



**Human Rights Commission  
Meeting Minutes  
Regular Meeting  
November 18, 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 6:32 pm
- b. ROLL CALL
  - i. Mary Bauer
  - ii. Kathryn Laughon
  - iii. Jeanette Abi-Nader
  - iv. Ernest Chambers
  - v. Jessica Harris
  - vi. Andrew Orban
  - vii. Lyndele Von Schill
- 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. Tanesha Hudson
    1. Would like to address the work session regarding public comment
    2. Equates public comment to freedom of speech
    3. Urges Commissioners to listen to the message behind what people are saying rather than disregarding them as personal attacks
    4. Says Black leaders have been treated as if they do not belong, and Commissioners have the responsibility to defend them
      - a. If personal attacks are coming from someone on the Commission, it is the other members' responsibility to address it
    5. Says Commissioners should expect public comment, as they are public figures in the city
      - a. Says she is using her own personal resources to do the work that the Commission should be doing
    6. Urges Commissioners to listen to the message and not the way it is being said
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
  - i. Chair

1. Clarifies that while the Commission requests people to refrain from personal attacks, it would not stop individuals from expressing their opinions

### 3. MINUTES

- a. Commissioner asks if two people were present at a committee meeting, one person would constitute a quorum
  - i. Chair says that upon looking at bylaws, there is no rule for a quorum in a committee
  - ii. Suggests that since committees fluctuate in membership, any votes from individuals present at the appropriate committee meeting are valid
- b. Review of Legal Representation Committee Meeting minutes from 09/02/2021
  - i. 2 individuals at committee meeting; 2 individuals present now
  - ii. Vote
    1. In favor: 2
    2. Opposed: 0
    3. Abstained: 0
- c. Review of Legislative Agenda Committee Meeting minutes from 09/09/2021
  - i. 1 individual at committee meeting; 1 individual present now
  - ii. Vote
    1. In favor: 1
    2. Opposed: 0
    3. Abstained: 0
- d. Review of Regular Meeting minutes from 09/16/2021
  - i. Ernest did participate in the language access plan vote; Todd will ensure this is reflected in the meeting's minutes
  - ii. Vote
    1. In favor: 6
    2. Opposed: 0
    3. Abstained: 1
- e. Review of Housing Committee Meeting minutes from 10/07/2021
  - i. 3 individuals at committee meeting; 3 individuals present now
  - ii. Vote
    1. In favor: 3
    2. Opposed: 0
    3. Abstained: 0
- f. Review of Legal Representation Committee Meeting minutes from 10/07/2021
  - i. 1 individual at committee meeting; 1 individual present now
  - ii. Vote
    1. In favor: 1
    2. Opposed: 0
    3. Abstained: 0
- g. Review of Accessibility Committee Meeting minutes from 10/14/2021
  - i. 3 individuals at committee meeting; 1 individual present now
  - ii. Vote
    1. In favor: 1
    2. Opposed: 0
    3. Abstained: 0
- h. Review of Regular Meeting minutes from 10/21/2021
  - i. Vote

1. In favor: 5
  2. Opposed:
  3. Abstained: 2
- i. Review of Community Engagement Committee Meeting minutes from 11/04/2021
    - i. 4 individuals at committee meeting; 4 individuals present now
    - ii. Todd will change "Committee Engagement Committee" to "Community Engagement Committee"
    - iii. Vote
      1. In favor: 4
      2. Opposed: 0
      3. Abstained: 0

#### 4. BUSINESS MATTERS (1)

- a. Speaker: Anna Mendez on housing discrimination against those with mental health and substance use challenges
  - i. Is the Executive Director of Partner for Mental Health (PMH), which supports community members living with psychiatric disabilities to access clinical care
    1. Housing is the issue this organization spends the most time on
  - ii. Concern 1: There are motels operating within the city limits that are explicitly denying service to people working with PMH on the basis of their disability
    1. PMH staff has called these motels anonymously and been told there is availability, but upon revealing the organization's role as payers, they have been told, "We do not rent to your people"
    2. TJACH and Home to Hope have also experienced this
    3. The process of filing a complaint with OHR can be especially arduous for a person living with a mental illness or addiction
      - a. City Attorney told Anna that because the discrimination did not directly happen to the organization, PMH cannot file a complaint on a client's behalf
      - b. A recent client to whom this situation has happened decided to spend his time and PMH's resources securing housing for himself instead of filing a complaint
        - i. Element of learned hopelessness, as this individual has experienced discrimination many times before
    4. PMH believes this systemic discrimination is occurring to the very people who are least likely able to defend themselves
    5. Talked to Todd about HUD structure that the Commission could be moving toward that could allow the Director of OHR to bring forth a complaint in situations like this
      - a. Asks Commission to prioritize and expedite the process of becoming this entity, because the lack of remedy to this situation is currently causing harm to Charlottesville residents
    6. Commissioner asks if it is possible to serve as an advocate and assist with the complaint process by helping start it then act as the voice for a client
      - a. Anna replies that the organization could help, but the

- client would have to be the driver, which takes a level of executive function that a mental illness or addiction prevents clients from accessing
- b. Also takes resources away from finding them emergency housing
  - c. Commissioner wants to push back against the ruling; asks if a Commissioner could be this advocate spending time helping clients file complaints
    - i. Is interested in pursuing HUD structure in addition to immediate action against the City
  - d. Anna notes that it has taken much time and trust to build rapport with some people they support, so it would be difficult to add more people into the equation
7. Chair says under federal law, the standing principle for the Fair Housing Act discrimination is incredibly broad
- a. Fair housing organizations and testers can bring suit
  - b. Would like to look at the Ordinance with this in mind; says HRC can look at the Ordinance and change it to allow third-party complaints about systemic discrimination
8. Commissioner asks if there is anything Commissioners can do now, as the process can take awhile
- a. Also asks if a power of attorney could file a complaint on behalf of a client
  - b. Anna replies that powers of attorney and/or guardianship are significant invasions of people's civil rights; PMH strongly opposes them except in cases of last resort
  - c. Also, these people need shelter, so if there were a family member willing to be power of attorney, they would more likely have shelter anyway
9. A Commissioner asks in the chat who determines harm—PMH is experiencing harm?
- a. Anna agrees the organization is experiencing harm because its payments are being declined, but the City Attorney does not agree
  - b. Anna is aware that the HUD direction is not a quick fix, but would still like HRC to move in that direction; also, would like if HRC looked at the Ordinance to make necessary changes
10. Chair suggests looking at the Human Rights Ordinance in the Housing committee, then coming back to the full meeting with recommendations for changing it
11. Todd clarifies that this HUD program process is OHR becoming a Fair Housing Assistance Program (FHAP) by making specific amendments (including Director-initiated complaint procedures) to bring the Ordinance into “substantial equivalence to federal fair housing law”
- a. It is close to being done—the next step is reviewing it

with the City Attorney's office, then getting it approved by City Council

12. Commissioner asks what HRC can do right now to provide relief to those in immediate danger
  - a. Anna replies that there are funds available for people who are unsheltered and at imminent risk for hospitalization; PMH is currently accessing these funds
  - b. It would be helpful to loosen the requirements around accessing the funds so that PMH can access funds before someone is unsheltered and at risk
    - i. Funds are accessed through TJACH; Anna does not know who imposed the requirements
  - c. Commissioner asks if someone from the City could talk to TJACH and support negotiating the requirements; HRC does not have much power with TJACH, but it does with the City
    - i. OHR staff asks to clarify what the funds would be used for
    - ii. Anna says that being able to access funds before individuals' symptoms cause them to act out of character would likely increase success with securing motel rooms
  - d. Commissioner notes that money will not help if motels are not letting these individuals in and supports the idea of immediate action, such as a press release
    - i. Anna replies that the having the resources to support individuals before a crisis would go a long way
    - ii. Also suggests a letter written by HRC to hotels in Charlottesville explicitly stating that discrimination on the basis of disability based on disability and payer source is illegal
    - iii. Commissioner says a public letter with some press attention could be very effective
      1. Chair asks if this is an action the Commission would like to take, and Commissioners express general approval
13. Chair suggests a dual track to analyze the Ordinance and publish the public letter
  - a. Anna requests HRC write a letter of commendation to Ashley Shifflett, Property Manager of Affordable Suites in Charlottesville, as she has been extremely helpful in providing housing for PMH's clients
14. Jeanette suggests reaching out to Cville Tomorrow about interviewing Anna, Ashley, and a Commissioner; offers to help coordinate
  - a. Chair would be willing to do Cville Tomorrow interview
15. Chair can work on the letter by Saturday then send it out to the

other Commissioners

16. Summary of next steps
  - a. Draft public letter and seek press attention
  - b. Continue FHAP process
  - c. Review Ordinance and determine whether changes are needed (Housing committee)
- iii. Concern 2: Premier Circle is a great resource created in Charlottesville to provide housing opportunities for unsheltered individuals at greatest risk for morbidity and mortality due to COVID
  1. Is using CDC high-risk list to determine eligibility; individual must be unsheltered and have one of the diagnoses on the CDC list
    - a. Substance use disorder is a condition on the CDC list, encompassing alcohol addiction and recovering illicit substance users
  2. Case law has established these people as people with disabilities to whom the ADA and Fair Housing Act attach
  3. The current Premier Circle procedures exclude this group from eligibility despite their inclusion on the CDC high-risk list
  4. Premier Circle has agreed to meet with PMH after Thanksgiving to discuss the policy
  5. Requests that HRC write a letter to Premier Circle in support of expanding the eligibility criteria to include everyone on the CDC high-risk list and protected by the Fair Housing Act
  6. Premier Circle
    - a. Housing opportunity for individuals falling under 3 criteria: must be unsheltered, must fall under CDC's high-risk list, must be able to manage activities of daily living
    - b. Is in Albemarle County by about a block, but residents of Charlottesville are often referred there, and city funds are used to support its operation
  7. Chair asks if there were a complaint made to OHR and HRC had to adjudicate, if the letter would make HRC a conflict of interest for the adjudication process
    - a. OHR clarifies that OHR would have jurisdiction over a complaint made about Premier Circle because the offices of its parent organization, PACEM, are located in the city
    - b. Also replies that HRC would be possibly evaluating the evidence of the case under the Ordinance for a different protected class; he is unsure how a letter would later affect HRC's role in adjudication
      - i. Anna adds that this applies to the motel letter, as well
    - c. Chair is concerned because the letter names a specific entity, though is unsure if it would actually disqualify HRC from acting as adjudicator; the Ordinance does not say anything about what to do when there is a conflict of

interest

- i. Commissioner asks if there are any broader guidelines the organization is working under that could be addressed in the letter instead of the specific organization
    1. This is only the organization's policy
  8. Commissioners express general support for writing the letter
  9. **Chair will draft letter**
    - a. Will contact Anna to ensure the language is accurate to the situation
  10. Anna clarifies that the issue is not that those with alcohol addictions are barred from Premier Circle, it is that the addiction itself is not singularly qualifying
- b. Review of HRC Rules and Procedures as pertains to a quorum
- i. Current rules require 7 for a quorum regardless of how many people are on the Commission
  - ii. To change this, HRC needs to provide 5 days' notice; Chair recommends making decision now to be able to vote on it next meeting
  - iii. Commissioner asks why the 5 days' notice is necessary
  - iv. Another Commissioner asks what the Commission aiming to change the quorum to
    1. Chair suggests an over 50% vote, but is open to other ideas
    2. There are currently 9 members, and the recent Ordinance change limits it to 9 going forward
  - v. Chair says there are two questions going around—how many Commissioners are needed to vote, and how many Commissioners are needed to hold an official meeting
    1. Commissioner adds in the chat that Martha's Rules state a quorum is established if half or more of voting members are present
  - vi. Commissioner expresses concern that a simple majority would allow motions to be made with a very small group of people (3, if going by Martha's Rules)
    1. Chair reminds that these are publicly-noticed meetings that describe what will be discussed ahead of the meeting
  - vii. Commissioner asks if under the hypothetical 3-to-pass scenario, a Commissioner could ask to further discuss an item if they know they will not be able to attend the vote
    1. Expresses that 3 is fine with her as long as every member would get a chance to see everything voted upon
  - viii. Commissioners express general support for changing a quorum to be a simple majority
  - ix. Vote upon requiring a majority of Commissioners to have a quorum (a majority of a quorum present is already the rule to pass an item)
    1. In favor: 6
    2. Opposed: 1
    3. Change is approved; Commission will write this up in an updated Rules and Procedures to be voted upon during the next meeting to comply with the 5 days' notice requisite

- c. Formation of HRC Officer Nominating Committee
  - i. Requires a committee of at least 3 people
  - ii. Officers serve one-year terms; elections will occur for Chair and Vice-Chair
  - iii. Committee is only to nominate a slate
  - iv. Jeanette, Andy, and Mary volunteer to form the committee
  - v. Will convene this committee before the next regular meeting; it must be public
- d. Chair update
  - i. Formally recognizes Todd as the new Director of OHR
  - ii. Follow-up on letter to City Council regarding retention of people of color
    - 1. Sent letter but has not engaged in any follow-up actions; asks if Commission wants anything else to be done
    - 2. **Did not speak at the recent City Council meeting, but could do so at the next one**
    - 3. It is publicly known that the former Police Chief has filed with OHR; Chair does not plan to speak about this matter publicly
  - iii. Chair, Todd, and other local advocates attended a Midway Manor meeting last week to talk about conditions there
    - 1. Midway Manor is a privately owned but subsidized housing project for the elderly and disabled; there have been significant concerns about the poor conditions residents are provided, including broken elevators
    - 2. Meeting was productive, but Tanesha Hudson raised the general issue of subsidized housing having poor conditions in Charlottesville; asked HRC to address this
    - 3. Chair asks what the Commission can and should do
      - a. Could be a part of a compelling report; may be time-consuming
    - 4. OHR staff adds that HRC could partner with another organization to conduct a study and get the work done
      - a. Adds that at the meeting, an attorney from LAJC was present to speak about residents' options under the Landlord Tenant Act, as well as option of filing with OHR
    - 5. Chair suggests holding a public hearing concerning subsidized housing and ask community members to come and speak about the issue publicly
      - a. Commissioner expresses support for public forum
    - 6. Chair suggests either asking people to come and speak at the December HRC meeting or setting up a separate public hearing
      - a. Commissioner believes the second option would be the most convenient and accessible to the most community members
      - b. Chair suggests reaching out to PHAR in addition to Midway Manor residents, and to ask them what time works best for them
    - 7. OHR staff says for Midway Manor residents, prompt action on the concerns is their priority



- a. Complaint process takes time
    - b. A tool for quicker action is mediation, potentially through group action
      - i. A group in mediation with the owner could be a quick way to resolution
    - c. Commissioner suggests another letter to support mediation; however, a complaint must be filed to do mediation
    - d. Chair notes they encouraged individuals to speak with counsel with LAJC to proceed
  - 8. Commissioners express general support for holding separate public meeting to hear community members' concerns
    - a. **Chair and OHR staff will talk to PHAR and Midway Manor residents to set up a time**
- e. OHR Staff report
  - i. Report is attached in the agenda packet
  - ii. Data entry is very close to current
    - 1. Number of daily incoming contacts has quadrupled since April and has been steady in recent months
  - iii. Only one Commissioner away from the entire Commission having charlottesville.gov emails
    - 1. All Commissioners must fill out security form—**Todd can send it out again**
    - 2. Will be shifting away from using personal emails; also will be shifting from Box to OneDrive for documents (makes FOIA easier)
  - iv. All Commissioners (except Jessica) need to reapply to continue on the Commission past the date of February 28, 2022
    - 1. Contact Todd for any questions or if you do not intend to serve another term
  - v. FHAP process
    - 1. Has received final feedback for informal review from HUD
    - 2. Substantial equivalence with federal fair housing is now in place
    - 3. Now, staff is working on updating other parts of the Ordinance for legal review with the City Attorney's office, and after that, HRC
    - 4. Asks Commission if they would like to create a sub-committee to review content before presenting to the full Commission
      - a. Potentially for the December meeting
  - vi. Is aiming to hire a community outreach staff-person who can eventually train to do investigative work, as well
    - 1. An interview panel will eventually be necessary— let Todd know if interested in being on the panel

## 5. WORK SESSION (1)

- a. Resolution A21-1
  - i. About how to take action between meetings, as guidance in bylaws is unclear
  - ii. Has a plain language and a plain-language graphic version
  - iii. Vote on Resolution A21-1

1. In favor: 7
  2. Opposed: 0
  3. Abstained: 0
- b. Draft Resolution—Plain Language (A21-2)
- i. Resolution stating that every HRC document going forward will have an accompanying plain language counterpart
    1. HRC letters should be in as plain language as possible
  - ii. Vote on Plain Language Draft Resolution
    1. In favor: 7
    2. Opposed: 0
    3. Abstained: 0
- c. Committee Reports
- i. Community Engagement (Committee Chair – Jessica)
    1. Discussed having a town hall to engage with the public
      - a. Recommends having town hall on a similar time frame to Midway Manor public hearing
    2. Would like to recommend to Deputy City Manager for REDI a call to action to City Council to hold them accountable for their treatment of Black community members
    3. Concerning City Manager’s memo about commemorative days, committee believes City Manager’s ideas are valuable; recommends that the City focus on educational aspects of the event and amplify the voices of marginalized community members
      - a. There are no current next steps besides replying to City Manager
    4. HRC Chair says both the general town hall and Midway Manor public hearing would take significant work, so it would be helpful to prioritize one over the other
      - a. Committee Chair clarifies that the committee talked about how it is important to engage with the public who cannot attend HRC meetings
      - b. Some kind of public event or visual work would be the goal
    5. Commissioner asks if this town hall was related to the anniversary of August 2017
      - a. Committee Chair clarifies that the recommendation is to ask the City focus on educating and providing opportunities for marginalized groups to have a voice
      - b. Commissioner adds that the town hall is to hear community members’ concerns between meetings
    6. HRC Chair asks OHR staff how the town hall can be coordinated
      - a. OHR staff replies that a virtual vs. in-person town hall is a concern—can talk to Communications about this
        - i. In-person meetings may not be permitted for a while, however
      - b. OHR staff says to think about the context and when the town hall would happen, and he can coordinate



- Charlottesville subsidized housing concerns
    - iv. Town Hall ad-hoc committee: 12/7/21 at 4pm
  - b. Mary
    - i. Draft letter to motels about discrimination of those with mental illnesses and substance addictions
    - ii. Draft letter to Premier Circle in support of expanding eligibility criteria
    - iii. Speak at next City Council meeting about:
      - 1. Treatment of Black Charlottesville employees
      - 2. Support of the Jefferson School proposal
  - c. Todd
    - i. Send A21-1 Resolution, A21-2 Resolution, and Language Access Plan Resolution to Mary for signatures in PDF form
      - 1. Will post them on the website
    - ii. Post letters to website
    - iii. Will email revisions to Ordinance to Commissioners; Commissioners can give feedback
      - 1. Tell Todd if there is enough reason to put item on agenda about revisions
    - iv. Change "Committee Engagement Committee" to "Community Engagement Committee" in 11/04/21 Community Engagement Committee meeting minutes
    - v. Resend security form for charlottesville.gov emails to Commissioners
  - d. Jeanette (?)
    - i. Reach out to Cville Tomorrow about interviewing Anna, Ashley, and Mary about hotels and discrimination of those with mental health/addiction (as press release to go along with letter)

## 10. ADJOURN

- a. Meeting adjourned at 8:35 pm