



**Human Rights Commission
Meeting Minutes
Regular Meeting
December 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 6:33 pm
- b. ROLL CALL
 - i. Mary Bauer
 - ii. Kathryn Laughon
 - iii. Jeanette Abi-Nader
 - iv. Ernest Chambers
 - v. Jessica Harris
 - vi. Wolfgang Keppley
 - vii. Andrew Orban
 - viii. Lyndele Von Schill
- c. Chair welcomes Victoria Horrock from the Legal Aid Justice Center, who will later be presenting on a legislative proposal that will go before the General Assembly
- 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 regular meeting minutes from 11/18/21
 - i. Vote
 1. In favor: 7
 2. Opposed: 0
 3. Abstained: 1
- b. Review of Community Engagement Committee meeting minutes from 12/7/21
 - i. 5 individuals at committee meeting; 5 individuals present now
 - ii. Vote
 1. In favor: 5
 2. Opposed: 0
 3. Abstained: 0

4. BUSINESS MATTERS

- a. Chair update
 - i. Sent letters regarding Anna Mendez's concerns about hotels and motels denying service to clients working with Partner for Mental Health
 - ii. Spoke at last City Council meeting regarding treatment of Black employees, as well as support for Jefferson School's proposal for the disposition of the Robert E. Lee statue
 - iii. Would like to circle back to Victoria's issue she will be discussing about tenant assertions
 - 1. Todd, Mary, and other individuals had a meeting with residents of Midway Manor to discuss conditions there; residents raised significant concerns about lack of repairs and other concerns
 - 2. Had decided to hold a public hearing about subsidized housing conditions in the city
 - a. Chair took action on this, including talking to Victoria and others from LAJC, individuals from PHAR, and Carrie from Midway Manor
 - b. All expressed enthusiasm for holding a special public hearing (not at the January regular HRC meeting, but at a special time)
 - i. Hearing is for residents in any subsidized housing in Charlottesville
 - ii. Currently aiming for the last full week in January (beginning 1/24/21) around 6pm; checking with the City now for availability
 - iv. Acknowledges issue of the number of individuals who will be on the Human Rights Commission in January
 - 1. Did not receive new applications for the Commission, and several current members did not reapply
- b. OHR staff report
 - i. Continuation of HRC application and membership discussion
 - 1. Todd talked to Maxicelia Robinson from the clerk's office today about this issue
 - a. As it currently stands, the Commission would be down to five members as of 3/1/22
 - b. Todd asked Maxicelia if there would be a chance for individuals to reapply, since applications open every quarter if there are vacancies
 - c. Could also request Council for a 30-day window application opening for January
 - i. Already sent in this request
 - ii. Council will make appointment decisions on 3/20/22
 - 2. Encourages current Commission members to urge people they think would be a good fit to apply
 - a. Todd will send out information as soon as application is open again; will hear back from Maxicelia sometime after 12/20/21
 - 3. Commissioner asks how individuals know their application was received, as she never received confirmation

- a. Todd will ask Maxicelia about this
 - b. Another Commissioner did receive confirmation, but both Commissioners' applications were received
 - 4. Chair adds that Commission really needs to encourage people to apply because in addition to wanting a robust Commission, the Commission requires 7 members to have a quorum
 - a. Could change this rule in January, but if the bylaws are not changed, the Commission will be unable to have a quorum
 - b. Asks Todd for new timeline for applications so more people can apply
 - i. Will also plan to alter bylaws about what constitutes a quorum in January
 - ii. Todd will send out an email as soon as he finds out when applications will be reopened
 - 5. Commissioner asks to clarify whether HRC is accepting applications from those who do not live within city limits, but still have strong ties to the city
 - a. OHR staff answers yes—this is written into the Ordinance
- ii. To adhere to the rule of 5 days' advance written notice, changes in rules and procedures for January are in Box
 - 1. This includes amendments about the quorum, ad-hoc versus standing committees, and Martha's Rules
 - 2. Todd will send out a link to these
- iii. OHR staff report is attached in agenda packet
 - 1. Even as of only November, OHR is already 700 more contacts over last year
 - 2. Last year's average was 5 per day; this year's is 11 per day
 - a. This is up considerably even from 2019 before the Office's COVID closure; 2019 average was 7 per day
- iv. FHAP revisions to the Ordinance are currently under review by the City Attorney's office; has asked OHR to do some follow-up with Fairfax, which is the only existing FHAP in existence in VA besides the Virginia Fair Housing Office itself
- v. As of 12/16/21, the Outreach and Administrative Specialist for the Office of Human Rights is a posted position on the City's website
 - 1. Go to Human Resources page and search recent postings
 - a. Listed under the City Manager's office
 - 2. If anyone knows an interested individual who has a question, let Todd know
 - 3. Application will be open until 1/7/22, but will be extended if necessary
- vi. Todd has been in regular contact with a couple residents from Midway Manor
 - 1. Wrote a letter outlining residents' concerns from the meeting to WHH Trice, the property manager
 - a. Specifically requested meeting with corporate staff; no response yet

- b. Elevators continue to have problems

5. WORK SESSION

- a. Victoria Horrock's presentation regarding tenant's assertion bill
 - i. Chair provides background:
 - 1. At the Midway Manor meeting, all felt frustration that the burden to fix problems experienced by residents has fallen to the residents themselves
 - 2. Because Midway Manor houses many elderly and disabled individuals, these people are not always able to take serious legal action by themselves
 - 3. Chair and Victoria talked about options, and Victoria brought up a bill being proposed before the General Assembly
 - 4. HRC cannot do its own lobbying, but it can recommend legislative priorities to the City for the upcoming session
 - ii. Victoria is a Housing Attorney at LAJC, so most cases are on behalf of tenants
 - 1. At this point, most clients have complaints about conditions
 - 2. Most affordable housing has bad conditions issues, whether this be from willful neglect by property owners or a lack of funding
 - 3. Tenants face many challenges to get landlords to fix these concerns, including logistical legal barriers and fear of retaliation
 - 4. LAJC often receives questions about whether tenants can file group tenant's assertions
 - iii. A tenant's assertion is a claim one makes when enforcing a lease or health and safety provisions; a complaint filed against a landlord for failure to fulfill an obligation
 - 1. Currently, tenants cannot file group tenant's assertions
 - a. This makes it difficult for tenants to individually take the risk to speak out an entity with many more resources
 - iv. Two primary ways that tenants can enforce their lease or provisions of VA Residential Landlord and Tenant Act:
 - 1. Tenant's assertion: requires facing landlord in General District Court; there are many barriers
 - a. Must have given landlord written notice (landlords will often ask tenants to call the maintenance line, which can take months)
 - b. Must give landlord 14-30 days to complete the repairs
 - c. Only after this may a tenant file a tenant's assertion in court
 - d. Must also pay rent into escrow into the court and be current on rent, which is a big barrier for low-income tenants
 - 2. Tenant's remedy by repair (repair and deduct)
 - a. Must give landlord notice and wait 14 days to see if landlord repairs problem
 - b. Then can pay a licensed repair person to do repairs and deduct either that amount from their rent or up to \$1500 from one month's rent (whichever is greater)
 - c. A great solution, but only if a tenant has \$1500 in the

bank to pay the licensed professional up front—difficult for low-income tenants

- i. Also, for problems like with Midway Manor’s elevators, \$1500 will not be enough, so other human rights issues like mold, pests, and accessibility will not be addressed
- v. There will likely be a bill at the upcoming General Assembly session to give localities more power to enforce health and safety provisions of the Landlord and Tenant Act
 1. The Landlord and Tenant Act requires landlords to provide fit and habitable premises for tenants, but localities cannot currently easily enforce this, even when there is a public safety issue
 2. Bill would allow attorney or any city or county to enforce the provisions of the VRLTA in Circuit Court
 - a. Could ask for an injunction or damages on behalf of tenants, as long as it related to health and safety
 3. Would hugely expand powers of localities and help barriers that tenants encounter when filing claims themselves
 4. Oftentimes, localities know there is a problem but feel they cannot do anything to help
- vi. Poor conditions in affordable housing are an issue that disproportionately affects communities of color across the state
- vii. Commissioner asks if the upcoming legislation will be an amendment to the Landlord and Tenant Act, and would like to hear more about what increased enforcement authority would look like (particularly what options it would give Charlottesville residents)
 1. Proposal would allow the Charlottesville City Attorney to bring forth a case on behalf of tenants or behalf of the City itself in Circuit Court
 2. Could ask for an injunction or damages (could ask a court to order a landlord to fix problems, or could ask landlord to pay to compensate tenants/pay to a fund to compensate tenants or the City for resources it had to exhaust to fix problems)
 3. In Circuit Court instead of General District Court where tenants usually enforce their rights
 4. Same Commissioner asks if there is anything in the amendment about legal fees—will this be provided by the City?
 - a. Victoria responds that she does not believe there is anything specific right now, but she can ask people working on the language about how legal fees would be apportioned
 - b. Fees could only be enforced by the City Attorney, so Victoria is unsure what would happen if the City tried to hire a private attorney to assist
 - c. There would not be legal fees for tenants involved; Victoria did not see anything to suggest they would get their attorney’s fees covered in a successful suit, but this is something she can follow up on

5. Commissioner says she could imagine this being very helpful in a group setting where no one person is able to put themselves out there; asks Victoria to talk more about how difficult it is for tenants to do this on their own and if she has seen tenants do this successfully on their own
 - a. Victoria recalls a recent case in which a client's heat was out; Victoria had to give notice to the landlord that client was going to file a tenant's assertion, but could not do so until days later, after which landlord still did not get the heat fixed immediately, so the family went without heat for over a week
 - b. Charlottesville is better than other localities because landlords are known entities, but for private landlords, tenants have to track down the actual company that owns the building-- a difficult task for tenants filing cases on their own
 - c. Timing cases is also difficult because if a tenant tries to file in the middle of a month, rent was just due
 - d. Also have to be exactly up to date with all aspects of rent, including utilities, parking fees, etc.
 - i. Individual General District courts may have different processes for how to pay rent into escrow
 - e. Many clerk's offices also do not have language interpreters
 - f. With the repair and deduct solution, most tenants simply do not have the upfront money to pay licensed professionals; even when they do, landlords can sue to evict tenants for not paying rent, leaving tenants to defend themselves in court
- b. Commission discussion regarding tenant's assertion bill
 - i. Chair says HRC sent City Council a letter a couple months ago with recommendations for legislative agenda, and it seems that this could be an addition HRC should consider making; asks what Commissioners think about supporting the bill
 1. Notes it is rather late in the process, as General Assembly will convene 1/12/22
 - ii. Commissioner asks to clarify if HRC would be sending a letter to Council asking them to include the bill in their lobbying
 1. Yes, the Commission itself is unable to lobby, but it can make recommendations to Council
 2. Commissioner expresses full support
 - iii. Commissioner asks if it would be helpful to include more information about the amendment or what it would be named/proposed as, or if it will be included as a general priority
 1. Bill has not yet been pre-filed
 2. Chair asks Victoria to share the current version of the bill so the HRC would be able to describe it in more detail
 3. Victoria will check on current draft of the bill with the Virginia

Poverty Law Center, which takes the lead on most tenant/landlord lobbying

- a. Will be an amendment to the VA Landlord and Tenant Act, likely Code Section 55.1-1259
- iv. Chair offers to draft the letter as a person who was once a housing lawyer if it is the will of the Commission to do so
- v. Commissioner expresses support and thanks Victoria for sharing this information
- vi. Chair calls Commission to vote on supporting the idea that a locality can bring a tenant assertion by recommending City Council support the General Assembly bill
 1. In favor: 8
 2. Opposed: 0
 3. Abstained: 0
- c. Commissioner asks to revisit Section 8 assistance contract between Midway Manor and the City to ensure there is a longer-term solution
 - i. Clarifies the contract was between Midway Manor and HUD
 - ii. Subsidy was re-authorized for only 2 years when previously it was 40 years
 - iii. Concerning because building is in a prime location and inhabited by elderly and disabled individuals who would have a very difficult time finding housing elsewhere
 - iv. Chair says HRC was planning on bringing up this issue at the affordable housing public hearing in the end of January
 1. PHAR was interested in making sure that City Councilors are present at this hearing to have them listen to the poor conditions and lack of subsidy
 2. Does not know if there are any other actions HRC can take at this time to express concerns about the subsidy issue
 - v. Commissioner expresses frustration because the issue is not between Midway Manor and the City, so HRC has less room to operate; asks how HRC could have power in this situation
 1. Chair says if there were no ability to change this, the City should be thinking about alternative housing arrangements for this vulnerable population
 - vi. Commissioner suggests asking the City to make a plan, like incentivizing developers, in case the units go away in a year and a half
 1. Chair asks Victoria if HRC will be able to cover all of this during the public hearing
 - a. Victoria recommends making some kind of visual/informational companion to organize the issues to be brought up at the hearing
 - b. Midway Manor is not the only property in the area that is facing the end of its subsidy contract
 - c. LAJC Charlottesville office has a database for when local subsidized housing properties' contracts end
 - vii. Chair says there will be another call between herself, PHAR, and LAJC after 1/1/22, so if anyone else from the Commission would like to help plan for the hearing, they can join this planning process

1. Wolfgang will join; Mary will send time and date of the next scheduled phone call

d. Committee Reports

i. Accessibility Committee (Chair—Wolfgang)

1. Re-voting on HR21-1; slight change in wording at the bottom of the document-- “above and beyond minimum requirements” to “above and beyond legal requirement” upon recommendation from City Attorney
2. Vote
 - a. In favor: 8
 - b. Opposed: 0
 - c. Abstained: 0
3. Lyndele will draft a plain-language version to present at the next meeting

ii. Nominating Committee

1. Jeanette, Andy, and Kathryn
2. Jeanette reports committee sent out email with nominations form for the positions of Chair and Vice-Chair
 - a. Asked Commissioners to submit nominations for themselves or another person by 1/7/22
 - b. Form asks respondents to provide a paragraph for why they are nominating a person, as well as features descriptions of what the positions entail
3. Nominations Committee will contact everyone and confirm, then send a proposed slate with the agenda packet when it comes out
 - a. At the meeting, there will be an opportunity to make any additional nominations
4. Vote will occur at the beginning of the next regular meeting; after the vote, the new Chair will then transition to leading the meeting

6. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

i. Ang Conn

1. Asks whom a tenant would contact to get involved with the process
 - a. Chair asks if this would be about a specific case or the legislative proposal
2. Ang asks if this process applies to tenants who do not have a formal lease
 - a. Victoria is no longer present, but Chair says everyone in Virginia has a presumption of a lease
 - i. However, the statute is very technical, so Chair recommends contacting LAJC for assistance if they are interested in getting involved

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

i. None

7. COMMISSIONER UPDATES

a. Wolfgang

- i. Saw on City website that Charlottesville bus system is being extended for free fares for another 4 years, until 2026
 - b. Jessica
 - i. Community Engagement Committee met
 - 1. Thought about ways to hear from the public; put together a plan to administer a poll to the public asking about issues of most interest
 - 2. Would like to host an event in the new year (date tentative) to address the points of greatest interest
 - 3. Open-forum event would be focused intentionally on certain topics, maybe with an expert or other form of education
 - 4. Lyndele and Jeanette made the poll; waiting to hear from Todd on how it can best be administered to the public
 - 5. Encourages those not present at the meeting to review the notes
 - 6. Lyndele adds a link in the chat to the draft poll; asks for comments or suggestions on how best to ask the public
 - a. Format is to pick the two issues a respondent deems most important to talk about
 - 7. Commissioner asks if there is a current plan on how to release poll to the public
 - a. OHR staff has not yet asked Communications, as he wants to be cognizant of their capabilities since they will soon be down another staff member
 - i. Also has not asked about availability for the housing meeting in the last week of January nor the town hall meeting in February
 - ii. Will do this outreach soon
- c. Wolfgang
 - i. Asks if Commissioners can advertise the reopening of the HRC membership application through their own channels
 - 1. Since it is a public posting, this is allowed
 - 2. Just be sure to wait until the applications are reopened
 - 3. Jessica encourages fellow Commissioners to reapply, as she feels that the Commission is getting into some very worthwhile work
 - ii. Asks if there will be another retreat for Commissioners in the beginning of the year
 - 1. Will be left to the new Chair to determine when and how this will take place
 - 2. OHR staff recommends it not happen in January or February because the Commission may look very different in March
 - 3. Will put this in the agenda for discussion during January's meeting

8. NEXT STEPS

- a. Mary
 - i. Draft letter to City Council recommending they support the tenant's assertion bill for the next General Assembly session
 - ii. Send time and date of next scheduled phone call for affordable housing

public hearing to Wolfgang

- b. Todd
 - i. Ask Maxicelia about application receipt confirmation
 - ii. Send email to Commissioners about when applications reopen
 - iii. Send Box link to Commissioners with changes to rules and procedures for January
 - iv. Ask Communications about:
 - 1. How best to release poll to the public
 - 2. Availability for affordable housing public hearing during the week of 1/24/22
 - 3. Availability for town hall meeting during February
 - v. Add discussion about retreat to January's agenda
 - c. Lyndele
 - i. Draft plain-language version of HR21-1 for the next meeting
- 9. ADJOURN**
- a. Meeting adjourned at 7:32 pm