote
      - 1. Chair would like some help formulating what to say exactly, but she can do this

## 6. BUSINESS MATTERS (2)



- a. OHR Staff report
    - i. Report is attached; ask Todd if there are any questions
    - ii. Outreach from 9/21 has been rescheduled to 10/1-- let Todd know if interested
  - b. Chair update
    - i. Will be discussed during Housing committee updates
- 7. WORK SESSION (2)**
- a. Ad-hoc committee updates
    - i. Accessibility (Chair – Wolfgang)
      - 1. Met last week to draft a proposed resolution (attached in agenda)
        - a. Asks for feedback
          - i. No specific feedback
        - b. Committee Chair would like to clarify with Allyson legal requirements
        - c. Committee Chair asks if full Commission is ready to vote
          - i. Vote would be to take resolution to Council as written, with changes subtracting the “above and beyond” legal requirement part (not waiting will get the resolution to Council faster)
        - d. Motion to approve (with legal requirement caveat)
          - i. Vote
            - 1. In favor: 7
            - 2. Opposed: 0
      - 2. There is a new temporary ADA Coordinator
      - 3. Next committee meeting: 10/14 at 6:30pm
    - ii. Community Engagement (Chair – Jessica)
      - 1. No one present at the committee meeting is present at this meeting
      - 2. Next committee meeting: 10/14 at 7pm
    - iii. Housing
      - 1. Mary updates (right to counsel)
        - a. Explored what the city is prepared to do in terms of funding; looks like there will be a contract with LAJC to pay \$300,000 over the course of three years (\$100,000 per year)
          - i. Much lower from what was originally proposed
        - b. Believes Commission should continue to advocate for a more robust plan in the form of a letter and presentation to Council
          - i. Mary is willing to draft something
      - 2. Todd and Mary met with Allyson Davies to request a review of state law to determine whether or not any enabling legislation was needed to pass an ordinance regarding right to counsel
        - a. There has been discussion over whether the city has the authority to adopt an ordinance giving people this right; the Commission can recommend the city adopt the ordinance or that the city have it part of its

- legislative agenda to push the state to allow it the authority to adopt the ordinance
- 3. Not anything new, just follow-up advocacy
- 4. Also talked about working on messaging—getting statements out about increased density and increased support for affordable housing
  - a. Could draft letter to the editor from HRC that squarely talks about housing as a human right to counter other narratives
    - i. Kathryn is willing to take lead on drafting and editing letter; Wolfgang can help
    - ii. *Daily Progress* is not always prompt in publishing letters to the editor; Kathryn and Wolfgang will talk offline about how to go about getting letter published
- iv. Legal Representation
  - 1. Mary and Todd talked to Allyson about what legal representation might look like in regard to complainants vs tenants of eviction proceedings
    - a. Looked at draft resolution and continue thinking about it
  - 2. OHR staff talked to people in Procurement about how it would work as a pilot program
    - a. RFQ (request for quotes) from local attorneys and have them apply as vendors vs a reimbursement program for people who sought service
    - b. There is still work to do; currently waiting on data
  - 3. Next committee meeting: 10/7 at 1:30pm
- v. Legislative Agenda
  - 1. Only Mary was there; decided to explore what recommendations have been made in the past and bring those requests to the full Commission
  - 2. Believes the presentations from this meeting were helpful in framing the Commission's legislative agenda
  - 3. OHR staff says to think about timelines—want to get something to Council to get in recommendations for this year
    - a. There is probably not time to have another meeting to draft and submit recommendations to raise them up to Council
  - 4. General agreement to draft recommendations for other housing concerns like rent control, just-cause evictions, rental registry, etc., as part of legislative agenda
    - a. Mary will work on this and circulate it

## 8. MATTERS BY THE PUBLIC

### a. PUBLIC COMMENT

#### i. Ang Conn

- 1. Asks for a brief overview for new public attendees of what the Commission does
- 2. Says there are big problems in the city with landlords raising rent, discriminating against household size, property

management, etc.

a. Discriminatory practices are even written in policies

3. Housing applications are often discriminatory, making it difficult to find housing with a voucher

ii. Adrienne Dent

1. Asks that Commission clearly endorses the affordable housing overtly and affirm intention to do so

2. Would also like to advocate for consistency in language over Affordable Housing Plan

3. Concerned that two members of the Planning Commission will not be present at the next meeting, so asks if HRC can do whatever they can to ensure the meeting goes well

a. Timing of statements would be very helpful

4. Sam Sanders shared there will be a new Department of Community Solutions for Adrienne—language is intentionally shaped to prioritize increased capacity to address affordable housing crisis (a positive stated intention)

5. Believes op-ed piece and whatever else HRC can do to address the affordable housing crisis is necessary and helpful

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

i. OHR staff gives brief explanation of HRC

1. HRC prioritizes recommendations to City Council regarding systemic concerns in city policy, yearly legislative ideas to be taken to General Assembly, and education and outreach

2. In conjunction with OHR, HRC also acts as an adjudicating body for complaints with probable cause filed through OHR

a. OHR accepts individual complaints of discrimination under Charlottesville's jurisdiction and conducts close investigation

3. City website has an HRC webpage with descriptions of what the Commission does

ii. Chair says the Commission is deeply concerned about the issues the speakers from today raised—housing discrimination is core to HRC's mission, so it is dedicated to doing what it can to address this discrimination

## 9. COMMISSIONER UPDATES

a. Jessica

i. **Wants to have a discussion at the next meeting about the City's treatment of Black officials, particularly Chief Brackney and the Mayor**

1. Ernest agrees

b. Sue

i. Next meeting will be her last meeting as a Commissioner

ii. Not moving to in-person meetings any time in the near future

## 10. NEXT STEPS

a. **General Next Steps**

i. **Work on Google document for comments to present at 9/21 Planning Commission meeting**

ii. **Outreach from 9/21 has been rescheduled to 10/1-- let Todd know if interested**

- iii. Discussion next meeting about treatment of Black officials in Charlottesville
  - b. Mary
    - i. Make comments on Planning Commission document before the 9/21 meeting
    - ii. Begin drafting letter to Council about more funding for right to counsel plan
    - iii. Begin drafting recommendations to Council about other housing concerns like rent control, just-cause evictions, rental registry, etc., as part of legislative agenda
  - c. Kathryn and Wolfgang
    - i. Draft and edit letter to the editor talking about housing as a human right
  - d. Todd
    - i. Correct minutes from 8/19/21
      - 1. Bullet point 4.a.iii.3.a.i: there is a typo; "Civil Right to Council" should be "Civil Right to Counsel"
      - 2. Bullet point 4.a.iv: should be about land use proposals, not zoning proposals
  - e. Committees
    - i. Housing: 10/7 at 1pm
    - ii. Legal Representation: 10/7 at 1:30pm
    - iii. Accessibility: 10/14 at 6:30pm
    - iv. Community Engagement: 10/14 at 7pm

## 11. ADJOURN

- a. Meeting adjourned at 9:22 pm