

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



Housing Advisory Committee (HAC) Special Meeting Minutes
Wednesday, May 7, 2024
City Hall Basement Conference Room 12pm - 2pm

HAC Members Present:

- Joy Johnson, Chair (JJ)
- Sunshine Mathon, Vice Chair (SM)
- Phil d'Oronzio (PdO)
- Peppy Linden (PL)
- Mike Parisi (MCP)
- John Sales, CHRA (JS)
- Nicole Scro (NS)

HAC Members Absent:

- Heather Griffith (HG)
- Michael Payne (MP)
- Dan Rosensweig (DR)

Staff Attendees:

- Alex Ikefuna (AI)
- Madelyn Metzler (MM)
- Alan Peura (AP)
- Antoine Williams (AW)

Via Zoom:

- Brandon Collins, CRHA
- Kathleen Glenn-Matthews, CRHA
- Elizabeth Stark

1. Welcome

JJ: Calls meeting to order at 12:10pm.

2. Introductions and Attendance

3. Agenda Items

a. April 17th HAC Regular Meeting Minutes

Minutes approved.

b. Land Bank Ordinance Modifications

Section 8: Board Structure

SM: Let's pick up where we left off with Section 8 & the structure of the board. We decided on 3 City slots-Council, Planning Commission (PC), and City Manager or their designee. [To PdO] Is it sufficient to require that the designee be a "senior" employee?

PdO: "Deputy city manager, department head, or comparable." "Senior" could mean a longtime but lower level employee.

AI: That language could unnecessarily restrict the City Manager. Should give the City Manager more leeway.

PdO: Ok with making HAC intent clear re: recommended rank of staffer in memo form, but use "City Manager or their designee" in the ordinance.

SM: How do we feel about 6 at-large slots, with 2 of those set aside for affordable housing beneficiaries?

NM: I think 4 at large, with 2 set aside. Or 6 and 3.

PdO: Smaller is better. 7 is better than 9. Best to be as least restrictive as possible to be flexible to future needs of org.

JS: Also prefers 7 not 9. 4 at large slots, with 2 for people with lived experience.

SM: If quorum is 4, could have an instance of 3 City members and only one at-large to make decisions. Enough input from non-City members?

PdO: Could require 2 at-large slots to be part of any quorum.

JJ: Leans to 9 member board, with 3 lived experience spots. I sometimes feel like my vote here doesn't mean enough. People with lived experience are the best to say, this isn't right, we need to look at things differently.

PdO: Can do 6 at-large with 2 lived experience and require that at least 2 at-large members be present for a quorum.

NS: Agreement on 3 City members, then we're talking 4 or 6 more, for 7 or 9 total. If 6, how many should be lived experience?

JS: Should be 50% of all at-large spots, so 3.

PDO: Wants 2, not to exclude lived experience, but to leave option to select for other skillsets the board may need.

NS: Both initially *and* going forward City Council appoints the board?

PdO: That's what the statute looks like to me.

NS: Let's start with 4 at-large with 2 lived experience. Add provision that with expansion that proportion must stay the same (i.e, if 6 at-large, then 3 lived experience).

PdO: Terms of board members are 4 years...need to clarify what happens if a board member leaves. Suggests staggering appointments at first.

PL: Agrees.

PDO: With the CDBG, the Planning Commission itself appoints one of its members to the CDBG board. Can do the same for Land Bank (LB). If a PC member drops out of LB's board, PC can appoint one of its members to replace.

[SM leaves meeting around 12:30pm]

Section 8: Advisory Board

PdO: Because stakeholders (PHA, HfH, CRHA) can't serve on board, should create an advisory board with duties that are more general, strategy based.

NS: Should we create a smaller committee to move quickly on properties?

PDO: If so, I don't mind the board being larger.

PL: Why would fairness concerns not apply to the advisory board as well?

PDO: No power to buy/sell land. Strategy not tactics.

SM: This is similar to what MWCLT does. Statutory board has no conflicts of interest, while the advisory board gives guidance.

MCP: Will the main board approve every transaction?

JS: By law anything over \$100k will need board approval.

PdO: No, because LB will be a 501(c)(3).

JS: It won't be an authority?

PDO/SM: No.

JS: Why would HAC require an advisory board, but not require the main board to approve each transaction? Doesn't seem consistent with sentiment to allow LB board to figure out such details on its own.

[to AI, AW] When CRHA creates an entity, they have to follow rules and laws of the overarching entity. Same thing for LB?

AW: No, City can give powers directly to LB. LB will have its own procurement policies, etc. LB will not be an authority, but a standalone corporation.

Section 3: Include "Regional" in Name?

AI: Can insert a clause so that if another jurisdiction joins, can rename LB as the "Charlottesville *Regional* Land Bank".

PdO: That works. Would then be the Charlottesville Regional Land Bank "trading as" the Charlottesville Land Bank.

Section 7: Use and Disposition of Property

PdO: Feels like we were talking past each other last meeting, want to clearly lay out thinking on this section. [Discusses his notes displayed on screen—see Appendix]

- Emphasis on nimbleness, except for limited instances where RFPs may be necessary.
- Shouldn't let perfection of RFP get in the way of good.
- Allow the LB board to decide whether and when to require RFPs.
- RFPs won't necessarily be just for sales, could be partnerships.
- If LB gets a high value, large property, what do they do? Multiple options beyond an automatic RFP process, depending on best use:
 - Might want to sell it, use money elsewhere;
 - Might want to keep it, use it for revenue;
 - Might want to use it directly for affordable housing—in that case yes it would go out to RFP.
- Land "Bank" not "Land" Bank. LB can raise money, borrow money, mortgage properties, etc. Main purpose is to facilitate specific projects for specific orgs, not to bank properties and figure it out later.
 - Ex: A local stakeholder like PHA or HfH brings a property & project that the LB can help facilitate/finance
- Imagining mostly smaller projects and actions will be brought to LB. LB will only incidentally be buying and selling land.
- As of Feb, 2k+ lots potentially available because new ordinance allows sub-lots. Opportunity for transactions that are relatively small scale, small dollar.

MCP: It seems like you think the LB will be passively fielding requests re: specific properties/projects, not actively looking for properties to acquire.

PdO: Correct. Don't see LB actively seeking out properties.

JS: LB should be able to acquire and hold land until the best development can happen. It's also not clear in this description how the City would determine if LB is acquiring properties and creating affordable housing units for the most bang for the buck.

PdO: Going to be too many small projects coming to LB to slow down decision making with RFPs for all of them. RFPs will be necessary only for larger projects, otherwise would be crippling.

PL: A little skeptical about a sub-lot building boom as described, but has been on other side with RFPs, understands the time/resource cost involved there.

JS: We had concerns re: fairness if an existing organization (org) ran the LB. How would this solve that? Any existing org could just bring a property to the LB and get it without a fair process.

PdO: Orgs will bring a plan for a specific property and ask LB to facilitate it. LB can then decide yes or no.

[SM returns to meeting around 1:00pm]

SM: One of the more appealing aspects of the LB is property tax being removed from transactions as well as in perpetuity. It's an automatic subsidy. Ex: Would be ideal for LB to own land under PHA's LIHTC projects, and to build on top of a ground lease. Takes the cost of land out of the project.

PdO: That works in smaller backyard scenarios as well.

SM: Advantage created by LB is not just taking land off the market but making more projects possible.

JS: But we've been having this exact conversation with the City. They still tax the building itself, which is worth way more than the land after the structure is built. Not paying property tax moves the needle, but barely. Ex: \$20mil building on \$1mil piece of land.

JJ: Does MWCLT do RFPs?

JS: Yes, but it's a much more complicated org.

SM: Would be great for LB to have an RFP process in some instances, but also a more nimble option in other cases.

NS: Can you explain how the RFP process would hinder you?

SM: Ex: A church wants to partner with PHA to use their extra land to develop affordable housing. If LB requires an RFP process for that, that unpredictability would erode PHA's relationship with their partner, and make it harder to find other partners.

NS: But if a fair and open RFP process finds the best partner for the church, wouldn't that be a positive outcome for the church and community as a whole?

SM: PHA projects happen because partners come to us for a reason. If the LB RFP process erodes our partnerships, people are going to be less likely to come to us.

NS: That's one way to look at it, but an RFP process can also open up possibilities. Informal partnerships are good but can also limit possibilities.

PdO: The RFP might result in a project that the original partner doesn't even want.

JJ: Wants process to be fair, allow chance for other orgs to partner. Has a friend who would love to partner with an org on her property, would hope for her sake she would have a fair process and access to multiple possibilities.

SM: In that situation, perfect use for LB. Would be a situation where an RFP is appropriate, because she doesn't have a specific project/partner in mind.

PdO: And she can insist on RFP if she wants to.

JS: If this org just receives requests to acquire property instead of actively seeking projects, 1) we were trying to avoid that, and 2) not every stakeholder project (HfH, PHA) has to go through the LB. Orgs can find other routes. But if they decide they need the LB's advantages to make a project happen, then the process should be more open.

PdO: Fear is RFPs just blow up deals that are ready to go. Lisa Robertson urged us to let the board decide specific policies/procedures and not to specify those in the ordinance.

MCP: Is there any room btw "dark" transactions where only one org is involved/aware and totally open RFPs? Let's find the middle ground.

PdO: Agrees there will be room btw the two, will be transaction specific.

NS: DR brought up the idea of a time limit.

SM: So, if a project doesn't come together after a certain time limit, then it moves to an RFP.

PdO: Makes sense.

SM: Does that general idea work for everyone? Any org that brings a property/project to the LB would have exclusive rights for a set period of time. If no project agreement after that time, then it goes out for RFP.

JS: Can agree with that, just need to hone in on the timeframe.

SM: Can we let the LB board determine that timeframe?

JS: In statute, should decide on a certain automatic trigger for RFPs, then for other properties can leave that to the LB board to decide.

PdO: Use property valuation as trigger for RFP?

JS: Yes, something like that. Doesn't have to be dollar value, could be other criteria.

NS: Will think about this and propose language to include in the ordinance at the next meeting.

PL: Support making recommendations as specific as possible, so LB board doesn't have to go over the same ground we have.

PdO: Maybe not all of this should be in the ordinance, some as recommendations to Council.

Motions

JJ: Let's read first motion now that SM is back.

NS: In Section 8, the LB board will be defined as:

- City Council member,
- Planning Commissioner,

- City Manager or their designee, with recommendation that designee be of a certain high-ranking staff level, and
- 4 at-large slots, 2 of which set aside for affordable housing beneficiaries.
- If board is expanded in any way, do so while keeping 50% of at-large slots set aside for affordable housing beneficiaries.

All: Motion passes.

JJ: Next motion, the LB name.

NS: Removing "Regional" from ordinance, name will be the "Charlottesville Land Bank".

All: Motion passes.

Next Steps

AW: For May 15, discussing Section 7, RFPs etc?

NS: Also wants to discuss some language in Section 1.

PL: We should also hammer out the advisory board issue.

PdO: Should do complete run through, add memo language as needed for recommendations outside of ordinance language.

AW: How do you see the memo recommendations being drafted? Is someone here drafting it, or is staff drafting it?

[NS and JS volunteer to do so.]

JJ: What will happen after that? Working group?

AW: Waiting to hear from SS about that.

JS: Does the City Attorney situation slow down our process?

AW: Not sure.

PdO: Probably

AW: Our internal process hasn't changed. City has an external firm handling business, but this will be among the first items we run by them.

NS: Hearing that HAC will next deal with tax abatements to facilitate the Inclusionary Zoning requirements in the new zoning ordinance.

AW: Tax abatement is one component of the anti-displacement HEAT toolkit being developed. Have been in touch with Richmond to see how they're having success with it.

[Some confusion whether HAC will discuss tax abatements in IZ context, anti-displacement context, or both.]

4. Public Comment

No public comments.

5. Adjourn

Adjourned 1:52pm.

APPENDIX

File shared on-screen by Phil d'Oronzio re: Section 7 Use and Disposition of Property

Land Bank - Notes on Structure, Mission and Disposition of Property

- A private, non-governmental non-profit organization designed to facilitate affordable housing and to act decisively and swiftly in carrying out its mission.
- Land *Bank* not *Land* Bank - The LB is a facilitator and a partner. Stakeholders, the City, private individuals, organizations approach the LB to facilitate projects, large and more critically, small -
 - YIMBY facilitation - 2k+ R lots in the city are suitable for subdivision, virtually all can accommodate additional units. LB can facilitate YIMBY by financing the land acquisition - debt and equity to the owner while the stakeholder builds, then a permanent take out for the ultimate manager.
 - YIMBY-individual backyard projects.
 - Stakeholder brings nascent project to the LB to develop a plan for moving it forward, using the land bank as a bridge resource.
 - Etc Etc
 - There are a broad range of powers at the LB's disposal that can be deployed to further the foregoing.
- Nimbleness is key. Speed is key. Flexibility is key. Collaboration is key.
 - RFPs may be a sensible way forward with some property, but that should be determined by the board.
 - Mandating RFPs defeats the purpose of having a land bank - we have myriad examples all over the Commonwealth of slow-moving, hidebound LBs not getting the job done. Let's do something else.
 - Mandated RFPs not only undermine the capacity and effectiveness of the mission, they are antithetical to the ethos and will discourage collaboration and force multiplication.
 - We don't know what we don't know. We need to empower the board to operate flexibly. There is a deployment of this organization in a manner that will gin up affordable housing production - concept X. We don't know what that is. The Board needs to engage with whatever it is, and have the authority to do so.