



Charlotte City Council
Great Neighborhoods Committee
Summary
December 16, 2020

COMMITTEE AGENDA TOPICS

- I. Source of Income Discrimination (Informational)
- II. Legacy Commission Report (Informational)
- III. 2021 Committee Meeting Schedule (Informational)

COMMITTEE INFORMATION

Committee Members Present: Malcolm Graham (CMGC), Tariq Bokhari (virtual), Julie Eiselt (virtual), Victoria Watlington (virtual), Braxton Winston (virtual)

Committee Members Absent: n/a

Staff Resources: Taiwo Jaiyeoba, Assistant City Manager
Pamela Wideman, Housing & Neighborhood Services
Willie Ratchford, Community Relations
Patrick Baker, City Attorney's Office
Anna Schleunes, City Attorney's Office
Warren Wooten, Housing & Neighborhood Services
Tiffany Blackwell, Strategy and Budget

Meeting Duration: 12:00 PM – 1:20 PM

Video available online: <https://www.youtube.com/watch?v=6040Di7q10A>

MEETING MATERIALS

All meeting materials are available online at https://charlottenc.gov/CityCouncil/Committees/Pages/Neighborhood_Development.aspx

- 1. Presentation – Source of Income Discrimination
- 2. Source of Income Protections, Summary of Research and Landlord Survey
- 2. Presentation – Legacy Commission

DISCUSSION HIGHLIGHTS

Council member Graham called the meeting to order and asked everyone to introduce themselves. Taiwo Jaiyeoba and Pamela Wideman provided an overview of the meeting agenda.

Source of Income Discrimination (SOID)

Pamela Wideman reviewed the Committee charge to draft a proposed local SOID ordinance and complete a SWOT(a) analysis, provide a list of cities that prohibit discrimination based on SOID, engage INVLIVIAN to see what type of mitigation factors they can help with, and provide alternatives and recommendations on incentives and educational opportunities to help mitigate landlord concerns.

Willie Ratchford provided an overview of Charlotte's current Fair Housing Ordinance and shared how adding source of income as a protected class to the ordinance could be accomplished.

Warren Wooten shared the findings of research of state and municipal source of income protections around the country, including municipalities in North Carolina.

Anna Schleunes shared several legal cases that have occurred nationally contesting source of income protections. These cases demonstrate how quickly landlords and rental organizations have brought cases against source of income protections, and the length of time that cases can take to reach resolution. Ms. Schleunes also walked the Committee through an analysis of the strengths, weaknesses, opportunities and threats (SWOT) of amending the City's Fair Housing Ordinance to include source of income protections.

Ms. Wideman reviewed the findings of a survey conducted with local landlords and local and national rental organizations. This included landlord recommendations for how to make the Housing Choice Voucher (HCV) program more acceptable to landlords. Ms. Wideman also shared staff alternatives and recommendations. These include adopting a policy requiring mandatory acceptance of HCVs and other forms of rental subsidy in all City supported housing, creating a Council appointed ad hoc Advisory Group to develop program enhancements and process improvements to the HCV program, encouraging and monitoring changes to the HCV Program at the federal level with the new administration, and considering amending the City's current Fair Housing Ordinance if HCV program enhancements and process improvements are not successful.

Malcolm Graham explained that the presentation included a lot of information that is important to help set the table so that the Committee as well as the public at-large has a basic understanding of the various of issues that exist, including with the fair housing ordinance itself, how we would amend it, taking into consideration the incentives that can be explored, legal challenges that other cities are experiencing, and how landlords and rental organizations view the proposal.

Council member Watlington asked why an amendment requires state approval. Patrick Baker explained that the authority of local government to act comes from the state. This authority is either provided specifically by the state or is some form of implied power that is tied to explicit powers. Because providing source of income protections is not an implied power, state authority is needed. Implied powers are ultimately determined by court cases. Ms. Schleunes clarified that the authority for the fair housing ordinance is found in the City of Charlotte's charter, which is adopted by state authority. The charter provision includes the seven federal protected classes and does not include SOID protections. Authority to change the charter would have to come from the General Assembly. Changing the Charter is ultimately what we are talking about.

Council member Watlington asked if we know from the survey respondents how many tenants, they currently have that are paying with vouchers. Many survey respondents shared that they do accept other sources of income including vouchers, but do we know that they are putting this into practice? Ms. Wideman explained that this was not asked in the survey, and that staff may be able to go back to the survey respondents to learn this.

Council member Watlington asked about tenant representation on the proposed ad hoc advisory group. Ms. Wideman explained that Council can make recommendations.

Council member Watlington expressed concern about the recommended timeframe of 18-24 months before action would be taken. Ms. Wideman explained that Council could take action to create the ad hoc advisory group as early as January 2021. The advisory group would then be convened and begin developing recommendations and metrics. The recommendations would then be implemented in the community, monitored, and staff would report back to Council in 18-24 months.

Council member Watlington shared her concerns that we have data that gives us some information, but we don't have what we need to be able to say where we started, to really define the disparity so that we can measure against it. She doesn't want to get 18-24 months down the road to be able to say we made a difference, or that we need to take the next step. If it can't be measured, she's not sure we will be able to define success.

Mayor pro tem Eiselt reminded the Committee that the most recent example of what the state general assembly can do is the City's 2015 non-discrimination ordinance. We thought we were adding something that we had the right to do, and the general assembly told us otherwise. They had the power to do that and prevented us from taking any action for four years. In looking back on it, had we worked with the general assembly on what we could pass, perhaps we could have had more efficacy. She shared that she appreciates how staff is proposing to go about source of income discrimination. She said that the City has started to create our own vouchers. If nothing else we can include some guardrails on how local vouchers are used to make sure people are not being discriminated against for those vouchers, while trying to deal with the Section 8 issue, it will help a little. Section 8 needs a lot of work, such as to get inspections done and landlords paid on a timely basis. She said that she is hesitant to approve an ordinance when we can't enforce it, because this unfairly gets people's hopes up. She would like to see us take a slower approach with something that will be effective and has teeth to it, while at the same time working on the problems that cause SOID in the first place, like what the proposed advisory group will do.

Council member Graham shared that short of amending the ordinance, the recommendations address what we can do to acknowledge the problem, and proactively put things in place to try to solve the problem. During the 18-24 months we will take steps to try to address this, after which, then Council can take action to amend the ordinance if still needed. This will allow us to measure if these actions are successful or not. In this way, if there were to be a lawsuit, we have provided our team with ammunition that demonstrates that we first tried several things to no avail, which left us to take the action we did. He shared that he is aware that there are several Council members that believe that before we act to amend the ordinance, that we take these other actions first.

In closing, Council member Graham reminded the Committee that they have the reports and the raw data from the survey. The next step is to update the Council at an early meeting in 2021. We talked specifically about the advisory group - the who, what, when, where and why, and does it make any sense. These are things we would still have to get buy in from the entire Committee, that we want to move in this direction. We are accepting the report as information today. He Encouraged the public and Council members to dive into it. This sets us up for a great conversation at the first of the year, in terms of the action items - what we are really going to do, how we are going to get it done, and the time frame we want to get it done. He shared that he wants to take some bold steps forward in terms of how we move this issue forward.

Legacy Commission

Tiffany Blackwell provided an overview of the Legacy Commission report, including the charge of the commission and recommendations made. Next steps include a public hearing that will be held in early January 2021, after which staff will bring back recommendations to the Committee to develop a path forward.

2021 Committee Schedule

The 2021 meeting schedule was discussed. Pamela Wideman explained that it is comparable to previous years, with the Committee continuing to meet on the third Wednesday of each month at noon, unless otherwise noted. The Committee Chair accepted the schedule.

Meeting adjourned at approximately 1:20 pm.