

# CITY OF CHARLOTTESVILLE

*"A World Class City"*

## Human Rights Commission

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January 10, 2022

Charlottesville Planning Commission and City Council

P.O. Box 911

Charlottesville, Virginia 22902

Dear Mayor Snook, Vice-Mayor Wade, and City Councilors:

I am writing on behalf of the Human Rights Commission. In September, the Commission sent City Council our recommendations for a legislative agenda for the City during the upcoming legislative session, which begins next week. Our recommendations for legislative change focused on issues related to housing. It is our view that the lack of decent, affordable housing is a human rights crisis that requires a fulsome and robust response from the City and from the Virginia legislature, as well.

Because several of you are new to Council, I am attaching the letter the Commission sent to City Council back in September with those recommendations for legislative priorities. We strongly urge you to take action to move those priorities forward. In addition, we have recently learned about a new bill that has been introduced that we now strongly urge the Council to support.

As you may know, Virginia law allows for tenants to file something called a "Tenant's Assertion and Complaint" to demand that a landlord make repairs on a rental unit. The statutory provision that allows a tenant to file that action is at Virginia Code sec. 15.1-1244. Unfortunately, the procedural requirements of the statute make it extremely difficult for tenants to file these actions. Recently, the Human Rights Commission heard testimony from an attorney at the Legal Aid Justice Center, who shared her experience with this statute. She told us that, because of the requirements for written notice and for the tenant to pay money into escrow, very few tenants are able to use the provision to get repairs made. In addition, where the problems that need to be fixed are not unique to one apartment but are an issue with an entire building, it is very difficult for one tenant to take action to force building repairs. Often, tenants are reasonably concerned about retaliation from landlords if those tenants take legal action. And there is no provision for a group filing under the tenant assertion statute. Under the current law, localities have extremely limited recourse to force landlords to make repairs, even when conditions are dangerous for tenants.

A bill recently introduced in the Virginia Senate would significantly improve matters on this front. SB 43, sponsored by Senator Barbara Favola, would allow a city or county to bring an action to enforce the provisions of the Virginia Residential Landlord and Tenants Act related to

health and safety. The property at issue must be within the jurisdictional boundaries of the locality, and the locality must provide notice to the landlord of the conditions requiring repairs.

The Human Rights Commission urges you to take strong action to assist in passing this bill. Recently, staff and Commission members met with residents at a low-income housing project here in Charlottesville that is desperately in need of repairs. During the recent snowfall, there were significant issues with housing conditions. For example, emergency lighting did not work in one housing project when the electricity went out. Because of the substantial barriers to individual tenants being able to force change, it would be enormously helpful to have the City empowered to take action to protect residents from unsafe and unhealthful conditions.

The Commission would be very happy to meet with any or all of you to discuss this at greater length. But we urge you to take immediate action to support this legislative proposal for change by, among other things, reaching out immediately to the legislators who represent Charlottesville. Residents of Charlottesville deserve no less.

Sincerely,

*Mary Bauer*

Mary Bauer

Human Rights Commissioners:

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

