

COMMUNITY DEVELOPMENT COMMITTEE
Chaired by Council Member Williams
Committee Members: Williams, Hudson, Jefferson, and Johnson
MAY 3, 2022 – 4:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

CALL TO ORDER

Chairman Williams called the meeting to order at 4:00 p.m.

The following Committee Members were **Present (4)**:

Chairman Chris Williams, Committee Member Cyril Jefferson, and Committee Member Wesley Hudson, and Committee Member Johnson [arrived at 4:17 p.m.]

Staff Present:

Eric Olmedo, Assistant City Manager; JoAnne Carlyle, City Attorney; Meghan Maguire, Assistant City Attorney; Jeron Hollis, Managing Director; Ryan Ferguson, Communications Manager; Stephen Hawryluk, Budget & Performance Manager; Thanena Wilson, Interim Community Development Director, Lori Loosemore, Code Enforcement Manager, and Lisa Vierling, City Clerk

Guests Present:

Cheri Neal, Guilford County Continuum of Care Program Manager

The following documents associated with the presentations, are hereby attached as a permanent part of these proceedings:

1. *Fair Housing PPP*
2. *Fair Housing Ordinance*
3. *5-03-22 Cover Memo with Attached Ordinances to Rescind*

PRESENTATION OF ITEMS

2022-210 Fair Housing Discussion

Staff will provide a presentation regarding Fair Housing.

_____ *Transcript* _____

***Jeron Hollis:** Managing Director of Communications & Public Engagement. I want to share just a brief update about the Fair Housing program and the Fair Housing ordinance. Just some of the important background for the Fair Housing update that we want to give. It's actually a conversation that began years ago. We have primarily been discussing our most recent history stemming from January of 2021 when an Human Relations Commission Work Plan item resulted in a recommendation from the Human Relations Commission that we consider looking at a Fair*

Housing program in High Point that resulted in the City Council assigning Human Relations Commission to explore the feasibility of the Fair Housing program. Essentially, what that does is provides local access to Fair Housing support to our residents.

Currently, we refer all Fair Housing issues for High Point to be handled and investigated out of Raleigh. So, just some background there. As far as a timeline, November 2007 based on the city's analysis of impediments through Community Development, the High Point City Council adopted a local Fair Housing ordinance. Well, that ordinance in October 2009 was declined was HUD and so the term substantial equivalence or essentially having an ordinance that lines up with HUD's federal guidelines was rejected. Now, the part of that is important because what we have to keep in mind here with this ordinance is that the city is creating an ordinance that falls in line with HUD guidelines. Maybe different than some other ordinances that we create, there's a special area that this ordinance falls in where HUD has to agree that it fits their standards according to the FH law. So, one of the reasons that it was rejected-there were many areas of opportunity with it-but one of the reasons, for example, was that it didn't adequately articulate the designation of appointed board members vs. city staff as they worked in operating the execution of related individual cases.

So, we tried to learn from that history and for this effort, we did a couple of things. We got as many subject matter experts at the table as possible. We got from staff, now, we have Jelani Biggs on our team who was a former Fair Housing investigator in Winston. We added to our team Rase McCray who is a master researcher. We've also spent a lot of time with our legal department and got the assistance of outside counsel when necessary. We worked directly with HUD to make sure that we were establishing guidelines going into the direction that was something that they could agree with and the community stakeholders. We got dozens of people from the community and a couple dozen of different organizations involved in the conversation and dialogue and education process. And, last but not least, we talked to the State Human Relations Office to make sure that they understood what we were doing and we understood what they were doing and how our processes currently overlap in the areas of opportunity that they saw in a FHAP for the city.

So, fast forward from 2009 juncture and in 2016, as a result of some of the discussions and dialogue that happened, City Council amended the Fair Housing ordinance to reflect the actual practice of the Human Relations Division. It had been a department; it was changed to a division. And, at that point, the Human Relations function was not substantially equivalent; did not investigate cases; did not have the authority to go into those cases. So, the role morphed more into a support role, somewhat what it is now when it comes to Fair Housing cases with those things being referred to the State Human Relations office in Raleigh. So, as we mentioned earlier in January of 2021, the Fair Housing Agency Program (FHAP) discussion started with our housing security workshops as a result of the Human Relations Commission's suggestion that we look into becoming a Fair Housing Agency Program in High Point. There was a report given to Council in May and in July we actually kicked off those workshops as we mentioned with public feedback on that feasibility. And then in August the Human Relations Commission voted unanimously to recommend that High Point seek FHAP designation.

So, when we talk about the Fair Housing Assistance Program, it does a couple of things. Primarily it provides local access to highly trained fair housing experts. You have the housing education, outreach, and partnership. The complaint process is all in-house from the city staff standpoint. So that now if someone comes in and they've got a fair housing issue, the current process requires them to have additional layers of information from the standpoint of they have to get information to Raleigh; they have to, in some cases, they have to wait for investigators from

Raleigh to come here locally in order to do the things that would normally be for many other services would be available here for our residents. So, having that local FHAP gives the flexibility and the speed and the convenience of having that service available to our residents. And it is designed for High Point residents and housing professionals, which means that the people that are working with the Fair Housing issues are people in the community that we already know. So, it's not someone that's coming from out of town to talk to a housing provider. It's happening at the level with staff that people in the community see every day.

So, to talk about the criteria for substantial equivalency, we've got some information here. I mentioned a lot of the work that you see that we've put in came from some very late evenings from our Human Relations Division Manager, Rase McCray and I mentioned Jelani Biggs' experience. But, to boil it down, for substantial equivalency, what we're talking about-the ordinance that the city creates has to provide the same protections, rights, and remedies as the Fair Housing Act, so what that gets into, and we've got legal here to go into some more specific steps. But, in a nutshell, the same civil enforcement action, judicial power to award damages as deemed appropriate. It's important to remember there that this mechanism is available today at the State level for our housing providers. If, in the rare case where we did have something that was escalated and wasn't able to be conciliated, wasn't able to be resolved at the staff level, then this remedy exists now, but it's just at the State level. We would just be taking something that already exists and making it available at our disposal at the local level. So, we're not creating any new laws that the landlords are being subject to, it's just having those laws in place where we can handle them at a local level. I think that's something important to remember.

Now, the agency must be empowered with decision-making authority. That's the second part of it. So, the agency would have to receive, accept, and process, dismiss complaints to do the necessary investigation of those allegations of complaints, to conciliate those complaints which you find a majority of them are conciliated before they come to any particular action. And to decide whether the matter will or won't be pursued and that would be an aspect of what you get in the legal department.

We mentioned some of the partnerships and some of the things that it took to put this together and we mentioned the work that we've done with the city attorney's office. We also worked heavily with HUD's office of Fair Housing, the State Human Relations Commission, and we had mentioned a lot of the agencies. We were really pleased by the amount of feedback and information/questions that we got from the community agencies. High Point Regional Association of Realtors (HPRAR), Guilford County Family Justice Center, the Community Builders-those were some of the groups that wanted to know how they could get involved, how they could help support this after they got the information that we provided in those housing and security workshops. But there were a number of other agencies that attended the meetings, got information, and gave us some really good feedback, which, again, we wanted to make sure that we had some community input before we moved forward with the process that would affect many of those groups in the same community.

So, as far as a recommendation, the Human Relations Commission recommendation, as you see there, if the council decides to move forward with a Fair Housing Assistance Program, three things that would be recommended.

One would be to adopt the resolution and accept the recommendation and that would direct city staff to take required steps for certification.

Two would be to adopt a Fair Housing Ordinance that is substantially equivalent. As I stated earlier, to those federal fair housing laws. We have that. That should be included as an attachment. That ordinance.

Finally, creating a Human Relations specialist position which this would be a designated investigator much like what Jelani did in Winston and that would offer not only that investigation piece but also fair housing training to residents and to housing professionals and to be able to process those fair housing complaints.

So, at this point, I'd like to turn it over to Meghan with our Legal department and let her talk through some of the points about some of the specifics as far as how the process would work.

Meghan Maguire: *I think Jeron did a great job in kind of summarizing the process. When we got involved to work together with the Human Relations Division, I think our goal was to draft an ordinance that portrays the federal fair housing law as closely as possible that ensures what he keeps mentioning is the term of substantial equivalency. And then that, you know, will be a fast track to get approval from HUD this time.*

The second part of the goal was also to make sure that we address what they had already identified in the failed 2007 draft, to kind of set us up for success moving forward.

The process where legal will come into play, like he said we're kind of a tag team, so the Human Relations Division will accept the complaint and do all the investigation for it and they'll have the ability to potentially come up to mediate the efforts between the complainant and the violator, to do the full investigation, to consider conciliation, and that will all reside within Jeron's Human Relations Division world. Then, if they determine that there's no reasonable cause for it to move forward, then there will be a dismissal. If they determine that there is a reasonable cause to move forward, then that's when legal really comes into play. They'll consult w with us, we'll talk about the case. If we agree that a reasonable cause does exist, then we'll file an action in Superior Court is where it would go next. At any time, there could be a conciliation as was mentioned, which is basically an easily agreeable resolution for both parties without actually going through the court system. But, if it's necessary for us to move forward then we will. And, you know, the process is pretty straight forward. As Jeron mentioned as well, we've done a lot of market research with other jurisdictions around and talked to folks as part of the research process and it does seem that a majority of the complaints build at the conciliation process-it's rare for them to have to go to superior Court, but if they do, then we'll be ready for it to help go in and move forward with an action.

Really, so the next steps is just what the recommendations are. Is we have a draft that we feel very good about, that we vetted. And, you know, hopefully we'll be able to get this substantial equivalence pretty easily. Once you adopt that, then we can move forward with kind of implementing the logistics of standing up the department for that.

Do you guys have any questions about the ordinance or the process?

Chairman Williams: *Any questions?*

Jeron Hollis: *we've got staff here, legal.*

Chairman Williams: *Just that reminder, what was the percentage of cases that moved forward to court? I think you gave us some examples from different cities, like how many of those cases actually move forward.*

Jeron Hollis: *I'll ask Jelani to speak to that.*

Jelani Biggs: *Jelani Biggs, DEI Officer, what you'll see with national trends, cause findings account for about 3-5% of those cases. Now, keep in mind even with cause cases at the administrative level, legal will, again, have another bite of the apple to conciliate that case. So, I would assume there's even a smaller percentage that goes to litigation.*

Chairman Williams: *I was curious as to what the Human Relations specialist position would look like and if we were to move forward and if this is something that we would discuss in the upcoming budget, would it need to be something depending on the time it takes to go through this process, would it be something that we would need to amend?*

Eric Olmedo: *I think we're in place where we have direction from the committee and the council moving forward so we can include this in the proposed budget. I think when we met last time we had this conversation, I think we estimated the cost of the position to be \$60,000-\$70,000 annually. That's salary, benefits, there are program costs and other costs that we would have some federal funding that would cover part of that. There's a formula, but it's not really set, so it would be a fluctuating amount but there are some federal funds that we would receive to help support the program.*

Chairman Williams: *So, is this something that we need to take to a vote now? Like a recommendation to move forward?*

Jeron Hollis: *I think the recommendation as far as next steps, I believe the manager wanted us to have this discussed in Community Development so we could end up with a recommendation moving forward to Council. That was the idea here.*

Chairman Williams: *Well with that being said, the environment being what it is, the increased cost of living is pretty much an owner's market, I can see this being definitely necessary. So, I'll entertain a motion to approve the item.*

Committee Member Johnson: *So moved.*

Committee Member Hudson: *Second.*

Chairman Williams: *How do you vote? Motion carries by a 3-0 vote.*

Aye (3): Chairman Williams, Committee Member Hudson, and Committee Member Jefferson.

Absent (1): Committee Member Johnson

Committee Member Jefferson: *Some of these things that will be adopted, I guess at some point we'll revisit what the actual ordinance looks like. I know we talked about it, but we've not seen it. At this point, we're not adopting an ordinance, we're working through the process of seeing an ordinance at some point, right?*

Meghan Maguire: I believe, Madam Clerk, that it is included in the packet, the final draft that Jeron's team and the legal team put together. We have a draft ready for you to review.

Jeron Hollis: So, the final version that's been vetted by legal with the help of staff is available. If it was not in your packet, we'll get those to you. That document is what would be considered with this motion because it starts the process of substantial equivalence designation.

[end of transcript]

2022-211 Continuum of Care Update

Staff from the Guilford County Continuum of Care will provide an update regarding homeless services.

Thanena Wilson, Interim Director of Community Development, introduced Sheri Neal, the Continuum of Care program coordinator with Guilford County. She pointed out that it has been a little over a year since Guilford County became the lead entity with the collaborative applicant for the Guilford County Continuum of Care and noted Ms. Neal was brought on board at that time. She then turned the floor over to Ms. Neal for a brief update.

Ms. Neal spoke of three positions recently released that would help in the support as the collaborative applicant for the county; that they work closely in collaboration with the City of High Point as well as the City of Greensboro; they are looking forward to that growth to help and support the issues around homelessness and housing; they continue to work closely with their business partners to enhance and education their knowledge to do whatever they can to help rectify some of the issues in the community regarding the homeless population; they continue to look at solutions in an effort to address some of these ongoing issues; working in partnership with High Point and Greensboro allows them to expand capacity; an Interlocal Government Committee has been formed; HUD has provided technical assistance and is assisting with the current GAP analysis; listening sessions would soon begin for the elected officials and for the municipalities; invitations for the listening sessions would be forthcoming; and participation/feedback was encouraged for a more collaborative approach around tackling the issues in the community.

Chairman Williams asked Ms. Neal to speak to the funding assistance regarding the end of the moratorium on evictions. Ms. Neal noted the eviction moratorium ended in August; explained they were no longer accepting any new applications; there are some caveats they are working through to help people in crisis situations on a case-by-case basis; those people that did apply prior to March 31st could still be considered for assistance; they are working in conjunction with UNC-G on the eviction mediation program that was funded; mentioned the eviction plan in place in the City of Greensboro; that it has not been equitable; the unfairness for High Point residents to have to go to Greensboro for to receive services; that they do not seem to receive the same level of assistance; work is currently underway to try to improve the process; the need for an eviction clinic in High Point to make it equitable; they are hoping for some resolution in the coming months so that it would be equal to the residents in High Point.

Ms. Neal also spoke of discussions that have taken place about some other opportunities where they could partner with Guilford County and the City of High Point around some development opportunities to help with affordable housing. She mentioned there are also

some work-arounds on how to address shelters that are at capacity and struggling with limited resources--especially the family shelters that are out of capacity because they are not able to adequately address children and family needs, mental health issues, etc....

Chairman Williams stressed the importance of sharing the resources available and getting the word out.

Ms. Neal concluded her remarks by providing an update on the latest Point of Time homeless count that took place on February 23rd. She thanked city staff that participated and noted they had three teams on the ground including a faith-based team that helped with the count.

2022-212 Ordinance to Rescind Demolition Orders

Staff with the Community Development and Housing- Local Codes Section will provide information regarding rescinding the ordinance adopted by Council to demolish the following dwellings. Staff is requesting the ordinance be rescinded for these addresses because the properties have been repaired and are now in compliance with the City's Minimum Housing Code.

Staff is seeking approval of this matter from the Community Development Committee and that the item be placed on the consent agenda for the May 16, 2022 City Council Meeting.

- 1834 Willard
- 908 Richardson Ave.
- 1615 Long St.
- 1220 Lakeview Heights Dr.
- 262 Dorothy St.
- 523 N. Centennial St.
- 605 Langford Ave.
- 1310 Ragan Ave.
- 1336 Cox Ave.
- 317 Fourth St.
- 811 Willow Pl.
- 308 Fourth St.
- 1441 Madison St.
- 412 Walnut St.

Lori Loosemore, Code Enforcement Manager, advised these are houses that were brought before the City Council to try to encourage owners to repair or demolish. In the interim from the time the ordinances were passed, these property owners chose to demolish these structures. As a result, the previously adopted demolition ordinances need to be rescinded so they are no longer attached to these properties.

Committee Member Jefferson inquired about how long these properties sat before being demolished and asked if any of the property owners mentioned wanting to rebuild on their lots. Ms. Loosemore noted a majority of them were demolished within 45-60 days after the ordinance was passed. She advised that she was unaware of any of the property owners of these specific properties wanting to rebuild, but in the past, there have been a few where that was their intention.

Committee Member Jefferson also asked if there have been any conversations about next steps in replacing structures that are demolished that are now empty lots. Chairman Williams explained that is a common thing for blight reduction and mentioned that Detroit actually had a dollar sale for lots. When considering public safety measures, he felt it was better to have an empty lot in a neighborhood.

Assistant City Attorney Meghan Maguire asked Ms. Loosemore to read the list of properties/addresses into the record. Ms. Loosemore proceeded and read the following list into the record for the ordinances to be rescinded for demolition:

- 1834 Willard
- 908 Richardson Ave.
- 1615 Long St.
- 1220 Lakeview Heights Dr.
- 262 Dorothy St.
- 523 N. Centennial St.
- 605 Langford Ave.
- 1310 Ragan Ave.
- 1336 Cox Ave.
- 317 Fourth St.
- 811 Willow Place
- 308 Fourth St.
- 1441 Madison St.
- 412 Walnut St.

Chairman Williams made a motion to forward this matter to City Council with a favorable recommendation for adoption of the ordinances to rescind the previously adopted demolition ordinances for the preceding addresses. Committee Member Johnson made a second to the motion, which carried by the following 4-0 unanimous vote:

Aye (4): Chairman Williams, Committee Member Hudson, Committee Member Jefferson, and Committee Member Johnson

ADJOURNMENT

Prior to adjournment, Committee Member Jefferson mentioned the recent Operation In As Much event; mentioned how great it was to hear stories by the residents; that volunteers were taking real special care; all the great interactions; everyone felt appreciated; and thanked everyone for doing such a great job.

Staff replied that the next OIAM event would be in October, and they would provide an official update with a video of the most recent OIAM event in the near future.

There being nothing further to come before the Community Development Committee, there were no objections to adjourn the meeting. The meeting adjourned at 4:40 p.m.

Respectfully Submitted,

Chris Williams, Chairman
Community Development Committee

Attest:

Lisa B. Vierling, MMC
City Clerk