

CITY OF CHARLOTTESVILLE
"To be One Community Filled with Opportunity."
Housing Advisory Committee



Housing Advisory Committee (HAC) Minutes
Wednesday, January 17, 2024
12:00 p.m.

Attendees:

- Sunshine Mathon (SM)
- Phil d'Oronzio (PdO)
- Michael Payne (MP)
- Joy Johnson (JJ)
- John Sales (JS)
- Dan Rosensweig (DR)

Staff Attendees:

- James Freas (JF)
- Madelyn Metzler (MM)
- Antoine Williams (AW)
- Alex Ikefuna (AI)

Other Attendees:

- Emily Dreyfus (Legal Aid Justice Center)
- 2 members of public

Call to order at 12:15pm

1. Attendance and introductions
2. ADU Manual

- JF gave an overview of the timeline for zoning ordinance implementation:
 - Manual must be in place for February 19 implementation date.
 - Council to review manual at February 5 meeting.
 - Manual must be updated by January 31 to go to Council packet.
- AI reminds group that the manual must be in alignment with ordinance, it cannot make changes that go against ordinance.
- SM states it would be most beneficial to know any disagreements that staff has with proposed changes and discuss to avoid council having to decide between staff and HAC recommendations.
- SM determines best way to proceed is going section by section through manual.
- DR comments that, overall, it would be helpful to spell out differences between homeownership and rental requirements and procedures.
- Part 1 Introduction
 - PdO recommends manual to be evaluated every year rather than every two years.
 - SM agrees with recommendation.
 - AI asks if this conflict with ordinance.
 - JF states there is no conflict.
 - SM proposes changing language from "every two years" to "*at a minimum, annually.*"
 - All Committee members are in favor of this change.
- Part 2.1 ADU Requirement
 - DR suggests that term of affordability and other standards should be added to modifications zoning administrator can approve.

- MM comments that this is not explicitly state in ordinance, that is why it is not in manual.
- JF responds that ordinance stipulates that any standards can be modified in residential districts but that only equivalency and concurrency are specifically called out for other districts.
- DR states that 99 year term of affordability requirement in ordinance does not specify how 99 years must be achieved, manual should provide options for how that is carried out given that there are different ways this can be done.
 - AI and HG ask what are various ways of achieving that?
 - DR responds that deed restrictions can come in many forms, some may allow transfer of property between family members while others may not, for example.
- SM asks for clarification of requirements.
 - For residential districts, if density bonus is pursued, 30 year affordability term is required, and all standards may be modified by zoning administrator.
 - For nonresidential districts- affordability term is 99 years, exceptions that zoning administrator can make are only regarding equivalency and concurrency.
- SM suggests that examples that meet these criteria can be enumerated in an appendix, which can be added at a later date.
- DR adds that this section needs to specify what modifications zoning administrator can make and proposes changing adding the italicized:
 - *“the Administrator may in residential districts accept modifications to the equivalency of units, term of affordability, concurrency, and other standards and in other districts may accept modifications to the equivalency of units and concurrency set forth in the Charlottesville Development Code.*
- PdO suggests adding to the end of the paragraph *“Terms found to be compliant will be maintained in Appendix A.”*
- All Committee members are in favor of these changes.
- Part 2.2 ADU Bonus
 - No changes are recommended.
- Part 2.3 In-Lieu Fees
 - In the first sentence after “the option to pay in-lieu fees” add *“as referenced in Section 4.2.2 of the zoning ordinance.”*
 - Mirror language from introduction and change two years to *“at a minimum, annually.”*
 - All Committee members are in favor of these changes.
- Part 2.4 Standards
 - Term of Affordability
 - Add language from introduction at end of paragraph.
 - *“When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, the Administrator may in residential districts accept modifications to the term of affordability set forth in the Charlottesville Development Code. Such*

discretionary decision shall be made in consultation with the Housing Program Manager and will be documented in the form of a zoning determination letter.”

- Determining the Affordable Rent
 - JS requests that affordable rents should be in line with CRHA vouchers, which would be 10% higher than HUD numbers.
 - SM clarifies that this would increase allowable rents but does not affect amounts of vouchers.
 - JS is ok with leaving as is.
- Utility allowances
 - JS mentions that CRHA is planning to use different allowances than what Virginia Housing publishes, as these are not accurate in the Charlottesville area. CRHA is contracting with a third-party to conduct a survey which will inform their utility allowance schedule.
 - SM suggests that JS bring the results of the survey to HAC once it is complete, and the committee can make a recommendation to change the utility allowances to align with CRHA at that time.
- Sales price of for-sale units-
 - DR recommends that rather than the City determining the maximum sale price of for sale ADUS, it should determine that monthly payment amount is no more than 30% of household income. The sale price may be subsidized.
 - PdO asks if this is this still in line with ordinance and determines that it is after reviewing the ordinance language.
 - The Recommended change is to replace the last paragraph of this section with *“A for sale ADU must limit the maximum monthly payment for a household having a gross annual income at the required percent of AMI limit to be no more than 30% of their income at the time of sale. The maximum monthly payment must be inclusive of mortgage principal and interest, private mortgage insurance (if applicable), property taxes, condominium or homeowner’s association fees (if applicable), hazard insurance, and cost of one parking space (if applicable).”*
- All Committee members are in favor of these changes.
- Part 3.1 ADU Certification
 - Site plan approval
 - DR states that the site plan review is too soon to specify location of ADUs and suggests adding language stating that the applicant must only specify the number of ADUS but not location.
 - AI says that the location matters because it is important to not have ADUs concentrated.
 - SM asks if the ADU certification application is final.
 - MM replies that, no, the certification may be updated throughout process if projects change.
 - JF suggests adding language to clarify that a change in location of ADUs does not trigger new site plan review.

- SM clarifies that the purpose is to review that ADU requirements are being met at each stage in process.
 - Recommended change is to add, *“Updates to the ADU Certification must be submitted to OCS and do not require an additional site plan review.”*
 - Building permit
 - DR expresses similar concern that location of affordable units may still be subject to change during this phase of the project.
 - JF clarifies that building permit itself is not specifying that unit is affordable and ADU certification may be updated at this time if any changes are proposed.
 - Add to end of first bullet *“including any proposed changes to location of affordable dwelling units.”*
 - Modify second bullet point to read *“Draft deed restriction submitted to OCS for approval.”*
 - Certificate of Occupancy Issuance
 - Add sentence *“ADU Certification allows for transfer of ADUs provided that the total number of ADUs to be built plus the number of ADUs already provided are not less than the minimum number of ADUs required and that units meet equivalency of units standards set forth in Section 4.2.2 of the Charlottesville Development Code.”*
 - All Committee members are in favor of these changes.
- Part 3.2 Development Application and Site Plan Review
 - No changes are recommended.
- Part 3.3 Building Permit
 - Strike sentence about deed restrictions and insert *“Draft deed restriction must be submitted to OCS for approval.”*
 - After *“50% of the payment”* add *“or an equivalent bond”*
 - DR suggests changing the requirement to provide a marketing plan 6 months in advance to 1 month.
 - SM suggests 6 months for new construction and 1 month for renovations.
 - AW suggests 3 months.
 - PdO suggests 1 month for 4 units or less.
 - SM suggests 3 months for 5 units or more and 1 month for 4 units or less.
 - Committee agrees to replace 6 months with *“3 months for projects with 5 or more units and 1 month for projects with 4 or fewer units.”*
 - All Committee members are in favor of these changes.
- Part 3.4 Certificate of Occupancy
 - DR expresses concern that an onsite inspection for every ADU may be too cumbersome for OCS staff.
 - SM suggests that each project has at least one inspection, or for projects with more than 10 units, 1 out of every 7 is inspected.
 - Discussion ensures about interpretation of *“OCS must conduct and onsite review to confirm that ADUs are consistent with the requirements.”*

- JF does not think this is requiring an inspection of every single affordable unit and staff seems to agree.
 - After discussion, the Committee concludes that no change is needed.
- Part 4.1 Administration of Tenant Selection
 - No changes are recommended.
- Part 4.2 Tenant Qualification Criteria
 - PdO suggests that the first sentence under Figure 5 relating to housing vouchers is redundant, given that all units must be made available to voucher holders, but also sees that this is language copied from the zoning ordinance.
 - JF clarifies that the intent of this language in the ordinance is that 1 in 3 units should be rented to a voucher holder.
 - The Committee discusses whether 1 in 3 ADUs should be “made available to” or “*reserved for*” a household receiving a voucher.
 - The recommendation is to replace “made available to” with “*reserved for*” and add “*for at least 30 days*” to ensure that a unit does not sit vacant should and eligible voucher recipient not be available to fill the unit.
 - All Committee members are in favor of these changes.
- Part 4.3 Tenant Requirements
 - DR suggests adding a blanket statement to clarify that the requirements of this section only apply to for-rent units and the Committee agrees to this change.
 - DR and PdO suggest that language under subletting should be changed to allow for short-term rentals as long as they are in compliance with the City’s short-term rental policy.
 - MP adds that Council will be evaluating this policy and suggests no changes are made to manual until this occurs.
 - The committee votes and determines that no changes will be made to the subletting section at this time.
- Part 4.4 Recertification of Tenant Qualification
 - JS explains that CRHA does not recertify voucher holders on an annual basis. They do so every two years or every 3 years for households with a fixed income.
 - SM points out that the last paragraph is specific to voucher holders and suggests adding “*including recertification timelines*” after “apply to voucher holders occupying ADUs.”
 - All Committee members are in favor of this change.
 - PdO expresses concern with “no other households may be considered unless the current tenant chooses not to renew.”
 - The Committee discusses that the intent of this statement is to prevent undue eviction.
 - The Committee determines to leave as is for now.
 - The second paragraph discusses what occurs if a tenant’s income increases.
 - A question is raised about “if the tenant remains in the unit” and a new unit must be certified as an ADU, what happens if there is not a vacant unit?

- SM suggests that “a new unit” be replaced with “*the next vacant unit.*”
 - JS suggests changing “a maximum 100% AMI” be changed to “120% AMI” to align with CRHA’s guidelines.
 - All Committee members are in favor of these changes.
- Part 4.5 Rent Increases
 - No changes are recommended.
- Part 4.6 Tenant Protections
 - No changes are recommended.
- Part 5.1 Annual Monitoring
 - No changes are recommended.
- Part 5.2 Noncompliance/Violations
 - JS suggests that “OCS selecting a tenant from the CRHA waitlist” be changed to “OCS referring the property owner to the HCV office.”
 - All Committee members are in favor of this change.
- PdO moves to recommend making all of the agreed upon changes. JS seconds this motion. All are in favor, none are opposed.

SM moves to adjourn the meeting at 2:20, JJ seconds this motion. All are in favor, none are opposed.