

CITY OF CHARLOTTESVILLE

"A World Class City"

Human Rights Commission

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www.charlottesville.gov/963/Human-Rights-Commission



September 20, 2021

Charlottesville City Council and City Manager

P.O. Box 911

Charlottesville, Virginia 22902

Re: Recommendations for legislative priorities from the Human Rights Commission

Dear Mayor Walker, Vice Mayor Magill, Councilors, and Mr. Boyles:

Pursuant to Code Section Sec. 2-433 (4) of the City Code, the Human Rights Commission is tasked with the responsibility to “make recommendations regarding the city's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.”

The Human Rights Commission is deeply concerned about the affordable housing crisis that exists in Charlottesville, and our legislative priorities reflect that deep concern. In addition to the widespread lack of affordable housing, our zoning code has systemic racism baked into its DNA. In fact, the zoning laws were created quite specifically with the purpose of creating racially segregated neighborhoods. The code that continues to govern us today is, essentially, the same code that was crafted to ensure that white neighborhoods remained white and were privileged with services not made available to Black communities.

The history of race discrimination in housing in Charlottesville is abysmal and deeply ingrained. It will take substantial efforts to begin to create the equitable and just city that we believe is both possible and morally essential. In addition to changes in our own zoning laws and the allocation of substantial money to begin to undo the wrongs that have been perpetrated upon the Black community, the City must support state legislative changes that will provide additional tools to work toward racial justice in housing.

The City’s hired consultants published an extensive report analyzing Charlottesville’s affordable housing crisis with a racial justice lens. That report was adopted by the City

Council on March 1, 2021. The report found that “Virginia’s laws are weighted heavily in favor of landlords.”¹

The consultants made the following findings and recommendations:

“State law limits the actions that Charlottesville can take to advance tenants’ rights, but the City can provide enhanced protections for renters for programs in which it provides funding, and advocate at the state level for legislative changes. In particular, the City should implement the following recommended actions and policy changes:

Developments Receiving City Assistance: Require housing developments that receive City funding (directly as subsidy, or indirectly through infrastructure improvements) to provide enhanced tenants’ rights.

Right to Counsel: Dedicate funding for the provision of legal services for tenants facing eviction and establish a citywide right to counsel in eviction cases.

Just Cause Eviction: Advocate for enabling legislation to support just cause evictions and to make other changes to the state’s eviction process.

Rent Control Advocate for enabling legislation to enact rent control in Charlottesville.”²

The Human Rights Commission strongly echoes these recommendations and urges you to adopt these recommendations as legislative priorities. Specifically:

- 1) The City should adopt a true Right to Counsel for tenants in eviction proceedings. Although City Councilors have publicly stated that the City adopted such a right this year, that is simply false. The City did not adopt an ordinance providing a legal right to counsel. And it allocated a very small amount of money—about \$100,000 per year for three years—to pay a local non-profit to handle a small percentage of eviction cases that will come to court in the next several years. The City should do better—by allocating the amount of money that will actually provide attorneys to all tenants in eviction proceedings (not simply a small portion of those tenants) and by adopting an ordinance codifying that right to counsel.

The Human Rights Commission met with the City Attorney’s office recently to request a legal opinion as to whether the City has the legal authority to adopt a right to counsel ordinance without changes to state law. If the opinion reveals that changes to state laws are necessary to enact such an ordinance, the Commission strongly recommends that the City seek appropriate changes to the state code to make that codification possible.

- 2) The City should advocate for enabling legislation to support just cause evictions and to make other changes to the state’s eviction process to make it less heavily weighted in favor of landlords.

¹ HR&A Advisers, Inc., Charlottesville Affordable Housing Plan, March 2021, P. 98

² HR&A Advisers, Inc., Charlottesville Affordable Housing Plan, March 2021, P. 99 (emphasis added).

- 3) Additionally, the City should advocate for enabling legislation to enact rent control in Charlottesville.
- 4) While we are a City commission, we also strongly believe that the City should be a leader in pushing for statewide policies that would build a more racially equitable Commonwealth. In that regard, we supporting abolishing R-1 zoning at the state level, as has been done recently in California.³

These proposed legislative changes are necessary to allow us to begin to build a racially equitable city. The first three proposed changes were recommended by the City's own consultants, and are heartily endorsed by the Human Rights Commission, whose mission is to "act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights."

Please do not hesitate to contact me or the Commission to discuss these matters. We urge you to take bold action to push for legislative changes that will give the city the tools it needs to begin to create a just housing policy.

Sincerely,

Mary Bauer

Mary Bauer
Human Rights Commission Chair

Human Rights Commissioners:

- Mary Bauer (Chair)
- Kathryn Laughon (Vice-Chair)
- Jeanette Abi-Nader
- Ernest Chambers
- Jessica Harris
- Wolfgang Keppley
- Susan W. Lewis
- Tobiah Mundt
- Andrew Orban
- Alex Oxford
- Lyndele Von Schill

³ <https://www.mercurynews.com/2021/09/16/gov-newsom-abolishes-single-family-zoning-in-california/>