

HOUSING ADVISORY COMMITTEE  
Meeting Minutes  
Neighborhood Development Services Conference Room, City Hall  
May 18, 2016  
12:00 pm

<b>Attendance Record</b>	<b>Present</b>	<b>Absent</b>
<b>MEMBERS</b>		
Betsy Lawson	X	
Bob Hughes		X
Carmelita Wood	X	
Dan Rosensweig		X
Frank Stoner	X	
Jennifer McKeever	X	
Jody Lahendro	X	
Joy Johnson		X
Joyce Dudek	X	
Kristin Szakos		X
Lesley Fore	X	
Nancy Kidd	X	
Paul Kent		X
Phil d'Oronzio		X
Ridge Schuyler	X	
Steve Stokes		X
TJACH - Ed Bain	X	
<b>NON VOTING MEMBERS</b>		
IMPACT		X
Ron White (Albemarle County)		X
Trish Romer (UVa)	X	
<b>STAFF</b>		
Kathy McHugh	X	
Tierra Howard	X	
Alex Ikefuna	X	
<b>CDBG/HOME Task Force Members</b>		
Taneaia Dowell	X	
Matthew Slatts	X	
Sherry Kraft	X	
Marnie Allen	X	
Kelly Logan	X	
<b>OTHERS</b>		
Edith Good	X	
Howard Evergreen	X	
Cliff Fox	X	
Sean Tubbs	X	
Christopher Suarez	X	
Lena Seville	X	

The meeting began around 12:05. HAC members as well as CDBG/HOME Task Force members and guests were told to help themselves to food, and to be sure to sign in and pick up copies of the handouts. Bob Hughes, Paul Kent, Kristin Szakos, Dan Rosensweig, Steve Stokes, Kathy Johnson Harris and Sarah Malpass notified staff in advance that they would not be in attendance and former HAC member – Kaki Dimock – notified staff that Ed Bain would represent the TJACH board at the meeting.

Since Joy Johnson (Chair) was not in attendance, Kathy McHugh (NDS staff support) had to direct the meeting. She then asked for review and consideration of the minutes from February 18, 2016, apologizing for sending these out late as she had intended to provide them with the other materials that were sent last Friday. Jennifer McKeever made a motion to approve and Frank Stoner seconded this. With no questions or discussion, the minutes were then approved by unanimous vote of HAC members in attendance.

As this was a joint meeting and there were multiple visitors in attendance, Kathy then asked for everyone to introduce themselves. The attendance record included herein records each person's name and distinguishes HAC members, Task Force members and visitors.

Kathy then introduced the need for this joint meeting by explaining that staff wanted HAC and Task Force input / feedback on the revised code and Citizen Participation Plan, as well as to introduce the plans for development of a Limited English Proficiency Four Factor Analysis and Anti-Displacement/Tenant Assistance, Relocation and Real Property Acquisition Policy.

Tierra Howard then proceeded to explain the proposed CDBG/HOME code and policy changes. She explained that the City code needed to be changed because it is outdated; does not reflect current HUD approved practices; conflicts with our Citizen Participation Plan (CPP); and does not reference the HOME program. She proceeded by explaining that the code needed to be updated and that she would provide the group with a brief overview of proposed changes to each section.

Tierra explained that Section 2-416 provided for the purpose of the CDBG/HOME programs as provided through HUD.

Jennifer McKeever then stated that inclusion of the phrase "aid in the prevention or elimination of slum and blight" (as found in Sect 2-416(b) of the proposed code) is language that she finds difficult and that she would like to have a discussion over this as it is *loaded language*. Further, she went on to say, that even if this wording is reflected in the regulations that we don't have to include it in our code. Specifically she reiterated that "elimination of slum and blight" was particularly troublesome.

Tierra defended inclusion of the language because it is one of three national objectives and all CDBG funds must meet one of these three objectives.

Jennifer responded that while she was agreeable to include prevention of slum and blight and address urgent community needs, that the elimination of slum and blight is a loaded topic for this community and that the City should look to reword this or leave it out. She felt that a revision is needed, given the history in this community and how subjective this language is.

Kathy responded that this language is statutory not regulatory and that it has been included because we want City code to match up with federal code. Jennifer interjected that if everyone else thought it is okay that she would be willing to let this go. Kathy then attempted to provide an example of the use of elimination of blight to tear down a property to assist with CRHA redevelopment; however, Jennifer noted that this type of example is not provided in the text. Carmelita Wood then asked to speak and went on to explain that this language takes her back to Vinegar Hill as those homes were demolished because they were considered slums and as a result people (such as her family) were relocated to Westhaven.

Alex Ikefuna then told the group that he wanted to caution them because the City does not have authority for redevelopment except through CRHA and as they redevelop they will look to use City funds. Further that all HUD programs (e.g., CDBG, HOME, NSP, ESG, HOPWA, Section 108, etc...) use similar language for addressing issues related to slum and blight and that exclusion of this statutory language would be a cardinal mistake. He went on to explain that the City is currently working with a private developer trying to access VHDA funding and that we will be required to certify as to slum and blight conditions in order for funding to be approved.

Kathy echoed the comments by Alex, saying that similarly – the LIHTC program requires a local notification/certification process and that the City's support must be evidenced by a certification as to existence of slum and blight conditions and that such wording is standard with these types of projects, which often provide opportunities for developers to access and leverage other funds.

Jennifer countered that tax credits are not related to CDBG and that applications for such funding could spell out the need to address slum/blight, but again that she does not feel that such language should be included in our code.

Kathy reiterated that her example was simply to demonstrate the common use of this type of language and that a connection could be made with such programs as these could serve as match/leverage for CDBG projects.

Jennifer went on to say that benefit to low and moderate income is one thing but that she opposes inclusion of such loaded language because of its history in our community.

Sherry Kraft then asked if we could put a notation or footnote regarding the language to which Kathy responded no that we are trying to reflect what is allowed by code and the wording needs to be specific. Jennifer added that this language is the same that was used to tear down a neighborhood and build a parking lot and a hotel. Kathy responded that those projects were likely done under the urban renewal and/or UDAG programs and that such wide scale projects are basically a thing of the past.

Another member asked if there could be some type of notation regarding this wording to which Kathy responded that it could certainly be addressed within the staff memo when the matter is presented to City Council, but that the code should be clear and concise.

Betsy Lawson added that the good thing about the term slum and blight is that it is subjective and that the slum and blight of the 50's and 60's is much different today and that an old strip mall could be classified as slum and blight. Kathy added that the City helped fund the demolition of such a strip mall when the Crossings at Fourth and Preston were built. Betsy said that we can define the word to mean that we want something better for everyone.

Someone then asked if exclusion of the language would impact our funding or ability to use funding. Tierra responded that the City could accommodate this by reference to the actual statute / Code of Federal Regulations. Ridge Schuyler liked this and stated that it could dovetail with language that could be added to reference the citizen participation plan- as Vinegar Hill did not include such an explicit citizen input process.

Kathy responded to this suggestion by explaining that staff went to great efforts to separate policy and administrative processes. She provided the example of the CDBG task force being described in both the code and the CPP. Both went into details about the task force and its membership, but the two conflicted with one another. As a result, great care was taken to delineate and separate policy and process - making sure that the code reflects and establishes policy level matters, with administrative oversight and process related matters being provided through various administrative plans such as the CPP, LEP, etc....

Edith Good asked if there would be any impact from the proposed code relative to public housing units (e.g., those that have to remove their window A/C unit during a REAC inspection). Kathy explained that the two are certainly related as slum/blight designation would be related to non-compliance with property maintenance codes, building codes and HUD housing habitability standards. This in essence goes back to the need to make sure that we can viably have our code support use of all three national objectives including the ability to aid in the prevention or elimination of slum and blight.

Frank Stoner then asked to clarify that the specific language regarding use of national objectives (including aid in the prevention or elimination of slum and blight) would come out in favor of referring directly to the Housing and Community Development Act of 1974 (as amended) and its implementing regulations. Tierra confirmed that this was correct.

Tierra then moved to a discussion of proposed changes to Section 2-417. She explained that this section provides a description of the CDBG/HOME Task Force, its purpose, membership composition, and terms.

Major changes proposed for this section include the use of specific language to target “income eligible areas” as staff found that the “five priority neighborhoods” language does not perfectly align with income eligible areas based on the latest HUD adjusted Census data. Census block group data (as adjusted by HUD) is used to determine areas that are “income-eligible” or low-income area for HUD assistance. Tierra then referenced a map showing these areas. In addition, staff proposed to replace the term social services with public services to be consistent with HUD language. Tierra then asked if there were any comments on this section.

Kathy spoke to explain that Dan Rosensweig had called her in advance of the meeting to say that he could not be here today, but that he wanted to note a concern over the CDBG Task Force membership as he felt that it would benefit from a person with City housing policy expertise. Kathy went on to say that she told Dan that while she agreed that this perspective is important to inform funding decisions, that it would be difficult to have a HAC member participate because of the inherent conflicts of interest (relative to seeking CDBG/HOME funding) represented by its membership.

Jennifer McKeever agreed that it would be quite challenging to make this work due to the membership on the HAC, and that maybe a better option would be to have a Task Force member sit in on HAC meetings to stay informed. She further explained that attempting to retain a position that is as neutral as possible would be in the best interest of the Task Force.

Kathy then reiterated that Dan’s concern, as she understood it, was over the need to have City housing policies taken into consideration and that there might be other ways to achieve this inclusive of Jennifer’s suggestion to have a CDBG / HOME Task Force member to sit in on HAC meetings. Kathy noted that up until recently, she had not been involved with the Task Force, but that she had inserted herself in the recent CRHA recapture money and the most recent RFP process to provide policy expertise / information. She then stated that this practice would be one that her replacement would need to carry on, but that this would help with informing housing related funding decisions.

Tierra then moved to a discussion of proposed changes to Section 2-418. She explained that this section outlines the CDBG/HOME Task Force Subcommittees when priority neighborhoods or economic development set-asides are requested by Council. Revisions to this section include both the Priority Neighborhood Subcommittee and the Economic Development Subcommittee. Based on current procedure, the Strategic Action Team (SAT) reviews the economic development proposals to ensure consistency with the Growing Opportunities Report (City’s Workforce Development Report).

Jennifer then proceeded to explain that she was unsure of the use of a 3 year term for the Priority Neighborhood Subcommittee (perhaps an ad-hoc committee for as long as needed) and that it would be good to have a percentage of such a subcommittee represented by actual neighborhood residents. Marnie Allen then asked for clarification of this point and received clarification from Jennifer that the intent of her comment was to make sure the once Council designates a priority neighborhood that residents from that area are included on the Task Force.

Howard Evergreen suggested setting a percentage at 50% for residents and that this would be a minimum not a maximum.

Tierra explained that a priority neighborhood designation is typically for a three year term, which is why this time period is proposed and that while she does not want to limit the size of priority neighborhood

subcommittee (all who are interested should participate), that she is concerned over setting a percentage for resident participation due to issues with getting people to actively participate.

Jennifer also noted that she recalls (from serving on the Task Force) issues with getting the money spent in the 3 year period and that she wondered how this impacts the subcommittee and program implementation.

Kathy responded more generally to the point of resident specific participation - that requiring residents to participate would likely cause logistical problems due to lack of a quorum and the need to make decisions in a timely fashion to move recommendations forward to City Council to stay in compliance with our HUD timeliness requirements. Further, that while we might be able to get people to sign up, that staff cannot guarantee that they will attend the meetings and participate.

Jennifer responded that people who are likely to benefit from a project and make money are likely to come and participate, to which Sherry Kraft asked if she was speaking about the economic development or the Priority Neighborhood Task Force. Jennifer confirmed that she was speaking to concerns over the Priority Neighborhood Task Force.

Lesley Fore asked Jennifer to explain her concern specifically. Jennifer stated that her concern is over the fact that the current structure does not include requirements for resident participation (creating a vacuum) and that as a result, those who might economically benefit from a project would attend and (because no residents are showing up) that decisions might be made that are not in the best interest of those that the money is supposed to help.

Tanea Dowell then asked what happens if nobody shows up? Do we just move on to another neighborhood? She noted that based on her experience, that it is really hard to get people to participate and that it is unlikely that efforts to mandate a percent/number of neighborhood participants would be a viable option. She went on to say that regardless of what is involved and which task force/committee is impacted – that it is difficult to get reliable participation. By setting a percentage, if it is not achievable what happens next – does the neighborhood not get served?

The discussion over this matter continued with Jennifer restating her position that she would like to see a specific number/percentage requirement set for participation by actual residents of the priority neighborhood and Tanea responding that while she has no problem with including a percentage that she is not sure what happens when/if the participation does not materialize. She specifically voiced concern over the fact that someone has to get involved to help make these decisions because otherwise, it might not get done. She did not want the ordinance to place program decision making in a gridlock situation. Instead, Tanea emphasized the need to find a workable solution that would allow for resident participation while not mandating it to a point that makes the system unworkable.

Alex interjected that CDBG is a HUD program that has specific timeliness requirements and that if subcommittee meetings can't proceed because of lack of a quorum of members – that HUD will make a finding against the City, which can result in the loss of funding. He then asked Jennifer what she would suggest relative to making sure that her suggestion does not place the City in a situation where we might lose funds.

Jennifer said that she is not advocating for a specific quorum for meetings, but that she is advocating for at least 50% of the subcommittee to be comprised of residents. She then stated that we need to be knocking on doors, if necessary, to make sure that we can identify people to participate in the process. Alex responded by asking who is supposed to do this?

Taneaia then voiced a concern that there does not seem to be a consensus over this matter and so she asked the group for an informal show of hands as to who has *heartburn* regarding this matter either specific to adding a mandatory limit and/or not adding one. There was no official count or record of who responded; however, Tierra stated that she believed that we needed to move on and that she would certainly take the comments made into consideration in her future recommendations.

Matthew Slatts then stated that he thinks that involvement of residents in decision making is important, but that the issue seems to be more related to how residents are engaged to participate in the process and that at present it does not sound like it is working. He went on to say that involvement is important, as this money can impact low income neighborhoods and day to day lives and that perhaps we are talking about two separate matters – setting requirements for their participation and creating an environment in which they feel comfortable in participating and activating them.

Taneaia said that this makes more sense to her and that we should be focused on how to get people to participate versus mandating a specific level of participation. Tierra stated that she is looking at this issue and that the proposed CPP procedures encourage participation by all and allow for innovative outreach to low income groups in particular.

Jennifer stated that this is like making sausage and that there are significant changes that need discussion. Tierra responded that nobody is attempting to limit input but that we have a good bit more information to cover and that comments can be submitted after the meeting and that we encourage folks to do this if there are particular issues that they want to address.

Kathy added that we are at roughly the hour mark and still need to finish the code, and three other topics. She stated that we are currently not in compliance with our own code related to the CDBG program and that updating it to reflect both current practice and HUD requirements is important in terms of prioritizing policy efforts – which is why staff is bringing this now because we only recently realized that there is a problem.

Tierra then moved to a discussion of Section 2-419 which outlines the annual process. She stated that the current code is not consistent with how the City is currently operating the CDBG/HOME programs and that the changes reflect current practices as required by HUD. She also noted that if anyone has specific questions about the process that she is available to provide technical assistance upon request.

As for timing of comments, Tierra asked Kathy to respond, to which Kathy stated that she would like to have comments back by Friday or Monday of next week at the latest.

Matthew then asked (referring to the income eligible area map) if the pool of applicants has shrunk for the Task Force because over half the City is not in an income eligible area. After some discussion as to the concern and what was being asked, it was pointed out by Taneaia that this actually gets to some of Jennifer's concern because the people involved will be from the lower income areas and not the upper echelon areas.

Tierra then moved on to the proposed revisions to the Citizen Participation Plan (CPP), explaining the purpose for revising. She stated that the first revision to the CPP was in 1980 and it has been amended five other times over the years (blended with old and new stuff). Based on this and the fact that staff thought it needed an overall rewrite/reorganization, we did not revise the current CPP, rather we created a new CPP. Some of the specific inconsistencies with the Code of Federal Regulation requirements include: incorrect public hearing requirements, lack of inclusion of AFH requirements, and a lack of a definition for substantial/minor amendments when it comes to projects/activities and plans. In addition, the current CPP has reference to A-95 review (which has not been required for many years) and has multiple contradictions with City Code. Due to limited time, Tierra did not review sections of the plan in detail but rather provided a general explanation of the plan in general

Frank Stoner followed with a question about expertise in review of proposals and the process in general. Tierra explained the development of Council priorities and the Action Plan as well as the Consolidated planning process and Kathy explained that each of these documents are metrics by which proposals are evaluated by the citizen task force, using the evaluation tool to assign points to different categories of consideration.

The meeting then transitioned to Kathy to explain planned CDBG/HOME policy development. The following information (as presented) was taken from the handout provided

#### **Four Factor Analysis & Language Access Plan for Persons of Limited English Proficiency (LEP)**

Why are we required to do this?

Title VI of the Civil Rights Act of 1964 protects individuals from discrimination on the basis of their race, color or national origin in programs that receive federal assistance.

EO 13166 signed on August 11, 2000 directs all federal agencies, including the US Department of Housing & Urban Development (HUD) to work to ensure that programs receiving federal financial assistance provide meaningful access to LEP persons. This EO also required the issuance of guidance to assist recipients in providing meaningful access to programs, consistent with US Department of Justice guidelines. HUD issued this guidance on 12/19/03 and provided FAQ's on 1/22/07.

The City's CDBG and HOME program both trigger compliance under HUD requirements.

What is involved?

Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons. To do this the following steps are required:

1. Conduct a four factor analysis;
2. Develop a language access plan (LAP); and
3. Provide appropriate language assistance.

A four factor analysis is the first step and it must address the following:

1. Determine the number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).
  - This can be done using ACS data or by means of a locally targeted survey effort
2. Determine the frequency with which the LEP persons come into contact with the program.
3. Determine the nature and importance of the program, activity or service provided by the program.
4. The resources available and the costs to the recipient.

#### **Enforcement & Safe Harbor**

The Office of Fair Housing & Equal Opportunity (FHEO) is tasked with the lead in coordinating and implementing EO 13166 for HUD.

In determining compliance and evaluating complaints under EO 13166, HUD will consider the extent to which a grant recipient has followed their LEP guidance, inclusive of the Four Factor Analysis.

HUD's evaluation will include a review of efforts taken to comply with respect to the translation of vital written materials. To this end, HUD has adopted a safe harbor specifically for translation of written materials. There is no safe harbor for oral interpretation.

The table below sets forth safe harbors for written translations.

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Based on a preliminary review of American Community Survey data, it appears that the City of Charlottesville will not trigger the size standards for development of written translation; however, the City still needs to complete the formal Four Factor Analysis and look to make reasonable attempts to accommodate the language access needs of residents. Accordingly, the City will look to pass along assessment requirements to CDBG/HOME sub recipients to help the City further evaluate the needs of beneficiary populations.

### **Anti-Displacement & Relocation Assistance Planning**

Both the CDBG & HOME programs are federally funded and as such any acquisition and relocation funded with these programs must comply with the Uniform Relocation & Real Property Acquisition Act of 1970 (as amended).

Section 104(d) of the Housing & Community Development Act of 1974 (as amended) establishes requirements governing conversion, demolition and one for one replacement of lower income housing under the CDBG program Section 105(b)(16) of the Cranston Gonzalez National Affordable Housing Act (as amended) extends these additional requirements to the HOME program.

The major differences between URA and 104(d)/105(b)(16) deals with eligibility, which is triggered by low income residential tenants only. These extra provisions require longer tenant assistance (60 vs 42 months) and one-for-one replacement of units that are demolished or converted for 1) a non-housing purpose, 2) no longer meet the definition of a lower income dwelling unit or 3) used as emergency shelter.

HUD has issued Handbook 1378 as their guidance for compliance with URA and staff believes that adoption of this handbook would be sufficient to cover HUD requirements for use of Charlottesville CDBG and HOME funds.

In the event that our funds are proposed to be used for a large scale demolition or acquisition project, staff would work with the sub recipient on a case by case basis to ensure compliance and to develop a more



targeted plan, as might be appropriate; however, the existing requirements are such that at a minimum (to comply with HUD regulations) we must adhere to Handbook 1378.

Howard Evergreen then asked about including the CRHA Resident Bill of Rights in the Anti-Displacement & Relocation Assistance Planning to which Kathy responded that this plan was specific to the City and the CDBG/HOME programs, not CRHA. Howard went on to state that he felt that there was a lot of mistrust with CRHA residents toward the City and that this could help, but Kathy explained that this was not contemplated and that there might be elements of the bill of rights (based on her memory of what was included) that might be problematic because they go past what is required by HUD and the URA and get into issues such as right of return regardless of lease compliance.

Kathy promised to send out the map and revised CPP, as the one used in the meeting had the AFH provisions added and the printout did not include the back sides of pages.

Kathy then asked if any of the visitors wanted to speak and provide public comments. Lena Seville responded that she felt like this was a lot of material for a single meeting and that it would be helpful to have a smaller group get into the details of the plans before meeting with the larger group.

With no further discussion, Kathy thanked everyone for coming and the meeting was adjourned.