FINANCE COMMITTEE AGENDA
Tuesday, January 28, 2014
Bidder's Room
11:30 a.m.

GENERAL BUSINESS

11:30 a.m.

1. Report on the General Fund Reserve for Contingencies

   Contact: Donna Witt, Director of Financial Services 455-3968

11:35 a.m.

2. Review highlights of attached quarterly financial reports for the Greater Lynchburg Transit Company (GLTC) as well as the Regional Airport, Lynchburg Regional Juvenile Detention Center, Comprehensive Services Act, Water Operating, Sewer Operating, Stormwater Operating, and General Funds the for the quarter ending September 30, 2013.

Fund	Preparer
GLTC	Karen Walton, General Manager of GLTC
Regional Airport Fund	Mark Courtney, Airport Manager
Lynchburg Regional Juvenile Detention Center	Tamara Rosser, Director of Human Services
Comprehensive Services Act Fund	Tamara Rosser, Director of Human Services
Water Operating Fund	Tim Mitchell, Director of Water Resources
Sewer Operating Fund	Tim Mitchell, Director of Water Resources
Stormwater Operating Fund	Tim Mitchell, Director of Water Resources
General Fund	Donna Witt, Director of Financial Services

12:00 p.m.

3. Consider a request to adopt a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate $131,575, with resources from the sale of property at 2400 Lakeside Drive, for the design of improvements to transportation infrastructure in the Whitehall Road/Lakeside Drive/Old Forest Road area.

   Contact: Gaynelle Hart, Director of Public Works 455-4406

12:05 p.m.

4. Consider a request to adopt a resolution to amend the FY 2014 Forfeited Asset Fund budget and appropriate $180,274 with resources from the 2014 Federal Asset Forfeiture program for the Crisis Intervention Team, to purchase public safety vehicles and equipment, and for additional public safety needs.

   Contact: Police Chief Parks Snead 455-6104

12:10 p.m.

5. Consider a request to approve the submittal of a grant application for the 2014/2015 School Resource Officer Grant Program through the Department of Criminal Justice Services (DCJS) for $150,000 to hire three additional police officer positions to provide one School Resource Officer (SRO) for each of the three middle schools.

   Contact: Police Chief Parks Snead 455-6104

12:15 p.m.

6. Consider a request to adopt a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate $256,000 with resources from a donation from the Friends of the Lynchburg Public Library to build a dedicated Story Time Room at the Lynchburg Public Library.

   Contact: Marilyn Martin, Interim Director of Libraries 455-6301

12:20 p.m.

7. Consider a request to adopt a resolution to amend the FY 2014 City/Federal/State Aid Fund budget and appropriate $85,476 with resources of $64,107 from a federal Hazard Mitigation Grant Program award, $17,095 from the General Fund Reserve for Contingencies, and $4,274 of in-kind matching services to implement an emergency notification system to provide critical information to the citizens of Lynchburg.

   Contact: JoAnn Martin, Director of Communications and Marketing 455-3801

12:25 p.m.

8. Review collections received from five of the City's largest revenue sources.

   Contact: Donna Witt, Director of Financial Services 455-3968

12:30 p.m.

9. Roll Call

OTHER INFORMATION

1. Review of Shelter Plus Care Renewal Grant Application for Fiscal Year 2014.

The next Finance Committee meeting is Tuesday, February 25, 2014, at 11:30 a.m.

AGENDA ITEM NO.: **1**

FY 2014 GENERAL FUND RESERVE FOR CONTINGENCIES

	Reserve for Contingencies	City Manager's Discretionary Funding
BEGINNING BALANCE, JULY 1, 2013	$700,000	$0
Anticipated carryforward to FY 2014 Reserve for Contingencies - 05/28/13 Council Meeting	450,000	50,000
BALANCE	**$1,150,000**	**$50,000**
APPROPRIATIONS (Second Reading)		
Additional funding for the Regional Radio Upgrade Project - 10/22/13 Council Meeting	$210,700	
Debt service interest payment on $10m bond issue - 10/22/13 Council Meeting	166,528	
TOTAL APPROPRIATIONS	**$377,228**	**$0**
REMAINING BALANCE	**$772,772**	**$50,000**
ITEMS INTRODUCED		
Reverse 911 Grant matching funds - 01/28/14 Finance Committee	$17,095	
TOTAL INTRODUCED ITEMS	**$17,095**	**$0**
REMAINING BALANCE	**$755,677**	**$50,000**
PENDING ITEMS		
TOTAL PENDING ITEMS	**$0**	**$0**
PROJECTED BALANCE	**$755,677**	**$50,000**

January 2014

Greater Lynchburg Transit Company

1301 Kemper Street
PO Box 797
Lynchburg, VA 24505
434.455.5080
434.847.8621 (Fax)
gberkley@gltconline.com
www.GLTConline.com

January 13, 2014

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

RE: September 30, 2013 Quarterly Financial Report – Greater Lynchburg Transit Company

The attached Greater Lynchburg Transit Company Comparative Income Statement summarizes the financial activities for the first quarter of FY14 fiscal year, and provides comparative year to date data for the same period in FY2013.

REVENUE

Revenue is down this first quarter of the FY14 fiscal year. Whereas our fare box revenue is doing well above projections at 12%, some of the other projections are falling lower. The state grant will be coming up at a much higher rate during the third and fourth quarters which will make up for shortfall in these other areas. In addition we have entered into two new contracts with Central Virginia Community College and the Virginia Department of Health which should bring in some additional operating revenue.

EXPENDITURES

Expenses are tracking as expected. The higher fixed route labor costs have mainly to do with the large training class that we held over the summer (25 students and 5 trainer/drivers). Other noteworthy items are that our medical insurance, liability insurance and workers comp came in at a flat rate from last year.

SUMMARY

Though the first quarter financials seem grim (the second quarters will also), GLTC is expected to receive an additional $600,000 during the second half of the year from DRPT, on top of what was originally projected. This additional funding comes from the new transportation bill and GLTC is getting a larger piece of it due to our excellent metrics in ridership, costs per hour/mile/passenger, and safety.

We do believe that there are some additional efficiencies in our budget and we are currently examining every contract to see where we can eliminate excess costs. We have a strong cadre of drivers right now, so overtime should be limited. Finally we are examining our paratransit costs. Our Para ridership is going down (which is good) and we need to find a way to reduce the costs associated with it.

On the capital side, the new transfer center is coming along nicely and we are still expecting an April ribbon cutting. We are also at 30% design on the Operations & Maintenance facility and we are hoping for a FY15 groundbreaking on our property at Bradley Street.

Respectfully submitted,

Karen Walton

Karen Walton
General Manager

Cc: L. Kimball Payne III, City Manager
Bonnie Svrcek, Deputy City Manager
Donna Witt, Director of Financial Services

CENTRAL VIRGINIA TRANSIT MANAGEMENT CO INC.
COMPARATIVE INCOME STATEMENT
AS OF SEPTEMBER 30, 2013

	YEAR TO DATE FY2014 YTD ACTUAL	YEAR TO DATE FY2013 YTD ACTUAL	% VAR	YEAR TO DATE FY2014 YTD ACTUAL	YEAR TO DATE FY2014 YTD BUDGET	% VAR
REVENUE						
FRT Passenger Revenue	$ 266,678	$ 257,159	4%	$ 266,678	$ 237,540	12%
DRT Passenger Revenue	20,957	22,553	-7%	20,957	23,231	-10%
Contracts (LC Access)	5,452	4,349	25%	5,452	4,349	25%
Liberty University Revenue	180,507	215,866	-16%	180,507	215,866	-16%
Other Contract Revenue	4,303	7,178	-40%	4,303	12,200	-65%
Non-Operating Revenue	27,714	11,632	138%	27,714	6,250	343%
Advertising Revenue	9,337	13,891	-33%	9,337	16,250	-43%
City Operating Assistance	298,560	342,316	-13%	298,560	298,560	0%
County Operating Assistance	14,373	14,373	0%	14,373	17,071	-16%
State Operating Assistance	268,515	358,247	-25%	268,515	346,781	-23%
Federal Operating Assistance	493,430	461,334	7%	493,430	461,334	7%
TOTAL REVENUE	**$ 1,589,825**	**$ 1,708,897**	**-7%**	**$ 1,589,825**	**$ 1,639,430**	**-3%**
EXPENSES						
FIXED ROUTE						
Operator Labor	$ 423,706	$ 309,977	37%	$ 423,706	$ 329,355	29%
Operator-Overtime	5,478	41,002	-87%	5,478	30,082	-82%
Other Salaries & Wages	44,236	51,300	-14%	44,236	55,136	-20%
Supervisors-Overtime	3,800	4,625	-18%	3,800	4,050	-6%
Fringe Benefits	224,054	165,374	35%	224,054	257,153	-13%
TOTAL FIXED ROUTE	**$ 701,275**	**$ 572,278**	**23%**	**$ 701,275**	**$ 675,775**	**4%**
DEMAND RESPONSE						
Operator Labor	$ 69,592	$ 64,381	8%	$ 69,592	$ 67,258	3%
Operator-Overtime-PTS	842	1,051	-20%	842	1,375	-39%
Other Salaries & Wages	22,996	17,006	35%	22,996	16,294	41%
Fringe Benefits	43,865	33,504	31%	43,865	51,431	-15%
TOTAL DEMAND RESPONSE	**$ 137,296**	**$ 115,942**	**18%**	**$ 137,296**	**$ 136,357**	**1%**
MAINTENANCE						
Other Salaries & Wages	$ 139,716	$ 135,780	3%	$ 139,716	$ 136,672	2%
Inspection&Maint,Srvc-Overtim	5,039	5,315	-5%	5,039	5,412	-7%
Fringe Benefits	67,962	57,344	19%	67,962	85,718	-21%
Fuel & Lubricants	218,148	204,506	7%	218,148	234,575	-7%
Tires & Tubes	20,505	5,616	265%	20,505	12,037	70%
Other Materials & Supplies	89,429	64,661	38%	89,429	76,925	16%
TOTAL MAINTENANCE	**$ 540,799**	**$ 473,221**	**14%**	**$ 540,799**	**$ 551,337**	**-2%**
ADMINISTRATION						
Other Salaries & Wages	$ 58,060	$ 38,984	49%	$ 58,060	$ 51,475	13%
Fringe Benefits	27,259	15,844	72%	27,259	34,287	-20%
Services	109,125	103,003	6%	109,125	108,357	1%
Utilities	21,771	20,352	7%	21,771	29,250	-26%
Casualty & Liability Expenses	72,338	74,435	-3%	72,338	76,500	-5%
Other Materials & Supplies	4,567	7,023	-35%	4,567	10,022	-54%
Miscellaneous	12,959	7,449	74%	12,959	21,125	-39%
TOTAL ADMINISTRATION	**$ 306,078**	**$ 267,091**	**15%**	**$ 306,078**	**$ 331,015**	**-8%**
TOTAL EXPENSES	**$ 1,685,448**	**$ 1,428,531**	**18%**	**$ 1,685,448**	**$ 1,694,484**	**-1%**
Reserve Transfer	**$ -**	**$ 12,501**	**-100%**	**$ -**	$ -	#DIV/0!
NET INCOME/(LOSS)	**$ (95,622)**	**$ 267,865**	**-136%**	**$ (95,622)**	**$ (55,054)**	**74%**

Lynchburg Regional Airport
350 Terminal Drive, Lynchburg, Virginia 24502 • (434) 455-6090 • Fax (434) 239-9027

THE CITY OF LYNCHBURG

January 15, 2014

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2013 – Quarterly Financial Summary - Lynchburg Regional Airport

REGIONAL AIRPORT FUND

The attached Lynchburg Regional Airport Operating Fund Financial Summary reflects the financial activity for this Fund for the FY 2014 first quarter ending September 30, 2013. I am pleased to report that while revenues in general are projected to be relatively flat, they are somewhat higher than budgeted. The subsidy from the General Fund to the airport for FY2014 is projected to be $237,478 which is $51,583 less than budgeted. Further reducing the operating subsidy from the City remains a top priority of airport staff along with attracting additional airline service.

REVENUE HIGHLIGHTS

- Terminal Revenue: Revenue is projected to be $97,700 more than budget due primarily to additional parking lot revenue resulting from a rate increase implemented since this year's budget was prepared.

- General Aviation: Revenue is projected to be $8,000 more than budget due to higher fuel sales related revenue than anticipated.

- State Airport Aid: Revenue is projected to be $25,000 more than budget due to having more state-funded non-recurring airport projects than anticipated when the budget was prepared.

- General Fund Subsidy: As previously mentioned, the projected operating subsidy from the City is $237,478 which is $51,583 less than budget.

EXPENSE HIGHLIGHTS

- Administration: $6,330 decrease reflecting lower payments to the City for Risk Management administration and insurance.

- Safety (ARFF & LEO): $2,618 increase primarily for increased cost of contracted Airfield Rescue & Fire Fighting (ARFF) services.

SUMMARY

Non-recurring maintenance expenses will exceed our budget significantly (but are largely reimbursed by state aviation entitlement funds) and will be addressed in the third-quarter budget review. Based on consistent air service levels, competitive airfares, and anticipated passenger demand combined with decreasing debt service, the airport's subsidy is expected to be reduced significantly from the current level to near self-sufficiency in the next two to three years.

Respectfully submitted,

Mark F. Courtney, A.A.E.
Airport Director

cc: L. Kimball Payne III, City Manager
Bonnie Svrcek, Deputy City Manager
Donna Witt, Director of Financial Services
Wesley Campbell, Airport Finance Manager

LYNCHBURG REGIONAL AIRPORT
OPERATING FUND FINANCIAL SUMMARY
September 30, 2013

	FY 2013 Amended Budget	FY 2013 Actual (thru 9/30/12)	FY 2013 % of Budget	*	FY 2014 Amended Budget	FY 2014 Actual (thru 9/30/13)	FY 2014 % of Budget	*	FY 2014 Amended Budget	FY 2014 Revised Estimates	FY 2013 $ Variance Revised vs. Amended Budget
				*				*			
BEGINNING NET ASSETS		$ 32,507,809		*		$ 31,042,521 **(1)**		*		$ 31,042,521 **(1)**	
Less: Invested in Capital Assets, net of related debt		31,723,484		*		30,210,365		*		30,210,365	
BEGINNING UNRESTRICTED NET ASSETS	$ 558,143	$ 784,325		*	$ 182,579	$ 832,156		*	$ 182,579	$ 832,156	$ -
				*				*			
BOND REFUNDING PROCEEDS	$ -	$ -		*	$ -	$ -		*	$ -	$ -	
PRIOR PERIOD AUDIT ADJUST	$ -	$ -		*	$ -	$ -		*	$ -	$ -	
				*				*			
REVENUES				*				*			
Airfield	90,000	26,825	30%	*	95,000	25,505	27%	*	95,000	95,000	0
Terminal	1,213,183	325,367	27%	*	1,227,327	364,121	30%	*	1,227,327	1,325,027	97,700
General Aviation	372,000	98,633	27%	*	383,000	104,242	27%	*	383,000	391,000	8,000
Other Leased Property	220,400	46,054	21%	*	214,400	31,546	15%	*	214,400	214,400	0
State Airport Aid	344,000	44,435	13%	*	95,000	75,438	79%	*	95,000	120,000	25,000
Federal Security Aid	120,000	19,902	17%	*	110,000	9,210	8%	*	110,000	110,000	0
General Fund Subsidy	336,330	96,000	29%	*	289,061	72,000	25%	*	289,061	237,478	(51,583)
Interest & Other	19,000	6,291	33%	*	19,000	6,007	32%	*	19,000	18,750	(250)
	$ 2,714,913	$ 663,507		*	$ 2,432,788	$ 688,069		*	$ 2,432,788	$ 2,511,655	$ 78,867
				*				*			
EXPENSES				*				*			
Airfield Operations	294,822	64,155	22%	*	294,541	78,780	27%	*	294,541	294,541	0
Terminal Operations	559,898	109,445	20%	*	557,808	105,653	19%	*	557,808	557,808	0
General Aviation	114,906	25,920	23%	*	125,008	22,915	18%	*	125,008	125,008	0
Administration	657,208	143,551	22%	*	668,333	150,177	22%	*	668,333	662,003	6,330
Safety (ARFF & LEO)	402,630	77,715	19%	*	399,020	104,424	26%	*	399,020	401,638	(2,618)
Snow Removal	20,056	83	0%	*	20,468	153	1%	*	20,468	20,468	0
Debt Service	263,183	43,424	16%	*	205,865	56,605	27%	*	205,865	205,865	0
Non-Recurring Airport Expenses	497,460	121,500	24%	*	159,890	114,277	71%	*	159,890	159,890	0
Transfers to Other Airport Funds	222,500	0	0%	*	20,000	1,640	8%	*	20,000	20,000	0
Other Airport Expenses	57,814	4,510	8%	*	64,434	10,064	16%	*	64,434	64,434	0
	$ 3,090,477	$ 590,303		*	$ 2,515,367	$ 644,689		*	$ 2,515,367	$ 2,511,655	$ 3,712
ENDING UNRESTRICTED NET ASSETS	$ 182,579	$ 857,529		*	$ 100,000	$ 875,536		*	$ 100,000	$ 832,156 **(2)**	

FOOTNOTES:

1) Beginning Net Assets agrees with the Comprehensive Annual Financial Report (CAFR) with the following adjustment:

Total Net Assets per CAFR 6/30/13	$ 35,885,879
Less: Net Assets in Capital & PFC Funds	$ (4,843,358)
Total Beginning Net Assets	$ 31,042,521

2) FY 2014 Ending Unrestricted Net Assets (Estimates) is comprised of the following:

Des. for Debt Service (Rental Car Facility)	$ 162,928	($204,886.55 + 250 int est - 42,209 = $162,927.55)
Des. for Maintenance (Rental Car Facility)	$ 43,938	($43,937.98 + or - year-end adjustment)
Reserve for Encumbrances		(encumbrances carried forward to FY15)
Undesignated Retained Earnings	$ 625,290	
	$ 832,156	

1/22/2014

January 28, 2014

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

RE: September 30, 2013 Quarterly Financial Report - Lynchburg Regional Juvenile Detention Center

Lynchburg Regional Juvenile Detention Center

The attached Lynchburg Regional Juvenile Detention Center (Detention Center) financial report summarizes the financial activities through September 30, 2013 for FY 2014. This financial report provides comparative year to date data for the same period of FY 2013.

REVENUES

Charges for Services
This revenue category represents per diem charges to those contracting jurisdictions that place juveniles at the Detention Center. Revenues from charges for services for the first quarter of FY 2014 were $206,279 or 12.3% of budget as compared to $234,071 or 13.0% of budget for FY 2013. The number of child care days for the first quarter of FY 2014 was 1,845 as compared to 1,829 for FY 2013.

Department of Juvenile Justice Block Grant
This revenue category represents allocations from the Virginia Department of Juvenile Justice (DJJ) for operational expenses of the Detention Center. Revenues from the DJJ for the first quarter of FY 2014 were $268,616 or 24.5% of budget as compared to $284,999 or 26.0% of budget for FY 2013.

United States Department of Agriculture (USDA)
This revenue category consists of reimbursements for meals served to juveniles at the Detention Center. Revenues from USDA for the first quarter of FY 2014 were $8,593 or 19.1% of budget, as compared to $9,102 or 20.2% of budget for FY 2013.

EXPENDITURES

The expenditures for the first quarter of FY 2014 were $608,441 or 20.9% of budget as compared to $604,079 or 19.9% of budget for FY 2013.

SUMMARY

The revenues through the 1st quarter of FY 2014 were $483,488 or 16.6% of budget as compared to $528,172 or 17.4% of budget for FY 2013.

The average number of juveniles being served per day through the first quarter of FY 2014 is 20.05 as compared to 19.88 in FY 2013.

Respectfully submitted,

Tamara V. Rosser

Tamara Rosser
Director, Department of Juvenile Services

cc: L. Kimball Payne, III, City Manager
Bonnie Svrcek, Deputy City Manager
Donna Witt, Director, Financial Services
Robin Mamola, Accounting Supervisor, Human Services
Kathy Collins, Accountant, Juvenile Services

Lynchburg Regional Juvenile Detention Center
Special Revenue Fund
Financial Summary
First Quarter: As of September 30, 2013

	FY 2013 Amended Budget	FY 2013 Actual 1 QTR YTD	FY 2013 % of Budget	FY 2014 Amended Budget	FY 2014 Actual 1 QTR YTD	FY 2014 % of Budget	FY 2014 Amended Budget	FY 2014 Revised Estimates	FY 2014 Actual to Amended
Beginning Funds at July 1									
Revenues:									
Charges for Services	1,796,789	234,071	13.0%	1,676,322	206,279	12.3%	1,676,322	1,676,322	-
Intergovernmental- Department of Juvenile Justice Block Grant	1,095,120	284,999	26.0%	1,095,120	268,616	24.5%	1,095,120	1,095,120	-
Intergovernmental- USDA	45,000	9,102	20.2%	45,000	8,593	19.1%	45,000	45,000	-
Miscellaneous	0	0	0.0%	0	0	0.0%	0	0	-
Budget Designations	100,830	0	0.0%	100,842	0	0.0%	100,842	100,842	-
Total Revenues	3,037,739	528,172	17.4%	2,917,284	483,488	16.6%	2,917,284	2,917,284	-
Expenditures:									
Salaries	1,406,306	324,094	23.0%	1,412,955	335,344	23.7%	1,412,955	1,412,955	-
Employee Benefits	642,677	136,761	21.3%	582,715	145,018	24.9%	582,715	582,715	-
Contractual Services	38,492	19,585	50.9%	53,836	10,984	20.4%	53,836	53,836	-
Internal Services	9,170	1,399	15.3%	11,900	3,997	33.6%	11,900	11,900	-
Supplies and Materials	130,170	24,783	19.0%	130,170	17,622	13.5%	130,170	130,170	-
Utilities	85,800	16,585	19.3%	85,800	12,007	14.0%	85,800	85,800	-
Training and Conferences	3,050	451	14.8%	3,050	128	4.2%	3,050	3,050	-
Telecommunications	4,500	502	11.2%	4,500	377	8.4%	4,500	4,500	-
Postage and Mailing	850	90	10.6%	850	195	22.9%	850	850	-
Indirect Costs	236,450	59,113	25.0%	237,218	59,305	25.0%	237,218	237,218	-
Self Insurance	15,752	3,938	25.0%	15,752	3,938	25.0%	15,752	15,752	-
Dues and Memberships	500	100	20.0%	500	20	4.0%	500	500	-
Rentals and Leases	2,308	551	23.9%	2,492	551	22.1%	2,492	2,492	-
Health and Dental Benefits for Retirees	28,144	6,275	22.3%	28,144	8,500	30.2%	28,144	28,144	-
Professional Services	6,746	750	11.1%	6,721	1,862	27.7%	6,721	6,721	-
SpecialUseEquipment	2,000	0	0.0%	0	0	0.0%	0	0	-
Debt Service	273,198	0	0.0%	183,681	0	0.0%	183,681	183,681	-
USDA Grant	45,000	9,102	20.2%	45,000	8,593	19.1%	45,000	45,000	-
Capital Outlay	0	0	0.0%	2,000	0	0.0%	2,000	2,000	-
Budget Designations	96,626	0	0.0%	100,000	0	0.0%	100,000	100,000	-
Contingency	10,000	0	0.0%	10,000	0	0.0%	10,000	10,000	-
Total Expenditures	3,037,739	604,079	19.9%	2,917,284	608,441	20.9%	2,917,284	2,917,284	-
TOTAL FUND BALANCE	0	(75,907)		0	(124,953)		0	0	
TOTAL ASSIGNED FUND BALANCE Maint./Equipment	100,000	100,000		100,000	100,000		100,000	100,000	

January 28, 2014

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: Comprehensive Services Act (CSA) Fund Financial Report for the period ending September 30, 2013.

The attached CSA Fund Financial Summary summarizes the financial activity for this Fund through September 30, 2013. Under the State guidelines, CSA prior year obligations are paid through September 30th of each year. However, the annual budget is prepared on a fiscal year (July-June). Because of the State guidelines, expenditures for this fund are unique due to the overlap of grants each fiscal year. Accordingly, this report reflects only the current grant year financial activity for FY 2014.

REVENUES

- Public Assistance – Welfare and Administration

  The Public Assistance revenue source is the reimbursement received from the State for local expenses incurred under CSA for providing services to troubled youth and their families. The current rate of reimbursement for community-based services is 86.32%, residential services is 65.8%, and for all other services, 72.64%. State funds to assist in administering the grant, ($29,730 for FY 2014) are provided by the State each year, and have been received in full. A local match is required for all state funds received. Reimbursements received for expenditures incurred through the first quarter of FY 2014 are $186,442.

- CSA Contribution – General Fund and Schools

  These revenue sources are comprised of the required local match for all State funds received for the Comprehensive Services Act. For FY 2014 the budgeted School contribution is $196,541 and the year-to-date budgeted General Fund contribution is $1,238,852. For the first quarter of FY 2014, local matching funds for programs in the amount of $309,713 or 25% of the budget for the General Fund and $49,135 or 25% of the budget for Schools have been received.

- Miscellaneous Revenue

  Miscellaneous revenues in the amount of $15,292 or 13.9% of the budget were collected for the first quarter of 2014 compared to $14,171 or 12.9% for 2013. These revenues are mainly comprised of recoupments from children's social security payments for expenditures incurred on their behalf.

EXPENSES

- Administrative expenses

  CSA Administrative funds are used for salaries, supplies, and materials. Budgeted funds for FY 2014 are $62,978. Actual YTD administrative expenditures for FY 2014 were $18,993 or 30.2% of the budget as compared to $20,142 or 32.3% of the budget in FY 2013.

- Mandated – Foster Care

  Foster care expenses include funds for residential facilities, day care, maintenance payments to foster parents, and foster care prevention. Year-to-date foster care expenditures for the first quarter of FY 2014 totaled $125,305 or 4.6% of the budget compared to $195,002 or 6.9% of the budget for the first quarter of FY 2013. The decrease in expenditures is due to having fewer children in foster care.

- Mandated – Foster Care Enhanced Maintenance

  Enhanced Maintenance is a new rate structure process that was implemented on October 1, 2009 for children placed in foster and adoptive homes. The Virginia Enhanced Maintenance Assessment Tool (VEMAT) was introduced as the required, state-wide tool to be used when assessing a child's need for additional supervision and support and, thus, an enhanced maintenance payment for the foster or adoptive parent. In February 2013, all VEMAT rates were automatically reduced statewide. Enhanced Maintenance expenses for FY 2014 were $42,604 compared to $86,946 for FY 2013.

- Mandated – Special Education

  Special Education expenses include services for Special Education students from the Lynchburg City Schools. Expenditures for FY 2014 totaled $44,852 or 2.7% of the budget compared to $20,544 or 1.3% of the budget for FY 2013. The change is attributed to an increase in the number of students attending Rivermont School as well as increased lengths of stay at Rivermont.

- Non-Mandated Services

  Non-mandated expenditures are for services such as counseling, mentoring, crisis intervention, and foster care prevention services. Non-mandated expenditures for FY 2014 were $21,099 or 5.6% of the budget. The increase is due to serving more non-mandated youth, those involved with the Juvenile and Domestic Court, and those with mental health issues who are not in the custody of Social Services.

- Community Based Services

  This category includes services to children while they are living at home, in the home of an extended family, in a regular foster family home, or in an independent living arrangement. Community services may include assessment, crisis stabilization, therapy, or intervention services provided in the child's home. Community Based Services for the first quarter of FY 2014 were $29,138 or 11.5% of the budget as compared to $64,451 or 17.3% of the budget for FY 2013.

Finance Committee
January 28, 2014

SUMMARY

The Comprehensive Services Act Fund creates a collaborative system of services and funding that is child-centered, family-focused, and community-based when addressing the strengths and needs of at-risk youths and their families in the City of Lynchburg

While the number of children currently in foster care has decreased, the number of children receiving CSA services has increased for FY 14. Other factors continue to impact this budget. These factors include an increased number of children receiving more intensive services for longer periods of time, increased vendor rates as well as an increase in the number of services provided by the vendors, parental agreements, and an increase in special educational services.

The Community Policy and Management Team, in collaboration with the professional community, continues to work hard and is diligent and deliberate in efforts to reduce costs associated with CSA. We continue to work with the professional community to develop services in an effort to reduce cost.

Respectfully submitted,

Tamara T. Rosser

Tamara T. Rosser
Director of Human Services

c: L. Kimball Payne, III, City Manager
Bonnie Svrcek, Deputy City Manager
Donna Witt, Director of Financial Services
Rhonda Allbeck, Assistant Director of Financial Services
Robin Mamola, Financial Professional IV
Courtney Blankenstein, Financial Professional III

Comprehensive Services Act
Special Revenue Fund
Financial Summary
September 30, 2013

	FY 2013 Amended Budget	FY 2013 Actual 1 QTR YTD	FY 2013 % of Budget	FY 2014 Amended Budget	FY 2014 Actual 1 QTR YTD	FY 2014 % of Budget
Beginning Fund Balance	329,544	329,544		329,544	466,552	
Revenues:						
Public Assistance - Welfare and Administration *	3,417,468	264,199	7.7%	3,517,468	186,442	5.3%
Transfer from Lynchburg City Schools	196,541	49,135	25.0%	196,541	49,135	25.0%
Transfer from General Fund	1,338,852	334,713	25.0%	1,238,852	309,713	25.0%
Miscellaneous	110,000	14,171	12.9%	110,000	15,292	13.9%
Total Revenues	5,062,861	662,218	13.1%	5,062,861	560,582	11.1%
Expenses:						
Administrative Expenses	62,283	20,142	32.3%	62,978	18,993	30.2%
Mandated - Foster Care	2,821,764	195,002	6.9%	2,721,305	125,305	4.6%
Mandated - Foster Care Enhanced Payments	0	86,946	1.0%	0	42,604	1.8%
Mandated - Special Education	1,573,060	20,544	1.3%	1,650,000	44,852	2.7%
Non-Mandated Services	230,000	0	0.0%	375,836	21,099	5.6%
Community Based	372,078	64,451	17.3%	252,742	29,138	11.5%
Total Expenditures	5,059,185	387,085	7.7%	5,062,861	281,991	5.6%
ENDING FUND BALANCE	333,220	604,677		329,544	745,143	

** Reimbursement for July - Sept received 10/31 & 12/06.*

January 28, 2014

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2013 Quarterly Financial Report – Water Operating Fund

The attached Water Operating Fund Financial Summary summarizes the financial activity for this fund through September 30, 2013. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Projected variances between the FY 2014 Budget and the Department's year end projections are described below.

REVENUES

Following the completion of the first quarter, overall revenues for FY 2014 are projected to exceed the FY 2014 budget by $68,000 (0.50%). Explanations follow:

- **Charges for Services:**

  Revenue in this category is expected to be $68,000 (0.64%) over budget due to an adjustment to the monthly service charge. A review of all water and sewer accounts, water only accounts and sewer only accounts was made to accurately allocate the Water and Sewer Fund revenue connected to the fixed monthly charge increase. There is a corresponding decrease in the Sewer Fund of approximately the same amount.

- **Water Contracts:**

  This revenue account reflects billing activity to counties of Amherst, Bedford, and Campbell, and the industries of Rock-Tenn and Frito-Lay. The net revenue from this source is projected to be within budget.

- **Interest and Other:**

  Interest and other earnings are expected to be within budget.

EXPENSES

Overall expenses for FY 2014 are projected to be $289,742 (2.11%) less than the FY 2014 budget. Explanations of this variance follow:

- **Departmental Operation and Maintenance Expenses:**

  This category includes the Water Treatment Plant, Meter Operations, Water Line Maintenance and Administration. Expenses in this category are expected to be $289,742 (3.25%) less than the FY 2014 budget (Water Treatment - $225,000 savings, Meter Operations - $0 savings, Water Line Maintenance - $34,277 savings, Administration - $30,465 savings). This variance is broken down as follows:

➢ Personnel Services and Benefits	$20,465
➢ Chemicals	$190,000
➢ Communication and Utilities	$35,000
➢ All Other	$44,277
Total	**$289,742**

  The most significant variances are savings related to chemicals and electricity which occur when James River water does not need to be pumped and treated. Due to wet weather conditions our water source has been exclusively on the Pedlar Reservoir. Outside any unusual events we anticipate using solely the Pedlar Reservoir through this spring. Savings in All Other is mostly attributable to less than anticipated capital charges used for vehicle and equipment replacements.

- **Non-Departmental Operation and Maintenance:**

  Non-Departmental operation and maintenance expenses are anticipated to be within budget.

- **Capital Outlay and Transfers to Other Funds**

  Purchases and transfers in this category are expected to be within budget.

- **Debt Service:**

  Expenditures for debt service are expected to be within budget.

SUMMARY

This first quarter report reflects a stable FY 2014 financial position for this fund. Under the Council adopted financial policies, the two important financial ratios, debt coverage and fund balance are within or above policy targets. The debt coverage ratio projected for the end of the fiscal year is 1.32 compared to a target of 1.20. The fund balance ratio projected for the end of the fiscal year is 46% compared to a target range of 25% - 40%.

Respectfully submitted,

Timothy A. Mitchell, P.E.
Director of Utilities

cc: L. Kimball Payne, III, City Manager
Bonnie Svrcek, Deputy City Manager
Donna Witt, Director of Financial Services

WATER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending September 30, 2013

	FY 2013 Adopted Budget	FY 2013 Actual Q1 YTD	FY 2013 % of Budget	FY 2014 Adopted Budget	FY 2014 Actual Q1 YTD	FY 2014 Adopted Budget	FY 2014 Revised Estimate	FY 2014 % of Budget	FY 2014 $ Variance Revised Estimate to Adopted Budget
BEGINNING NET ASSETS	$30,411,636	$30,411,636		$27,631,979	$27,631,979	$27,631,979	$27,631,979		
Less: Invested in Capital Assets, net of related debt	(24,458,991)	($24,458,991)		(20,961,222)	(20,961,222)	(20,961,222)	(20,961,222)		
BEGINNING UNRESTRICTED NET ASSETS	**5,952,645**	**$5,952,645**		**$6,670,757**	**$6,670,757**	**$6,670,757**	**$6,670,757**		
REVENUES:									
Charges for services	$10,522,925	$2,177,355	21%	$10,599,129	$2,187,551	$10,599,129	$10,667,129	21%	68,000
Water contracts	2,637,792	478,416	18%	2,744,836	448,140	2,744,836	2,744,836	16%	0
Interest and other	282,211	144,675	51%	282,211	121,766	282,211	282,211	43%	0
	$13,442,928	**$2,800,446**		**$13,626,176**	**2,757,457**	**$13,626,176**	**$13,694,176**		**$68,000**
EXPENSES									
Departmental O&M	$8,767,983	$1,872,823	21%	$8,912,287	1,922,434	$8,912,287	$8,622,545	22%	289,742
Non-departmental O&M	206,496	19,085	9%	202,713	30,398	202,713	202,713	15%	0
Capital Outlay/Purchases	0	27,169	0%	110,072	10,250	110,072	110,072	0%	0
Transfers - Capital	878,746	219,687	25%	800,000	200,000	800,000	800,000	25%	0
Debt service	3,658,789	1,519,132	42%	3,685,632	1,527,860	3,685,632	3,685,632	41%	0
Contingencies	0	0		0	0	0	0		0
	$13,512,014	**$3,657,896**		**$13,710,704**	**3,690,942**	**$13,710,704**	**$13,420,962**		**$289,742**
Adjustment for expenses from capital projects		-			-		-		
ENDING NET ASSETS	**$5,883,559**	**$5,095,195**		**$6,586,229**	**5,737,272**	**$6,586,229**	**$6,943,971**		

KEY RATIOS:

Unrestricted cash target as a % of operating expenses & debt service:	40%
Unrestricted cash as a % of operating expenses & debt service:	46%
Financial Policy targeted debt coverage ratio minimum:	1.20
Ending debt coverage ratio:	1.32 (1)

Note (1) Calculation of debt coverage includes $120,000 of capitalizable costs for internal labor charges applicable to time spent on capital project activities.

January 28, 2014

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2013 Quarterly Financial Report – Sewer Operating Fund

The attached Sewer Operating Fund Financial Summary summarizes the financial activity for this fund through September 30, 2013. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Projected variances between the FY 2014 Budget and the Department's year end projections are described below.

REVENUES

Following the completion of the first quarter, overall revenues for FY 2014 are projected to be $18,777 (0.10%) more than the FY 2014 budget. Explanations follow:

- **Charges for Services:**

  Revenue in this category is expected to be $80,000 (0.48%) under budget due to an adjustment to the monthly service charge. A review of all water and sewer accounts, water only accounts and sewer only accounts was made to accurately allocate the Water and Sewer Fund revenue connected to the fixed monthly charge increase. There is a corresponding increase in the Water Fund of approximately the same amount.

- **Sewer Contracts:**

  Revenue in this category reflects the billing activity in counties of Amherst, Bedford, and Campbell and industries of Rock-Tenn and Frito-Lay. Revenue from this source is projected to be $98,777 (3.39%) more than budget primarily due to counties paying their proportionate share of increased operational costs at Regional Wastewater Treatment Plant.

- **Interest and Other:**

  Revenue is this category is projected to be at budget.

EXPENSES

Overall expenses for FY 2014 are projected to be within budget.
Expense categories are as follows:

- **Departmental Operation and Maintenance Expenses:**

  This category includes the Wastewater Treatment Plant and Sewer Line Maintenance. Expenses are expected to be at budget.

- **Non-Departmental Operational and Maintenance Expenses:**

  Non-Departmental expenses are expected to be at budget.

- **Debt/LOC Service Payments**

  Debt Service and LOC Service payments are expected to be at budget.

SUMMARY

This first quarter report reflects a stable FY 2014 financial position for this fund. Under the Council adopted financial policies, the two important financial ratios, debt coverage and fund balance, are within or above policy targets. The debt coverage ratio projected for the end of the fiscal year is 1.24 compared to a target range of 1.20 to 1.50. The fund balance ratio projected for the end of the fiscal year is 34% compared to a target range 15 to 25%.

Respectfully submitted,

Timothy A. Mitchell, P.E.
Director of Utilities

cc: L. Kimball Payne, III, City Manager
Bonnie Svrcek, Deputy City Manager
Donna Witt, Director of Financial Services

SEWER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending September 30, 2013

	FY 2013 Adopted Budget	FY 2013 Actual Q1 YTD	FY 2013 % of Budget	FY 2014 Adopted Budget	FY 2014 Actual Q1 YTD	FY 2014 % of Budget	FY 2014 Adopted Budget	FY 2014 Revised Estimate	FY 2014 $ Variance Revised Estimate to Adopted Budget
BEGINNING NET ASSETS (1)	$91,763,517	$91,763,517		$118,680,799	$118,680,799		$118,680,799	$118,680,799	
Less: Invested in Capital Assets, net of related debt	(81,440,531)	(81,440,531)		(107,598,364)	(107,598,364)		(107,598,364)	(107,598,364)	
BEGINNING UNRESTRICTED NET ASSETS	**$10,322,986**	**$10,322,986**		**$11,082,435**	**$11,082,435**		**$11,082,435**	**$11,082,435**	
REVENUES:									
Charges for services	$16,314,331	$3,135,442	19%	$16,721,214	$3,158,222	19%	$16,721,214	$16,641,214	(80,000)
Sewer contracts	3,053,114	383,731	13%	2,916,305	452,757	16%	2,916,305	3,015,082	98,777
Interest and other	80,421	106,472	132%	91,953	27,888	30%	91,953	91,953	0
	$19,447,866	**$3,625,645**		**$19,729,472**	**3,638,867**		**$19,729,472**	**$19,748,249**	**$18,777**
EXPENSES:									
Departmental O&M	$9,112,800	$1,895,458	21%	$9,087,931	2,033,793	22%	$9,087,931	$9,087,931	0
Non-departmental O&M	346,454	23,738	7%	200,062	35,374	18%	200,062	200,062	0
Equipment Purchases	60,000	-	0%	175,209	11,145	6%	175,209	175,209	0
Transfers - Capital	1,500,000	375,000	25%	1,500,000	375,000	25%	1,500,000	1,500,000	0
Debt service	8,451,416	1,154,403	14%	8,616,567	1,311,626	15%	8,616,567	8,616,567	0
	$19,470,670	**$3,448,599**		**$19,579,769**	**3,766,938**		**$19,579,769**	**$19,579,769**	**$0**
Adjustment for expenses from capital projects		-			-				
ENDING NET ASSETS	**$10,300,182**	**$10,500,032**		**$11,232,138**	**10,954,364**		**$11,232,138**	**$11,250,915**	

KEY RATIOS:

Unrestricted cash target as a % of operating expenses & debt service:	25%	
Unrestricted cash as a % of operating expenses & debt service:	34%	
Financial Policy targeted debt coverage minimum:	1.20	
Ending debt coverage:	1.24	(1)

Note (1) Calculation of debt coverage includes $200,000 of capitalizable costs for internal labor charges applicable to time spent on capital project activities.

January 28, 2014

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2013 Quarterly Financial Report – Stormwater Operating Fund

The attached Stormwater Operating Fund Financial Summary summarizes the financial activity for this fund through September 30, 2013. This quarterly report provides comparative financial information for the same period of the prior fiscal year. Variances between the FY 2014 budget and the Department's actual are described below.

REVENUES

Following the completion of the first quarter, the overall revenues for FY 2014 are projected to be at budget. Revenue categories are as follows:

- **Charges for Services:**

  Revenue in this category reflects billing activity for all known impervious areas and delinquent charges on past due accounts. Charges for services are expected to be at budget.

- **Transfers, Interest and Other**

  The transfer from the General Fund, interest and other revenues are expected to be at budget.

EXPENSES

Overall expenses for FY 2014 are projected $241,251 (6.24%) less than budget. A breakdown and explanations of this variance follow:

- **Departmental Operation and Maintenance Expenses:**

  Departmental Operation and Maintenance expenses are projected to be $196,851 (6.46%) less than budget. Explanations of this variance as follows:

➢ Internal Service Charges and Fuel	($ 10,882)
➢ Supplies and Materials	($ 46,828)
➢ Public Works and Community Development	$254,561
TOTAL	**$196,851**

The most significant savings is for Public Works and Community Development mostly due to less than anticipated engineering services and contractor drainage work. However, it is important to note that significant stormwater infrastructure issues have been identified and a plan to begin addressing these issues is being developed that will result in supplies and materials exceeding its budget. The increased expenses for Internal Service Charges and Fuel are mostly attributable to higher than expected repair costs to a 2011 Vac-con Truck.

- **Non-Departmental Operational and Maintenance Expenses:**

  Non-departmental expenses is projected to have a savings of $44,400 (61.75%) compared to budget primarily due to a budgeted collection rate of 98% compared to an actual collection rate of over 99.4%.

- **Debt/LOC Service Payments**

  Currently, there is no debt for the Stormwater Fund.

SUMMARY

This first quarter report reflects a stable FY 2014 financial position for the fund at this time. The fund balance ratio projected for the end of the fiscal year is 26%.

Respectfully submitted,

Timothy A. Mitchell, P.E.
Director of Water Resources

cc: L. Kimball Payne, III, City Manager
Bonnie Svrcek, Deputy City Manager
Donna Witt, Director of Financial Services

STORMWATER OPERATING FUND
FINANCIAL SUMMARY
Quarter Ending September 30, 2013

	FY 2013 Adopted Budget	FY 2013 Actual Q1 YTD	FY 2013 % of Budget	FY 2014 Adopted Budget	FY 2014 Actual Q1 YTD	FY 2014 % of Budget	FY 2014 Adopted Budget	FY 2014 Revised Estimate	FY 2014 $ Variance Revised Estimate to Adopted Budget
BEGINNING NET ASSETS	$0	$0		$1,607,940	$1,607,940		$1,607,940	$1,607,940	
Less: Invested in Capital Assets, net of related debt	0	0		0	0		0	0	
BEGINNING UNRESTRICTED NET ASSETS	**$0**	**$0**		**$1,607,940**	**$1,607,940**		**$1,607,940**	**$1,607,940**	
REVENUES:									
Charges for services	$2,737,000	$784,114	29%	$3,132,000	$579,064	18%	$3,132,000	$3,132,000	0
Interest and other	0	0		0	0		0	$0	0
Transfers	650,000	0		650,000	0	0%	650,000	$650,000	0
	$3,387,000	**$784,114**		**$3,782,000**	**579,064**		**$3,782,000**	**$3,782,000**	**$0**
EXPENSES:									
Departmental O&M	$2,702,784	$432,045	16%	$3,047,172	$668,757	22%	$3,047,172	$2,850,321	$196,851
Non-departmental O&M	136,800	0		71,900	1,862	3%	71,900	$27,500	44,400
Equipment Purchases	0	0		0	0		0	0	0
Transfers - Capital	300,000	0	0%	750,000	187,500	25%	750,000	750,000	0
Transfers - City Fleet Fund	0	0		0	0		0	0	0
Debt service	0	0		0	0		0	0	0
Contingencies	0	0		0	0		0	0	0
	$3,139,584	**$432,045**		**$3,869,072**	**$858,119**		**$3,869,072**	**$3,627,821**	**$241,251**
Adjustment for expenses from capital projects					0			0	
ENDING NET ASSETS	**$247,416**	**$352,069**		**$1,520,868**	**$1,328,885**		**$1,520,868**	**$1,762,119**	

KEY RATIOS:

Unrestricted cash as a % of operating expenses		26%

January 28, 2014

Finance Committee
City Council
City of Lynchburg
Lynchburg, Virginia

Re: September 30, 2013 Quarterly Report - General Fund

Attached is the Financial Summary for the General Fund (Fund) for the period ending September 30, 2013.

This quarterly report provides comparative information for the same period of the prior fiscal year and an annualized projection through the end of the current fiscal year.

NON-DEDICATED REVENUES

- Real Estate Taxes:

  Real Estate taxes are due in four quarterly installments on November 15, January 15, March 15, and May 15. As of the date of this report, the first installment for FY 2014 has not been billed.

- Personal Property Taxes:

  Personal Property tax revenue for FY 2014 is 21.0% of budget and $294,508 more than the amount collected in the first quarter of FY 2013. These funds are mainly from citizens who pay both installments with the June 5 billing and the supplemental billing that is due September 5. Personal property taxes are payable in two equal installments on June 5 and December 5. Additional billings for personal property acquisitions are due March 5 and September 5.

  In 1998, the Virginia General Assembly enacted the Personal Property Tax Relief Act (PPTRA) to reimburse citizens for a portion of the local personal property tax. In the 2004 Virginia General Assembly, the State capped the amount reimbursed to localities at $950 million for FY 2014. This action eliminates the 70% reimbursement. Lynchburg's share is $5,543,584. During the first quarter of FY 2014, the State reimbursed the City $277,179 (5%), as scheduled.

- Consumer Utility Taxes - Electric:

  Consumer Utility Tax – Electric is on pace with the FY 2014 budget projection based on collections for 2 months. This tax is based on consumer usage and is heavily influence by the weather. Staff is monitoring this revenue and providing the Finance Committee with monthly updates.

- Communication Sales and Use Taxes:

  Communication Sales and Use tax revenue is on pace with FY 2014 budget projection based on collections for 1 month. Staff is monitoring this revenue and providing the Finance Committee with monthly updates.

- Local Sales Tax:

  In comparison to the FY 2014 budget, sales tax revenue is 9.0% higher, or $90,083 based on collections for 1 month. Part of this increase is due to the timing of payments received by the State and the end of the fiscal year (June 30, 2013).

- Business License

  Business License revenue collected for the first quarter of FY 2014 is $166,906. Since this tax is due May 1, the collection percentage is currently only a small part of the annual budget. These collections are from delinquencies and new businesses. The majority of the tax will be collected from March to May. Collections remain on pace with FY 2013.

- Meals Tax

  Meals tax revenue is ahead of FY 2014 budget projections by $253,641 based on collections for 2 months. Part of this revenue is from the timing of receipts at the end of the fiscal year. Staff is monitoring this revenue and providing the Finance Committee with monthly updates.

- Lodging Tax

  Lodging tax revenue is ahead of FY 2014 budget projections by $102,856 based on collections for 2 months. Part of this revenue is from the timing of receipts at the end of the fiscal year. Staff is monitoring this revenue and providing the Finance Committee with monthly updates.

- Permit, Fees, and Licenses:

  Permit, Fees, and Licenses revenue is on pace at 24.3% with FY 2014 budget projections with $190,833 collected.

- Fines and Forfeitures:

  Fines and Forfeitures revenue is behind the budget projection for FY 2014 by 33.2%, or $49,113 due primarily to the timing in the receipt of criminal court fees, as well as court fines. In FY 2013, the State implemented a new process with these fees and fines being collected by the State and then a portion is disbursed to the localities and the rest is being held by the State.

- Interest on Investments:

  Investment income is on pace with budget at 22.1% or $26,658 for FY 2014.

- Charges for Services

  Charges for Services revenue is on pace with budget projections for FY 2014 with $1,270,742 being collected.

DEDICATED REVENUES

Intergovernmental Revenues are 11.4%, or $798,724 less than FY 2014 budget projection. This is due to the timing of submitting and receiving reimbursements for constitutional offices and federal Human Services grants. (Note: $748,517 was received in October 2013)

EXPENDITURES

- Operating Expenditures:

  The percentage of operating expenditures spent through the first quarter of FY 2014, 27.0%, is slightly above the 25% target due to one-time payments that are made in the first quarter.

- Debt Service

  Debt Service expenditures are on schedule with FY 2014 budget projections.

SUMMARY

This report presents a stable financial position with three months of fiscal activity. As the year progresses, revised estimates for revenues and expenditures will be presented to reflect the impact of changes.

Respectfully submitted,

Donna S. Witt
Director of Financial Services

cc: L. Kimball Payne, III, City Manager
Bonnie Svrcek, Deputy City Manager
Rhonda Allbeck, Assistant Director of Financial Services

GENERAL FUND
FINANCIAL SUMMARY
As of September 30, 2013

	FY 2013 Adopted Budget	FY 2013 Amended Budget	FY 2013 Actual 1st Qtr	FY 2013 % of Budget	FY 2014 Adopted Budget	FY 2014 Amended Budget	FY 2014 Actual 1st Qtr	FY 2014 % of Budget	FY 2014 Amnd Budget vs. Actual
BEGINNING BALANCE			As of 9/30/12				As of 9/30/13		
UNASSIGNED	$ 20,199,396	$ 28,835,658	$ 28,835,658		$ 22,744,259	$ 22,744,259	$ 31,673,717		
REVENUES:									
Non-Dedicated Revenues									
Real Property	52,998,701	52,998,701	385,294	0.7%	52,518,784	52,518,784	717,562	1.4%	51,801,222
Personal Property -Local	15,251,500	15,251,500	1,401,400	9.2%	15,805,000	15,805,000	1,695,908	10.7%	14,109,092
Public Service Corp	2,145,000	2,145,000	-	0.0%	2,330,000	2,330,000	-	0.0%	2,330,000
Consumer Utility Taxes	4,364,582	4,364,582	711,689	16.3%	4,185,000	4,185,000	687,907	16.4%	3,497,093
Communication Sales and Use Taxes	3,530,000	3,530,000	293,358	8.3%	3,462,621	3,462,621	286,999	8.3%	3,175,622
Local Sales Tax	13,284,506	13,284,506	996,646	7.5%	13,440,973	13,440,973	1,075,816	8.0%	12,365,157
Business License	7,000,000	7,000,000	50,429	0.7%	7,199,604	7,199,604	166,906	2.3%	7,032,698
Meals Tax	10,830,000	10,830,000	2,071,100	19.1%	11,785,000	11,785,000	2,184,504	18.5%	9,600,496
Delinquent Taxes/Penalties	2,763,500	2,763,500	702,709	25.4%	2,978,500	2,978,500	591,942	19.9%	2,386,558
Other Local Taxes	2,503,500	2,503,500	566,432	22.6%	2,578,947	2,578,947	539,945	20.9%	2,039,002
Motor Vehicle License	1,413,142	1,413,142	86,643	6.1%	1,413,142	1,413,142	82,271	5.8%	1,330,871
Bank Stock Tax	500,000	500,000	-	0.0%	650,000	650,000	-	0.0%	650,000
Lodging Tax	1,700,000	1,700,000	472,975	27.8%	1,700,000	1,700,000	408,759	24.0%	1,291,241
Permit, Fees & Licenses	631,700	631,700	162,565	25.7%	783,900	783,900	190,833	24.3%	593,067
Fines and Forfeitures	566,000	566,000	113,385	20.0%	591,000	591,000	98,637	16.7%	492,363
Interest on Investments	236,502	236,502	87,480	37.0%	120,762	120,762	26,658	22.1%	94,104
Use of Property	372,064	372,064	75,673	20.3%	361,064	361,064	81,687	22.6%	279,377
Charges for Services	5,501,448	5,501,448	1,426,712	25.9%	6,226,657	6,226,657	1,270,742	20.4%	4,955,915
Misc. Revenue	264,400	264,400	54,984	20.8%	229,500	229,500	67,562	29.4%	161,938
Revenue from Lynchburg City Schools	29,284	29,284	-	0.0%	-	-	-	-	-
Intergovernmental Revenues									
Personal Property -State	5,543,584	5,543,584	277,179	5.0%	5,543,584	5,543,584	277,179	5.0%	5,266,405
Other	505,000	505,000	90,773	18.0%	505,000	505,000	191,372	37.9%	313,628
Total Non-Dedicated Revenues	131,934,413	131,934,413	10,027,426	7.6%	134,409,038	134,409,038	10,643,189	7.9%	$ 123,765,849
Dedicated Revenues									
Local									
Indirect Costs and Services from Enterprise Funds	1,745,299	1,745,299	440,075	25.2%	1,992,237	1,992,237	498,059	25.0%	1,494,178
Other	1,325,057	1,325,057	276,935	20.9%	1,224,196	1,224,196	253,899	20.7%	970,297
Intergovernmental Revenues									
Constitutional Officers	2,931,739	2,931,739	483,975	16.5%	2,975,787	3,026,590	459,136	15.2%	2,567,454
Human Services	12,644,822	12,649,985	2,321,643	18.4%	14,277,317	14,277,317	2,508,194	17.6%	11,769,123
House Bill 599	2,930,790	2,930,790	732,698	25.0%	2,930,790	2,930,790	732,698	25.0%	2,198,092
Aid to the Commonwealth of Virginia	(535,000)	(535,000)	-	0.0%	-	-	-	-	-
Highway Maintenance	7,105,229	7,105,229	2,553,685	35.9%	7,192,968	7,192,968	2,315,924	32.2%	4,877,044
Other	706,135	706,135	184,204	26.1%	705,326	705,326	218,572	31.0%	486,754
Total Intergovernmental Revenues	25,783,715	25,788,878	6,276,205	24.3%	28,082,188	28,132,991	6,234,524	22.2%	21,898,467
Interfund Transfers	-	9,000	-	0.0%	-	-	-	-	-
Total Dedicated Revenues	28,854,071	28,868,234	6,993,215	24.2%	31,298,621	31,349,424	6,986,482	22.3%	$ 24,362,942
Total Revenues	$ 160,788,484	$ 160,802,647	$ 17,020,641	10.6%	$ 165,707,659	$ 165,758,462	$ 17,629,671	10.6%	$ 148,128,791
Other Financing Sources									
Proceeds from Refunding Bonds									
Use of Fund Balance & Reserves									
Unclassify FY13 fund balance							1,113,041		
FY14 Budget reserves							992,570		
7/9/13 Council #8							1,185,000		
9/24/13 Council #2							33,113		
9/24/13 Council #2							(500,000)		
FY13 Carry Forward							50,000		
FY12 Carry Forward			453,271						
Recreation Programs			89,957						
Solid Waste Debt			355,830						
Remove designations			865,226						
Total Fund Balance, Revenues and Use of Fund Bal.	$ 180,987,880	$ 189,638,305	$ 47,620,583		$ 188,451,918	$ 188,502,721	$ 52,177,112		

GENERAL FUND
FINANCIAL SUMMARY
As of September 30, 2013

	FY 2013 Adopted Budget	FY 2013 Amended Budget	FY 2013 Actual 1st Qtr 9/30/12	FY 2013 % of Budget	FY 2014 Adopted Budget	FY 2014 Amended Budget	FY 2014 Actual 1st Qtr 9/30/13	FY 2014 % of Budget	FY 2014 Amnd Budget vs. Actual
BALANCE FORWARD									
Total Fund Balance, Revenues and Use of Fund Bal.	$ 180,987,880	$ 189,638,305	$ 47,620,583		$ 188,451,918	$ 188,502,721	$ 52,177,112		
EXPENDITURES									
Operating Expenditures - Departmental									
General Government									
Communications/Marketing	393,841	393,841	75,257	19.1%	434,163	446,274	72,186	16.2%	374,088
Customer Service Center	128,849	128,849	29,213	22.7%	116,065	118,834	27,171	22.9%	91,663
Local Government Channel	154,196	154,196	33,739	21.9%	204,814	209,848	34,405	16.4%	175,443
Council/Manager	838,589	839,289	238,104	28.4%	839,915	859,257	241,140	28.1%	618,117
Parking Management	331,739	332,389	95,276	28.7%	354,575	367,990	97,559	26.5%	270,431
City Attorney	627,712	627,712	149,308	23.8%	634,939	651,504	153,715	23.6%	497,789
Self-Insurance (Risk Management)	555,681	555,681	138,881	25.0%	505,356	505,356	126,339	25.0%	379,017
State Treasurer	147,833	147,833	34,353	23.2%	148,249	150,677	35,125	23.3%	115,552
Comm of Revenue	703,238	706,079	160,840	22.8%	684,508	698,248	155,914	22.3%	542,334
City Assessor	740,465	741,069	185,265	25.0%	705,823	739,145	186,722	25.3%	552,423
Director of Finance	545,980	558,072	126,226	22.6%	636,969	663,002	145,443	21.9%	517,559
Billings & Collections	1,312,194	1,312,194	304,581	23.2%	1,257,745	1,291,104	295,782	22.9%	995,322
Procurement	211,263	212,318	49,428	23.3%	269,792	278,472	65,659	23.6%	212,813
Accounting	800,073	854,833	171,399	20.1%	815,216	901,387	205,652	22.8%	695,735
Budget	160,715	160,715	38,979	24.3%	159,090	163,461	38,563	23.6%	124,898
Human Services - Finance	411,717	411,717	84,335	20.5%	330,031	338,826	80,665	23.8%	258,161
Human Resources	725,782	734,792	165,933	22.6%	691,129	714,969	178,831	25.0%	536,138
Occumaptional Health Services	129,493	135,390	40,673	30.0%	121,174	121,405	33,390	27.5%	88,015
Health Management Program	-	-	-	0.0%	-	-	-	0.0%	-
Application Services	1,233,231	1,233,231	359,395	29.1%	1,140,227	1,183,222	359,452	30.4%	823,770
Network Services	1,339,431	1,339,431	317,015	23.7%	1,336,261	1,369,095	340,235	24.9%	1,028,860
IT Administration	447,803	455,038	105,059	23.1%	455,949	475,490	108,453	22.8%	367,037
PC Replacements	-	-	-	0.0%	-	-	-	0.0%	-
IT Projects	-	-	-	0.0%	-	-	-	0.0%	-
GIS	257,645	257,645	80,405	31.2%	267,015	272,558	90,774	33.3%	181,784
Registrar	156,887	158,469	37,262	23.5%	161,845	164,067	38,839	23.7%	125,228
Electoral Board	57,282	57,282	5,820	10.2%	58,257	58,257	4,919	8.4%	53,338
Judicial									
Circuit Court - Judge	161,575	163,839	35,070	21.4%	162,092	136,820	17,476	12.8%	119,344
General District Court	62,550	63,150	9,290	14.7%	62,550	63,150	16,293	25.8%	46,857
Juvenile & Domestic District Court	15,409	16,908	2,027	12.0%	15,409	16,723	2,183	13.1%	14,540
24th Court Services Unit	1,632	1,632	112	6.9%	1,632	1,632	86	5.3%	1,546
Commonwealth Attorney	1,460,014	1,413,215	344,253	24.4%	1,406,739	1,477,915	355,071	24.0%	1,122,844
Comm Atty Fines & Fees Coll	-	48,237	15,712		64,827	64,827	14,700	22.7%	50,127
Magistrates Office	4,093	5,157	452	8.8%	4,193	5,299	257	4.8%	5,042
Circuit Court - Clerk	795,978	795,978	179,961	22.6%	798,229	798,229	180,299	22.6%	617,930
Sheriff	2,083,804	2,083,804	520,371	25.0%	2,133,193	2,163,793	524,673	24.2%	1,639,120
Public Safety									
Police Operations	14,725,712	14,769,463	3,911,348	26.5%	14,960,872	15,200,803	3,914,313	25.8%	11,286,490
Animal Warden	300,979	300,979	58,372	19.4%	278,208	293,055	57,028	19.5%	236,027
Emergency Communications	2,602,812	2,973,469	892,882	30.0%	2,401,588	2,504,950	634,108	25.3%	1,870,842
Range Operations	15,000	15,569	1,298	0.0%	15,000	16,742	1,448	8.6%	15,294
Off Duty Employment	-	-	-	0.0%	525,000	525,000	183,318	0.0%	341,682
Fire Operations and EMS	14,853,175	14,901,951	3,564,866	23.9%	15,010,712	15,216,231	3,401,968	22.4%	11,814,263
TRT-Pier	82,500	146,677	31,896	21.7%	82,500	82,500	34,099	41.3%	48,401
Public Works									
Public Works Administration	696,752	696,752	172,250	0.0%	703,582	714,239	158,433	22.2%	555,806
Engineering	3,351,569	3,510,520	742,483	100.0%	3,262,738	3,386,231	683,764	20.2%	2,702,467
Street Maintenance	3,285,782	3,349,205	799,168	23.9%	3,191,810	3,311,116	727,965	22.0%	2,583,151
Snow Removal	240,695	284,629	42,270	14.9%	187,975	227,606	39,317	17.3%	188,289
Refuse Collection	2,528,706	2,694,002	660,175	24.5%	2,269,620	2,445,540	541,057	22.1%	1,904,483
Parks/Grounds Maintenance	2,507,217	2,578,645	549,959	21.3%	2,469,597	2,519,274	600,902	23.9%	1,918,372
Baseball Stadium Maintenance	127,378	131,765	33,291	25.3%	93,063	103,183	21,915	21.2%	81,268
Building Maintenance	3,182,712	3,271,926	731,874	22.4%	3,148,263	3,286,967	768,405	23.4%	2,518,562
Human Services Maintenance	234,131	249,192	44,701	17.9%	208,383	215,191	49,112	22.8%	166,079
Subtotal Est. Operating Expenditures - Departmental	$ 65,731,814	$ 66,974,729	$ 16,370,827	24.4%	$ 65,786,882	$ 67,519,464	$ 16,045,123	23.8%	$ 51,474,341

GENERAL FUND
FINANCIAL SUMMARY
As of September 30, 2013

	FY 2013 Adopted Budget	FY 2013 Amended Budget	FY 2013 Actual 1st Qtr 9/30/12	FY 2013 % of Budget	FY 2014 Adopted Budget	FY 2014 Amended Budget	FY 2014 Actual 1st Qtr 9/30/13	FY 2014 % of Budget	FY 2014 Amnd Budget vs. Actual
Subtotal Est Operating Expenditures Departmental	$ 65,731,814	$ 66,974,729	$ 16,370,827		$ 65,786,882	$ 67,519,464	$ 16,045,123		
Continued Operating Expenditures Departmental:									
Health and Welfare									
Human Services Administration	-	-	-	0.0%	-	-	-	0.0%	-
Delta Outreach (Counties)	-	-	-	0.0%	-	-	-	0.0%	-
Social Services Administration	6,535,154	6,536,717	1,454,944	22.3%	6,563,694	6,919,421	1,543,760	22.3%	5,375,661
Public Assistance	6,075,506	6,113,459	1,705,397	27.9%	7,511,743	7,523,851	1,756,145	23.3%	5,767,706
Juvenile Services Administration	457,080	457,080	93,728	20.5%	335,382	344,257	80,821	0.0%	263,436
Regional Detention Home	808,117	808,117	83,312	10.3%	767,768	767,768	93,644	12.2%	674,124
Opportunity House	645,650	646,273	147,554	22.8%	642,628	654,777	127,879	19.5%	526,898
Single Point of Entry (Crossroads House)	-	-	-	0.0%	-	-	-	0.0%	-
SPARC House	601,953	603,782	143,304	23.7%	594,169	609,633	151,376	24.8%	458,257
CSA Service Providers	1,521,294	1,521,294	373,859	24.6%	1,384,844	1,386,085	346,793	25.0%	1,039,292
Day Services	-	-	-	0.0%	-	-	-	0.0%	-
Lynchburg Outreach Program	278,626	278,793	57,232	20.5%	276,383	282,288	43,263	15.3%	239,025
ARRA-SS Prog	-	-	-	0.0%	-	-	-	0.0%	-
Parks Recreation and Cultural									
Parks and Recreation	3,047,903	3,081,375	731,732	23.7%	3,045,382	3,109,954	720,268	23.2%	2,389,686
Public Library	1,541,276	1,541,455	345,460	22.4%	1,464,212	1,519,024	322,667	21.2%	1,196,357
Law Library	28,770	28,770	1,691	5.9%	33,770	33,770	3,794	11.2%	29,976
Museums	438,441	455,672	100,888	22.1%	432,037	446,567	92,919	20.8%	353,648
Point of Honr/Carriage House	-	-	-	0.0%	-	-	-	0.0%	-
Community Development									
Director	340,095	342,398	81,000	23.7%	347,905	358,202	75,550	21.1%	282,652
Planning	313,526	513,526	61,142	11.9%	305,378	479,055	82,055	17.1%	397,000
Inspections	806,121	824,021	180,868	21.9%	774,675	822,424	176,715	21.5%	645,709
Engineering	-	-	-	0.0%	-	-	-	0.0%	-
GIS	154,710	154,710	36,801	0.0%	154,652	158,779	37,944	0.0%	120,835
Economic Development	345,286	431,012	76,714	17.8%	316,389	476,291	54,348	11.4%	421,943
Operating Expenditures Non-Departmental:	15,959,840	15,918,888	7,443,425	46.8%	16,660,561	16,937,807	8,047,782	47.5%	8,890,025
Total Est. Operating Expenditures	105,631,162	107,232,071	29,489,878	27.5%	107,398,454	110,349,417	29,802,846	27.0%	80,546,571
TRANSFERS TO OTHER FUNDS									
Airport Fund	382,862	382,862	96,000	25.1%	289,061	289,061	72,000	24.9%	217,061
City/Federal state Aid Fund	11,720	11,720	4,115	35.1%	41,720	94,330	63,967	67.8%	30,363
Fleet Debt Service	-	-	-	0.0%	-	-	-	0.0%	-
Fleet - Vehicle Replacement	-	-	-	0.0%	-	-	-	0.0%	-
Stormwater	-	-	-	0.0%	-	-	-	0.0%	-
Sewer	-	-	-	0.0%	-	-	-	0.0%	-
Stadium Fund - Debt/Operating Expenses	-	-	-	0.0%	-	-	-	0.0%	-
Technology Fund	623,575	678,597	210,916	31.1%	625,705	658,818	189,539	28.8%	469,279
Total Transfers to Other Funds	1,018,157	1,073,179	311,031	29.0%	956,486	1,042,209	325,506	31.2%	716,703
SCHOOLS - OPERATIONS	35,601,147	35,601,147	1,000,000	2.8%	38,201,147	38,201,147	2,725,000	7.1%	35,476,147
DEBT SERVICE									
General Fund	7,433,452	7,435,007	2,526,875	34.0%	7,042,641	7,043,701	2,503,975	35.5%	4,539,726
Stadium	205,528	205,528	16,462	0.0%	206,527	206,527	22,384	10.8%	184,143
Schools	7,018,677	7,020,162	2,864,316	40.8%	6,565,401	6,567,479	2,793,387	42.5%	3,774,092
Total Debt Service	14,657,657	14,660,697	5,407,653	36.9%	13,814,569	13,817,707	5,319,746	38.5%	8,497,961
RESERVES									
Other Post Employment Benefits (OPEB)	250,000		250,000				250,000		
Budget designations	1,050,000								
Law Library	5,080		5,080				80		
Debt Service - HHS	2,044,657		2,044,657				3,044,657		
Parking Oper - GASB54							52,004		
GLTC							43,860		
Fire Equipment							50		
Assign RSA Excess							363,317		
Debt Service - CVRRB	205,200		205,200						
FY12 Carry Forward - Contingencies			500,000						
LOD VRS payment			105,952						
Contingency	700,000		700,000				700,000		
Total Reserves	4,254,937	-	3,810,889			-	4,453,968		
TOTAL EXPENDITURES	$ 161,163,060	$ 158,567,094	$ 40,019,451		$ 160,370,656	$ 163,410,480	$ 42,627,066		

GENERAL FUND
FINANCIAL SUMMARY
As of September 30, 2013

	FY 2013 Adopted Budget	FY 2013 Amended Budget	FY 2013 Actual 1st Qtr 9/30/12	FY 2013 % of Budget	FY 2014 Adopted Budget	FY 2014 Amended Budget	FY 2014 Actual 1st Qtr 9/30/13	FY 2014 % of Budget
TRANSFERS TO CAPITAL FUNDS								
School Capital Projects Fund	$ 975,000	$ 975,000	$ -	0.0%	$ 3,252,460	$ 4,437,460	$ 1,185,000	0.0%
City Capital Projects Fund	4,291,759	4,541,759	250,000	5.5%	3,777,878	4,334,924	1,501,516	34.6%
Total Transfers to Capital Funds	5,266,759	5,516,759	250,000	4.5%	7,030,338	8,772,384	2,686,516	30.6%
TOTAL EXPENDITURES, RESERVES & TRANSFERS	166,429,819	164,083,853	40,269,451	24.5%	167,400,994	172,182,864	45,313,582	26.3%
Remaining Unassigned Fund Balance	14,558,061	25,554,452	7,351,132	28.8%	21,050,924	16,319,857	6,863,530	42.1%
Committed and Assigned Fund Balance	12,059,206	-	16,455,041		-	-	14,226,650	
TOTAL FUND BALANCE	$ 26,617,267	$ 25,554,452	$ 23,806,173	93.2%	$ 21,050,924	$ 16,319,857	$ 21,090,180	129.2%

Committed and Assigned Fund Balance									
Committed Fund Balance									Committed Fund Balance
Health Insurance	636,127		656,617				677,017		Health Insurance
Contingencies			1,200,000				1,200,000		Contingencies
Detention Home Workers Comp	100,000		100,000				100,000		Detention Home Workers Comp
SW Debt Retire	1,186,075		1,186,075				841,605		SW Debt Retire
Future Post Closure Costs	604,284		604,284				604,284		Future Post Closure Costs
Other Post Employment Benefits	1,311,310		1,331,231				1,614,509		OPEB
Juvenile Services Group Home	340,185		-						Juvenile Services Group Home
							790,584		GLTC Spec Reserve
Schl Spc Ed Dis Prop							321,000		Schl Spc Ed Dis Prop
HHS Debt Service - Recurring	2,984,219		2,984,219				2,483,954		HHS Debt Service - Recurring
HHS Debt Service - Non Recurring	1,120,078		1,120,078						HHS Debt Service - Non Recurring
Debt Service CVRRB	340,000		5,929				5,929		Debt Service CVRRB
Rsrv for Future Need			-						Rsrv for Future Need
Pub Safety Comp Adj	13,968		13,968				13,968		Pub Safety Comp Adj
School Textbooks	1,059,392		1,059,392				1,432,254		School Textbooks
School Health Ins Reserve	1,140,608		1,140,608				1,440,608		School Health Ins Reserve
School Future Exp Needs	75,908		75,908						School Future Exp Needs
Total Committed Fund Balance	**10,912,154**	**-**	**11,478,309**		**-**	**-**	**11,525,712**		Total Committed Fund Balance
Assigned Fund Balance									Assigned Fund Balance
Return of School Funding	260,419		2,398,505				787,305		Return of School Funding
PubWrks Funds from SW			-						PubWrks Funds from SW
Law Library	75,049		79,941				80,045		Law Library
Hlth Ins Reserve	364,538		364,538				364,538		Health Ins Reserve
Future Post Closure	204,438		204,438				567,755		Future Post Closure
Museum	47,374		50,028				50,028		Museum
Recreation Programs	20,890		6,747				112,090		Recreation Programs
Dental Insurance Reserve	150,000		150,000				150,000		Dental Insurance Reserve
Fire Equipment			50,000				100,000		Fire Equipment
LOD Death Benefit			211,904				211,904		LOD Death Benefit
LOD Health Benefit			145,000				145,000		LOD Health Benefit
Pub Safety Comp Adj			750,000						Pub Safety Comp Adj
			62,409				34,498		PW - Snow
			2,653				3,281		Adopt-A-Bed
Parking Operations			569				71,564		Parking Operations
Point of Honor			500,000				2,653		Point of Hononr
Police Range Oper							569		Police Range Oper
PIER	24,344		-				19,658		PIER
							50		Fire Restitution
Total Assigned Fund Balance	**1,147,052**	**-**	**4,976,732**		**-**	**-**	**2,700,938**		Total Assigned Fund Balance
Total Committed/Assigned Fund Balance	**$ 12,059,206**	**$ -**	**$ 16,455,041**		**$ -**	**$ -**	**$ 14,226,650**		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Appropriation of Proceeds from the Sale of Property for Highway Projects**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate $131,575, with resources from the sale of property at 2400 Lakeside Drive, for the design of improvements to transportation infrastructure in the Whitehall Road/Lakeside Drive/Old Forest Road area.

SUMMARY: In 2009 the Virginia Department of Transportation (VDOT) transferred land from excess right of way at the intersection of Old Forest Road and Lakeside Drive to the City. The City consolidated this land in 2013 and the site was purchased by a developer with plans to build a shopping center, which included "The Fresh Market" specialty grocer. To accommodate the additional traffic and to improve the traffic flows in the area, the City partnered with the developer to improve Whitehall Road and coordinate the signals. These improvements created an additional site between Whitehall Road, Lakeside Drive and the new road constructed by the developer. The Developer, S.J. Collins, asked to purchase the new parcel and City Council approved the sale on September 10, 2013.

Proceeds received from the sale of property originally acquired through State transportation funds must be used on transportation projects. The project to design improvements to enhance traffic flow on Lakeside Drive has an estimated cost of $150,000 and meets the requirements for use of these funds. The design will focus on defining a footprint for intersection improvements at Lakeside Drive and the Expressway and will determine if additional property can be sold and not impact the construction of the one-way pairs previously approved by Council on July 11, 2006. The remaining design funds will come from resources not needed for the Whitehall Road improvements.

PRIOR ACTION(S):
City Council, November 13, 2012, February 12, 2013, September 10, 2013
Physical Development Committee, January 14, 2014
Finance Committee, January 28, 2014

FISCAL IMPACT: Proceeds of $131,575 from the property sale will assist with the design of the proposed improvements on Lakeside Drive.

CONTACT(S):
Lee Newland, City Engineer, 455-3947
Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2014 City Capital Projects Fund budget is amended and $131,575 is appropriated with resources from the sale of property at 2400 Lakeside Drive for the design of improvements to transportation infrastructure.

Introduced: Adopted:

Certified:____________________________________

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: **4**

CONSENT: REGULAR: WORK SESSION: CLOSED SESSION:
(Confidential)

ACTION: INFORMATION:

ITEM TITLE: **Forfeited Asset Fund Appropriation**

RECOMMENDATION:
Adopt a resolution to amend the FY 2014 Forfeited Asset Fund budget and appropriate $180,274 with resources from the 2014 Federal Asset Forfeiture program for the Crisis Intervention Team, to purchase public safety vehicles and equipment, and for additional public safety needs.

SUMMARY:
Currently in FY 2014, the Police Department has received $180,274 in forfeited asset funds. These funds will be used for the Crisis Intervention Team (CIT) program, to purchase public safety vehicles and equipment, and other public safety needs. Historically, asset forfeiture funds are appropriated during Third Quarter Adjustments; due to the department's need and requirements set forth by the Office of the Attorney General (OAG), it is necessary to appropriate these funds earlier.

PRIOR ACTION(S):
Finance Committee, January 28, 2014

FISCAL IMPACT:
None

CONTACT(S):
Police Chief Parks Snead, 455-6104
Captain K.R. Edwards, Police Department, 455-6119

ATTACHMENT(S):
Resolution

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED That the FY 2014 Forfeited Asset Fund budget is amended and $180,274 is appropriated with resources from the 2014 Federal Asset Forfeiture program for the Crisis Intervention Team, to purchase public safety vehicles and equipment, and for additional public safety needs.

Introduced: Adopted:

Certified: ___________________________________
Clerk of Council

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: **5**

CONSENT: REGULAR: WORK SESSION: CLOSED SESSION:
(Confidential)

ACTION: INFORMATION:

ITEM TITLE: **2014/2015 School Resource Officer Grant Program**

RECOMMENDATION:
Approve the submittal of a grant application for the 2014/2015 School Resource Officer Grant Program through the Department of Criminal Justice Services (DCJS) for $150,000 to hire three additional police officer positions to provide one School Resource Officer (SRO) for each of the three middle schools.

SUMMARY:
The Police Department is applying for a $150,000 grant from the Department of Criminal Justice Services (DCJS), $94,095 in DCJS funding with a 37.27% local match of $55,905, to hire three School Resource Officers (SROs), one for each of the three city middle schools.

Grant funding is for salaries and benefits only and does not include the equipment or training necessary for these positions. In addition to equipment and training costs, funds will be needed to pay for the salary adjustment the officers receive after graduation from the Training Academy; total cost in excess of the $150,000 grant is approximately $46,736.

City funds are needed for the local match as well as equipment, training, and salary adjustments for a total City cost of $102,641. If awarded, the grant period begins July 1, 2014; therefore, it is anticipated the local costs will be addressed through the FY 2015 budget process.

The Police Department is coordinating with Schools staff to determine the logistics of the grant.

PRIOR ACTION(S):
None

FISCAL IMPACT:
City funds of $102,641 are needed for the grant; it is anticipated this funding will be addressed through the FY 2015 budget process.

CONTACT(S):
Police Chief Parks Snead, 455-6104
Captain K. R. Edwards, 455-6119

ATTACHMENT(S):
None

REVIEWED BY:

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: **6**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Appropriation of Donation from the Friends of the Lynchburg Public Library for use towards the Construction of the Story Time Room at the Public Library**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate $256,000 with resources from a donation from the Friends of the Lynchburg Public Library to build a dedicated Story Time Room at the Lynchburg Public Library.

SUMMARY: In 2011, St. John's Episcopal Church donated $150,000 for the design and construction of a dedicated story time room at the Lynchburg Public Library. Library staff provides over 200 age-specific story times to hundreds of children from across the City each year; a dedicated Story Time Room will enhance this experience.

As part of the FY 2011 Carry Forward request presented to City Council on September 13, 2011, $10,000 is earmarked as the City's contribution towards this private-public partnership. LU Plaza Holdings, LLC, owner of the library parking lot, is providing additional community support by donating the land necessary to build and landscape this space. The Friends of the Lynchburg Public Library, which has long served as an advocate for the Library, has raised the additional $256,000 needed for this project.

PRIOR ACTION(S): October 11, 2011 Adopted resolution to accept donation of $150,000 from St. John's Episcopal Church
September 13, 2011 City Council Meeting, FY 2011 Carry Forward of $10,000

FISCAL IMPACT: $10,000 appropriated at FY 2011 Carry Forward

CONTACT(S): Marilyn K. Martin, Interim Director of Libraries, 455-6330
Bonnie Svrcek, Deputy City Manager, 455-3987

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2014 City Capital Projects Fund budget is amended and $256,000 is appropriated with resources from a donation from the Friends of the Lynchburg Public Library to build a dedicated Story Time Room at the Lynchburg Public Library.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 11, 2014** AGENDA ITEM NO.: **7**

CONSENT: REGULAR: WORK SESSION: X CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City/Federal/State Aid Fund budget and appropriate $85,476 with resources of $64,107 from a federal Hazard Mitigation Grant Program award, $17,095 from the General Fund Reserve for Contingencies, and $4,274 of in-kind matching services to implement an emergency notification system to provide critical information to the citizens of Lynchburg.

SUMMARY: The City of Lynchburg has over 75,000 permanent residents and 16,000 college students. Currently, the City uses traditional methods as well as social media to notify and inform residents before, during, and after emergencies. These methods are, at times, unreliable during widespread disasters and catastrophic weather events. During the Derecho of 2012, the City's limited systems were severely tested. With over 80% of the households in the city without power, as well as the majority of media outlets, the City's ability to communicate with its residents was severely hampered. The Department of Communications and Marketing, on behalf of the City, applied for and received a grant through the Federal Emergency Management Agency's (FEMA's) Hazard Mitigation Grant Program to purchase and implement an emergency notification system, commonly known as a Reverse 9-1-1 system. The emergency notification system is an interactive system that employs technology facilitating landline, cell phone, text messaging, and email communications to notify thousands of residents concurrently and will be used during severe weather and natural disasters, hazardous materials evacuations, disaster recovery, boil water advisories, etc. The implementation of an emergency notification system will greatly enhance the City's capability to communicate critical information to a large segment of the population in a short amount of time.

The system is estimated to cost $71,406. An additional $10,000 is estimated for public education materials and $4,070 for project management. FEMA reimburses 75% of the total grant with a required local match of 25% ($21,369), which will be funded from the General Fund Reserve for Contingencies ($17,095) and through in-kind services provided by City staff ($4,274). The Virginia Department of Emergency Management (VDEM) has typically funded 20% of the grant. VDEM staff stated they are waiting on the new Governor's signature. If the City receives VDEM funding, $17,095 will be returned to the General Fund Reserve for Contingencies.

PRIOR ACTION(S): Finance Committee January 28, 2014

FISCAL IMPACT: The grant requires a 25% local match of $21,369; $17,095 is needed from the General Fund Reserve for Contingencies and $4,274 will be provided as in-kind services by City staff.

CONTACT(S): JoAnn Martin, Director of Communications and Marketing, 455-3801

ATTACHMENT(S): Resolution

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED that the FY 2014 City/Federal/State Aid Fund budget is amended and $85,476 is appropriated with resources of $64,107 from a federal Hazard Mitigation Grant Program award, $17,095 from the General Fund Reserve for Contingencies, and $4,274 of in-kind matching services to implement an emergency notification system to provide critical information to the citizens of Lynchburg.

Introduced: Adopted:

Certified: ______________________________

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **January 28, 2014**			AGENDA ITEM NO.: **8**
CONSENT:	REGULAR:	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION:		INFORMATION: **X**	
ITEM TITLE: **Revenue Update**			

RECOMMENDATION:
Review the collections received from five of the City's largest revenue sources.

SUMMARY:
Five of the City's major revenue sources are taxes collected on a monthly basis: Sales Tax, Consumer Utility Tax – Electric, Communications Sales and Use Tax, Meals Tax, and Lodging Tax. Since the last Finance Committee meeting, revenue information for the months of October and November has been posted for these five revenue streams.

PRIOR ACTION(S):
This information is provided monthly to the Finance Committee.

FISCAL IMPACT:
None

CONTACT(S):
Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):
Comparison of Collections Budget to Actual FY 2013 – FY 2014

REVIEWED BY:

Comparison of Collections
Budget to Actual FY 2013 - FY 2014

	Actual FY 2011	Actual FY 2012	Actual FY 2013	Adopted FY 2014	Actual FY 2014	Actual FY 2014 to Adopted FY 2014	Actual FY 2014 to Actual FY 2013
SALES & USE TAX							
ADOPTED FY 2014 BUDGET - $13,440,973							
JULY	$979,650	$1,014,596	$996,646	$985,733	$1,075,816	$90,083	$79,170
AUGUST	1,022,849	1,079,129	1,145,592	1,133,048	1,098,342	(34,706)	(47,250)
SEPTEMBER	1,102,964	1,100,698	1,117,209	1,104,976	1,083,199	(21,777)	(34,010)
OCTOBER	1,056,307	1,055,941	1,033,859	1,022,538	1,161,965	139,427	128,106
NOVEMBER	1,144,056	1,117,090	1,187,008	1,174,010	1,155,729	(18,281)	(31,279)
TOTAL	**$5,305,826**	**$5,367,454**	**$5,480,314**	**$5,420,305**	**$5,575,051**	**$154,746**	**$94,737**
CONSUMER UTILITY TAX - ELECTRIC							
ADOPTED FY 2014 BUDGET - $3,650,000							
JULY	$352,603	$341,729	$323,141	$312,574	$325,815	$13,241	$2,674
AUGUST	345,842	345,615	345,163	333,876	318,738	(15,138)	(26,425)
SEPTEMBER	329,379	325,754	318,915	308,486	317,324	8,838	(1,591)
OCTOBER	283,250	280,745	279,145	270,017	273,646	3,629	(5,499)
NOVEMBER	262,650	281,842	282,035	272,812	280,945	8,133	(1,090)
TOTAL	**$1,573,724**	**$1,575,685**	**$1,548,399**	**$1,497,766**	**$1,516,468**	**$18,702**	**($31,931)**
COMMUNICATIONS SALES & USE TAX							
ADOPTED FY 2014 BUDGET - $3,462,621							
JULY	$301,373	$349,339	$293,358	$288,552	$286,999	($1,553)	($6,359)
AUGUST	344,401	294,910	291,560	288,552	284,691	(3,861)	(6,869)
SEPTEMBER	274,076	179,549	263,295	288,551	284,249	(4,302)	20,954
OCTOBER	299,531	309,437	319,011	288,552	288,830	278	(30,181)
NOVEMBER	292,735	284,123	300,665	288,552	284,176	(4,376)	(16,489)
TOTAL	**$1,512,116**	**$1,417,358**	**$1,467,889**	**$1,442,759**	**$1,428,945**	**($13,814)**	**($38,944)**

Comparison of Collections
Budget to Actual FY 2013 - FY 2014

	Actual Assessed FY 2012	Actual Collected FY 2012 [1]	Actual Assessed FY 2013	Actual Collected FY 2013 [1]	Adopted FY 2014	Actual Assessed FY 2014	Assessed FY 2014 to Adopted FY 2014	Actual Collected FY 2014	Collected FY 2014 to Adopted FY 2014	Collected FY 2014 to Assessed FY 2014
MEALS TAX										
ADOPTED FY 2014 BUDGET - $11,785,000										
JULY [2]	$889,917	$889,135	$943,431	$1,044,556	$917,109	$950,875	$33,766	$1,159,786	$242,677	$208,911
AUGUST	960,082	962,761	1,042,850	1,026,544	1,013,754	1,062,943	49,189	1,024,718	10,964	(38,225)
SEPTEMBER	984,785	998,157	1,011,701	1,012,294	983,475	1,038,949	55,474	1,052,079	68,604	13,130
OCTOBER	999,289	994,851	1,006,966	1,003,032	978,872	1,026,731	47,859	958,359	(20,513)	(68,372)
NOVEMBER	916,955	898,157	964,775	868,692	937,858	1,000,780	62,922	1,064,385	126,527	63,605
TOTAL	**$4,751,028**	**$4,743,061**	**$4,969,723**	**$4,955,118**	**$4,831,068**	**$5,080,278**	**$249,210**	**$5,259,327**	**$428,259**	**$179,049**
LODGING TAX										
ADOPTED FY 2014 BUDGET - $1,700,000										
JULY [2]	$180,074	$168,386	$180,074	$197,072	$160,554	$174,789	$14,235	$223,419	$62,865	$48,630
AUGUST [3]	192,759	200,321	163,020	275,903	145,349	185,677	40,328	185,340	39,991	(337)
SEPTEMBER	156,383	159,891	160,661	157,680	143,245	181,706	38,461	204,758	61,513	23,052
OCTOBER	185,386	185,530	183,064	191,453	163,220	184,209	20,989	185,014	21,794	805
NOVEMBER	131,053	131,431	131,993	129,941	117,685	153,449	35,764	148,082	30,397	(5,367)
TOTAL	**$845,655**	**$845,559**	**$818,812**	**$952,049**	**$730,053**	**$879,830**	**$149,777**	**$946,613**	**$216,560**	**$66,783**

[1] Meals and Lodging Tax data includes columns titled "Actual Collected ." The figures listed under these columns include all revenue received per month under that description regardless of whether the payment is current or delinquent.

[2] Due to year end accounting activities, a portion of Meals and Lodging Tax revenues associated with May and June were posted in June and July.

[3] The August FY 2013 collection amount includes a one-time $140,000 payment in delinquent taxes.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: **OTHER INFORMATION**

CONSENT: REGULAR: WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: INFORMATION: X

ITEM TITLE: Shelter Plus Care Renewal Grant

RECOMMENDATION: Review of Shelter Plus Care Renewal Grant Application for Fiscal Year 2014.

SUMMARY: City staff has prepared for submittal to the U. S. Department of Housing and Urban Development (HUD) the Shelter Plus Care Renewal Grant Application for Fiscal Year 2014. If awarded, the renewal amount of this grant will be $96,974 for one year and will serve ten (10) persons and/or households.

The overall goal of this grant is to identify homeless persons, ready for permanent housing, and offer additional time, financial assistance and services to reinforce their own resources, skills and motivation to live independently and achieve self-sufficiency.

With the annual renewal grants issued since Fiscal Year 2010 the City, as grant recipient, in conjunction with Lynchburg Neighborhood Development Foundation (LNDF) has been coordinating this program to provide Tenant-Based Rental Assistance to 10 eligible homeless persons and/or households who are prepared to enter into permanent housing. Participation in the program is conditional on continuing appropriate services, such as counseling, medications, and rehabilitative programs. LNDF will provide supportive services needed, and continue to engage local property owners to work with the program so that appropriate housing is available to the participants that are currently in the Shelter Plus Care Program.

The Division of Social Services, through contractual services within their FY 2014 budget, will be providing leverage in the amount of $10,000 cash for costs associated with the case management component of this grant. LNDF will be providing the in-kind match contribution through the supportive services component of this grant.

PRIOR ACTION(S): None

FISCAL IMPACT: Funding in the amount of $10,000 from the Division of Social Services for case management services.

CONTACT(S): Bonnie Svrcek, Deputy City Manager - 455-3987
Melva Walker, Grants Manager – 455-3916

ATTACHMENT(S): Shelter Plus Care Rental Assistance Budget

REVIEWED BY: bms

7J. Summary Budget

Instructions:

The system populates a summary budget based on the information entered into each preceding budget form. Review the data and return to the previous forms to correct any inaccurate information. All fields are read only with exception to field "8. Admin (Up to 10%).""

Admin (Up to 10%): Enter the amount funds of requested administration funds. The request should match the amount identified on the HUD-approved GIW. The grant will not fund greater than 10% of the request listed in the field "Sub-Total Eligible Costs Request." If an ineligible amount is entered, the system will report an error and prevent application submission when the form is saved.

Total Assistance plus Admin Requested: This field is automatically populated based on the amount of funds requested on the various budgets completed by the project applicant and Admin costs requested. This is this is the total amount of funding the project applicant will request in the FY 2013 CoC Program Competition.

Cash Match: This field is automatically populated. If it needs to be changed, return to form "7I. Sources of Match/Leverage" to make changes to this field.

In-Kind Match: This field is automatically populated. If it needs to be changed, return to form "7I. Sources of Match/Leverage" to make changes to this field.

Total Match: This field will automatically calculate the total combined value of the Cash and In-Kind Match. The total match must equal 25% of the request listed in the field "Total Eligible Costs Request" minus the amount requested for Leased Units and Leased Structures. There is no upper limit for Match. If an ineligible amount is entered, the system will report an error and prevent application submission. To correct an inadequate level of match, return to form "7I. Sources of Match/Leverage" to make changes..

Cash and In-Kind Match entered into the budget must qualify as eligible program expenses under the CoC program regulations. Compliance with eligibility requirements will be verified at grant agreement.

The Total Budget automatically calculates when you click the "Save" button.

Additional Resources can be found at the OneCPD Resource Exchange:

https://www.onecpd.info/e-snaps/guides/coc-program-competition-resources/

The following information summarizes the funding request for the total term of the project. However, the appropriate amount of cash and in-kind match and administrative costs must be entered in the available fields below.

Eligible Costs	Annual Assistance Requested (Applicant)	Grant Term (Applicant)	Total Assistance Requested for Grant Term (Applicant)
1a. Leased Units	$0	1 Year	$0
1b. Leased Structures	$0	1 Year	$0
2. Short-term/Medium-term Assistance	$0	1 Year	$0
3. Long-term Rental Assistance	$91,284	1 Year	$91,284

4. Supportive Services		$0	1 Year	$0
5. Operating		$0	1 Year	$0
6. HMIS		$0	1 Year	$0
7. Sub-total Costs Requested				$91,284
8. Admin (Up to 10%)				$5,690
9. Total Assistance plus Admin Requested				$96,974
10. Cash Match				$0
11. In-Kind Match				$25,000
12. Total Match				$25,000
13. Total Budget				$121,974

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 1

CONSENT: REGULAR: WORK SESSION: **X** CLOSED SESSION: (Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Liberty University Access to Treasure Island**

RECOMMENDATION: Staff will be prepared to make a recommendation after the presentation by Liberty University.

SUMMARY: During its meeting of November 26, 2013 Council heard of Liberty University's interest in regaining access to Treasure Island via the abandoned roadway adjacent to Riverside Park. The Council report from that meeting is attached for reference.

The City Attorney has advised that there are two options for providing the desired access; creation of a permanent public right of way or, granting a franchise to Liberty University that would provide access for up to 40 years. Council authorized staff to explore the latter option with Liberty.

Subsequent to Council's meeting the City Attorney discussed the access options with counsel from Liberty University.

Liberty has asked for time on Council's agenda to explain its position in this matter.

PRIOR ACTION(S): November 26, 2013 Council authorized the drafting of a franchise agreement with Liberty University to grant access to Treasure Island.

FISCAL IMPACT: N/A

CONTACT(S): Walter Erwin, 455-3973; Kimball Payne, 455-3990

ATTACHMENT(S): Council Report for November 26, 2013

REVIEWED BY: lkp

018K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 26, 2013** AGENDA ITEM NO.: 7

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Liberty University Request for Access to Treasure Island**

RECOMMENDATION: Authorize the scheduling of a public hearing to receive input on a proposal to grant Liberty University access through Riverside Park to Treasure Island.

SUMMARY: In March of this year, Liberty University announced plans to construct athletic facilities on Treasure Island and Daniel's Island in the James River. Access to Treasure Island would be via a new bridge replacing the former bridge that was destroyed in the 1985 flood.

A road through Riverside Park to the original bridge had been constructed by the City in the 1920's. In 1931 City Council adopted a resolution allowing the YMCA and its successors-in-interest the right to use the road for "private purposes" as long as its use did not constitute a nuisance in Riverside Park. A more complete history of the access to Treasure Island is provided in the attached memorandum from the City Attorney. The memorandum from the City Attorney also explains why he does not believe that a legal grant of perpetual access exists.

In a letter dated October 1, 2013 from Chancellor Falwell to the City Manager, with copies sent to City Council members, Liberty University asked that the City grant it a perpetual access easement through Riverside Park to Treasure Island. A copy of that letter is attached. The letter also outlined Liberty's contemplated uses on the islands and asked that the matter be resolved before February of 2014 so that planning could proceed without undue delay.

Subsequent to the October 1 letter the City Manager met with Chancellor Falwell and discussed this request among other matters. The Chancellor advised that the planned use of the islands had been significantly down-scaled and repeated the request for a grant of access. As requested during that meeting a follow up letter, dated October 17, 2013, was sent to the manager and Council members outlining the revised plans. A copy of that letter is attached.

The grant of access to Treasure Island, within the limitations of the law and with appropriate conditions, is a reasonable action to allow for the use and enjoyment of the islands and the James River. Accordingly, Council is asked to authorize the scheduling of a public hearing to consider a franchise granting Liberty University access to Treasure Island through Riverside Park.

Prior to the development of a franchise there would need to be a clear understanding of Liberty's intended use of the access as well as any responsibilities of Liberty and/or the City with respect to the access. Of primary concern would be the following:

- The type and intensity of anticipated traffic
- Access construction and maintenance
- Hours of operation (Riverside Park is closed dusk to dawn)
- Impacts on park drives or other City streets

Council may have other concerns or questions to share with staff during the discussion.

PRIOR ACTION(S): As noted.

FISCAL IMPACT: None, unless the City is obligated to construct or reconstruct the requested access road and drives or streets to that road.

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973

ATTACHMENT(S): Memorandum from the City Attorney to the City Manager dated November 18, 2013; Letters from Chancellor Falwell dated October 1 and October 17, 2013.

REVIEWED BY: lkp

171K

MEMORANDUM

The City Attorney's Office

To: L. Kimball Payne, City Manager

From: Walter C. Erwin, City Attorney

Subject: Access Road to Treasure Island

Date: November 18, 2013

Liberty University proposes to develop Treasure Island and Daniel's Island for use as a community garden and passive recreation activities. In order that it can access the islands, Liberty University has requested that City Council grant Liberty University the right to use the road that runs through Riverside Park as a means of access. I thought it would be helpful to provide a history of the construction and use of the Riverside Park road.

In 1910, the Lynchburg YMCA purchased a 31.3 acre island in the James River to be used for public recreational facilities. The island subsequently came to be known as the YMCA Island and eventually as Treasure Island. In 1912, the YMCA purchased a strip of land at the end of Fredonia Avenue to provide access to the island. The YMCA used the strip of land to construct a foot bridge to the island. When the island was opened to the public in the fall of 1912, it boasted a club house, boat house, swimming pool, baseball diamonds, tennis courts, a wharf, facilities for track and field, and areas for picnic and camping grounds. The original foot bridge was swept away by a flood in March of 1913, was rebuilt by the end of 1913, but was destroyed in a subsequent flood several years later and was not rebuilt.

In 1921, the YMCA advised the City it was undertaking a campaign to raise money for the construction of a vehicular bridge from the mainland to the upper end of the island and requested that the City agree to construct a road from Rivermont Avenue through Riverside Park to provide access to the bridge and the island. City Council approved the construction of the road, appropriated funds for its construction, and by 1924 the road had been constructed and put into use.

In February of 1931, the YMCA advised City Council it planned to sell the island and asked City Council to adopt a resolution allowing the YMCA and its successors-in-interest to use the road in Riverside Park for the purpose of accessing the island. On February 27, 1931, City Council adopted a resolution authorizing the YMCA and its successors-in-interest to continue to use the road to access the island as long as the use did not constitute a nuisance in Riverside Park and subject to the City's right to adopt regulations concerning the use of the road.

In 1963 Elim Incorporated purchased the island and asked the City to repave the road in Riverside Park to make the island accessible for use as an interdenominational youth camp, and City Council agreed to repave the road. The island was eventually conveyed to Liberty University and the park road was used to access the island until the vehicular bridge that was washed away in the November 1985 flood. Since that time the road in Riverside Park has not been used, since it only leads to an overhang above the James River.

The resolution City Council adopted in 1931 appeared to give the YMCA and its successors-in-interest the perpetual right to use the road in Riverside Park to access the island for their private purposes. However, in 1931, Virginia's laws provided that no right of any kind to use public property "in a manner not permitted to the general public, shall be granted for a longer period than 30 years." Because Virginia's laws only allowed the City to grant a third party the right to use public property for a period of thirty years, the permission City Council granted to the YMCA and its successors-in-interest to use the park road has expired. Since the right to use the park road that was granted by the 1931 Resolution has expired, if Liberty University wishes to use the park road as a means to access the islands, it will need to obtain permission from the City in order to do so.

There are two possible means by which Liberty University could be allowed to use the road in Riverside Park to access Treasure Island and Daniel's Island. The first would be a franchise; the second would be dedicating the park road as a public street. In 1931, the law only allowed a local government to grant a franchise for a maximum of 30 years. The law was amended in 1971 and now allows a franchise to be granted for a maximum of 40 years. The City can grant Liberty University a 40 year franchise to use the park road, but every 40 years the franchise will need to be renewed. In the alternative, the road in Riverside Park could be dedicated as a public street. Once the road is dedicated as a public street, Liberty University and the general public would have the right to use it in the same manner as any other public street.

In other situations it might be possible to convey the strip of land encompassing the park road to Liberty University. However, because the land in question is located within Riverside Park, conveying the strip of land to Liberty University does not appear to be feasible.

In the 1980s the City obtained a federal grant from the U.S. Department of the Interior, as part of the Urban Park and Recreation Recovery Program (UPARR) for improvements to Riverside Park. One of the conditions of the grant was that the land in Riverside Park had to be maintained for public recreational purposes in perpetuity, and the City could not take land out of the park without first obtaining the approval of the Secretary of the U.S. Department of the Interior.

In order to obtain the approval of the Secretary of the Interior, the City would have to satisfy the following conditions: (i) all practical alternatives to the conveyance of the park property must have been evaluated and rejected on a sound basis, (ii) the City must replace the property that is being conveyed with property that is reasonably equivalent in both usefulness and location, and it must be newly acquired property, (iii) the fair market value of the property to be conveyed and the fair market value of the proposed replacement property must be determined, and must be comparable in value, and (iv) a detailed environmental assessment must be submitted to the National Park Service demonstrating that the proposed conveyance of the property will not have a significant impact upon the park environment.

In view of the requirement that any land that is taken out of the park must be replaced with equivalent land, it does not appear it is practical to convey the park road to Liberty University.

If you need any additional information or have any questions concerning this matter, please do not hesitate to contact me.

OFFICE OF THE CHANCELLOR
LIBERTY UNIVERSITY

October 1, 2013

L. Kimball Payne, III
City Manager
City of Lynchburg
900 Church Street – 3rd Floor
Lynchburg, Virginia 24504

Re: Treasure Island Access

Dear Kim:

As I am sure you are aware, Liberty University is investigating the feasibility of redeveloping/developing Treasure Island and Daniels Island. We have contemplated using the islands as health and fitness assets for the university and for the community at large. We are considering starting with a community garden project. The other uses we are considering include multi-purpose athletic fields for soccer, lacrosse, flag football, softball, and other sports. We are also considering building boat docks, vending stations and pavilions, and allowing the islands to be used for special events and other community and university sponsored recreational activities. These uses would be reminiscent of the agricultural and recreational uses that have historically been made by prior owners, including the YMCA and Thomas Road Baptist Church.

We have been operating with the understanding we would have access to Treasure Island through Riverside Park. In 1931, City Council adopted and recorded in its Ordinances and Resolutions Book a conveyance by which it granted the owners of Treasure Island and their successors a perpetual easement over an access road through the park, which road the City was required to maintain perpetually. The public remained free to use the road, as well. The grant was subject only to the City's power to relocate the road's Rivermont Avenue entry location and to a requirement that the road use not be a nuisance to the park. However, we were recently informed the City Attorney is of the opinion that the 1931 resolution was not properly adopted by Council due to technicalities, did not achieve its stated purpose, and is therefore now invalid. He claims, because he can find no evidence of advertising or other bids for the easement, that there necessarily were none, rendering the conveyance defective. He also claims that because the recorded conveyance was titled as a "Resolution" and not as an "Ordinance," it was defective as a franchise. He further claims that even if it were a franchise, it expired in 1961, because in 1931, 30 years was the longest period permitted for a franchise award. While we do not necessarily concur with Mr. Erwin's opinion, which I understand necessarily concludes that the City is powerless to grant a permanent easement to any party, we are not willing to incur the costs of additional engineering and legal fees premised on developing the access through Riverside Park with the new uncertainty created by this opinion.

We either need to reach a resolution with the City on use of the historic park access road, or we need to shift our resources to designing and constructing an entrance from the end of Fredonia Avenue. Liberty University has deeded rights at the end of Fredonia that would allow us to construct our access at that point. However, this is a narrow city street with parking on each side and we do not believe it is a good means of accessing Treasure Island. We would prefer to continue to access the islands by way of the road through Riverside Park.

Neither Liberty nor those in the Fredonia Avenue neighborhood will appreciate the City's new position on access. It is discomforting to note that the City's new position is that all of the use of the access road through Riverside Park by Thomas Road Baptist Church and Liberty University since 1961 (at least) has been without legal right. Our use for all of this time has been without a single objection from the City, since everyone understood the grant of access from City Council was in place. In fact, in 1963 the City adopted another resolution confirming the preexisting understanding of access rights. Both the City and the island owners have relied on the City's grant of an access easement for years and the City has never been prejudiced by this reliance. We are at a loss to understand the impetus for the change of position reflected in the City Attorney's recent opinion. The City has a moral obligation to make good on the City Council's promise to the YMCA and its successors 72 years ago for access to Treasure Island. The City should not seize upon the error of a prior City attorney, as is claimed by its current City attorney, to the detriment of the honorable island owners who are in this position through no fault of their own. Doing so would simply not be a fair and decent position for the City to take.

We would like City Council to consider the points raised in this letter, and to do what is necessary to grant to Liberty University a perpetual access easement through Riverside Park consistent with the historic rights of Liberty's predecessors. Given that the City Attorney's opinion has brought our efforts to a standstill, we would appreciate Council's willingness to conclude its consideration of this matter before February of next year.

Of course, we are happy to answer any questions or provide you additional information regarding this request, as well as work with the City Attorney on the language of the proposed conveyance. I look forward to hearing from you.

Best regards,

Jerry L. Falwell, Jr.
Chancellor and President

cc: Mayor Michael A. Gillette
Vice-Mayor Ceasor T. Johnson
Councilwoman Joan F. Foster
Councilman Jeff S. Helgeson
Councilman Edgar J. T. Perrow, Jr.
Councilman Hunsdon Cary, III
Councilman J. Randolph Nelson, Esq.
Walter C. Erwin, III, Esq., City Attorney

October 17, 2013

L. Kimball Payne, III
City Manager
City of Lynchburg
900 Church Street – 3rd Floor
Lynchburg, Virginia 24504

Re: Treasure Island Access

Dear Kim:

As we discussed, Liberty University is investigating the feasibility of redeveloping/developing Treasure Island and Daniels Island. We had previously contemplated using the islands as health and fitness assets for the university and for the community at large. Those plans included the development of multiplex sports fields and related facilities. Liberty has since determined that certain capital projects not directly related to Liberty's core educational mission will be suspended indefinitely. These projects include facilities that will primarily be used for travel teams and youth leagues, including the sports facilities planned for Treasure Island and Daniel's Island.

Liberty's plans for the island now include the development of a community garden and other passive recreation activities, such as hiking, camping, academic field study, crew, open water swimming, water skiing, canoeing/kayaking, and fishing. These types of uses would not generate the traffic and bus travel about which you expressed concern. We do not believe these types of uses would raise any reasonable objections. In the event Liberty develops other access to the island in the future, the intensity of use of the islands may be reconsidered.

For Liberty to engage in any more work on redeveloping/developing the islands, we have to resolve the issue of a reasonable access. As you know, we have deeded rights to construct an access at the end of Fredonia Avenue. I maintain the position that we do not believe this is a good means of accessing the islands. We prefer to use the access road through the park. It would suit our needs better, and would certainly be more desirable to those living on Fredonia Avenue. However, we need to know the city's position one way or the other. If any access through the park is going to be denied, no matter how limited our proposed use of the islands will be, we need to shift our resources to the design and construction of the alternative means of access.

Given our willingness to use the Riverside Park access to make only a more limited use of the islands, will you recommend to City Council that Liberty University be granted rights to use the road which has been the access road to the islands for more than 72 years? We would like the city to do what is necessary to ensure Liberty's perpetual right to use the access road through Riverside Park and to connect our bridge to the end of this road.

As always, we are happy to answer any questions or provide you additional information regarding this request, as well as work with the City Attorney on the language of the proposed conveyance. I look forward to hearing from you.

Best regards,

Jerry L. Falwell, Jr.
Chancellor and President

cc: Mayor Michael A. Gillette
Vice-Mayor Ceasor T. Johnson
Councilwoman Joan F. Foster
Councilman Jeff S. Helgeson
Councilman Edgar J. T. Perrow, Jr.
Councilman Hunsdon Cary, III
Councilman J. Randolph Nelson, Esq.
Walter C. Erwin, III, Esq., City Attorney

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 2 & 8

CONSENT: REGULAR: **X** WORK SESSION: **X** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Public Hearing regarding the Draft Analysis of Impediments to Fair Housing Choice (AI) and Adoption of a Resolution Endorsing the AI for Submittal to the U. S. Department of Housing and Urban Development**

RECOMMENDATION: Conduct a public hearing and adopt a resolution endorsing the Analysis of Impediments to Fair Housing Choice (AI) report to be submitted to the U. S. Department of Housing and Urban Development (HUD).

SUMMARY: As a recipient of Community Development Block Grant (CDBG), HOME Investment Partnerships Program, and Shelter Plus Care Program funds, the City must certify to HUD that its housing programs are implemented in a non-discriminatory manner. The City of Lynchburg has prepared a draft AI for public review and comment.

The AI includes an analysis of public and private sector policies, programs and statutes which impact the development, financing, regulation and siting of housing in the City. The City has identified within the AI: (a) impediments to fair housing choice; and (b) recommended strategies that would eliminate the impediments to housing choice.

While the City has been reviewing and planning for the completion of an AI in conjunction with the Five-Year Consolidated Plans, City staff has reported to HUD in the CDBG and HOME Program Annual Action Plans and Consolidated Annual Performance Evaluation Reports (CAPER) actions that were proposed and completed to affirmatively further fair housing on an annual basis.

The professional consulting team that completed the AI is Mullin & Lonergan Associates (M&L). M&L followed a comprehensive approach to complete the AI utilizing many different data sources, City documents, and specifically conducted interviews and focus group sessions with agencies and organizations that provide housing and housing related services to members of the protected classes.

On December 18, 2013 the Housing Collaborative reviewed the AI and recommended it be forwarded to City Council for endorsement. A public information session was held at the Public Library on January 27th to allow the public an opportunity to review the AI and ask questions of City staff and M&L.

At the work session on January 28th, M&L will provide a presentation summarizing the AI. A required public hearing will be held at the regular City Council meeting on January 28th to provide the public one final opportunity to comment on the AI.

At the conclusion of the public hearing, City Council is asked to adopt a resolution endorsing the AI and approving the submittal of the final document, with any recommended changes from the public and/or City Council, to HUD.

PRIOR ACTION(S): December 18, 2013 – Housing Collaborative Review of AI; January 27 – Public Information Session; January 28 – Work Session

FISCAL IMPACT: N/A

CONTACT(S): Bonnie Svrcek, Deputy City Manager – 455-3990; Kevin T. Henry, Planner II– 455-3900;
Melva Walker, Grants Administrator- 455-3900;Tom Martin, City Planner – 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):
- Resolution
- Draft Analysis of Impediments to Fair Housing Choice
- Powerpoint – Analysis of Impediments to Fair Housing Choice

REVIEWED BY: bms

RESOLUTION**:**

BE IT RESOLVED that the City Council hereby endorses the Analysis of Impediments to Fair Housing Choice prepared by Mullin & Lonegran Associates and approves the submittal of this document to the U. S. Department of Housing and Urban Development.

Adopted:

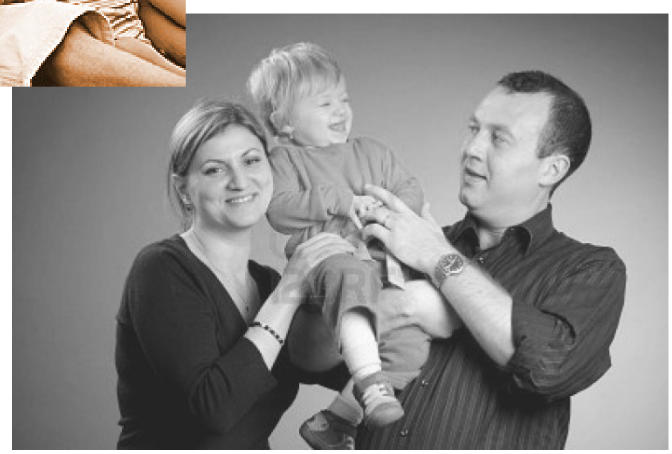
Certified: ________________________________

Clerk of Council

013K

Analysis of Impediments to Fair Housing Choice

Lynchburg, VA



Final Draft
January 6, 2014

Table of Contents

Index of Tables and Figures

Index of Maps

1. Introduction

A. Introduction to the Analysis of Impediments

The City of Lynchburg has prepared an Analysis of Impediments to Fair Housing Choice to satisfy the requirements of the Housing and Community Development Act of 1974 and HOME Program, as amended. This act requires that any community receiving Community Development Block Grant (CDBG) funds affirmatively further fair housing. As a result, the City is charged with the responsibility of conducting its CDBG programs in compliance with the federal Fair Housing Act. The responsibility of compliance with the federal Fair Housing Act extends to nonprofit organizations and other entities, including local units of government that receive federal funds through Lynchburg.

Entitlement communities receiving CDBG and/or HOME entitlement funds are required to:

- Examine and attempt to alleviate housing discrimination within their jurisdiction,
- Promote fair housing choice for all persons,
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status or national origin,
- Promote housing that is accessible to and usable by persons with disabilities, and
- Comply with the non-discrimination requirements of the Fair Housing Act.
- These requirements can be achieved through the preparation of an Analysis of Impediments to Fair Housing Choice.

The Analysis of Impediments to Fair Housing Choice (AI) is a review of a jurisdiction's laws, regulations and administrative policies, procedures and practices affecting the location, availability and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice.

B. Fair Housing Choice

Equal and free access to residential housing (housing choice) is a fundamental right that enables members of the protected classes—defined in the Fair Housing Act below—to pursue personal, educational, employment or other goals. Because housing choice is so critical to personal development, fair housing is a goal that government, public officials, and private citizens must embrace if equality of opportunity is to become a reality.

The federal Fair Housing Act prohibits discrimination in housing based on a person's race, color, religion, sex, disability, familial status, or national origin. In addition, HUD issued a Final Rule on February 3, 2012, that prohibits entitlement communities from discriminating on the basis of actual or perceived sexual orientation, gender identity, or marital status. Persons who are protected from discrimination by fair housing laws are referred to as members of the protected classes.

This Analysis encompasses the following five areas related to fair housing choice:

- The sale or rental of dwellings (public and private),
- The provision of financing assistance for dwellings,
- Public policies and actions affecting the approval of sites and other building requirements used in the approval process for the construction of publicly assisted housing,
- The administrative policies concerning community development and housing activities, which affect opportunities of minority households to select housing inside or outside areas of minority concentration, and
- Where there is a determination of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by the U.S. Department of Housing and Urban Development (HUD) regarding assisted housing in a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to remedy the discriminatory condition, including actions involving the expenditure of funds made available under 24 CFR Part 570 (i.e., the CDBG program regulations) and/or 24 CFR Part 92 (i.e., the HOME program regulations).

As a federal entitlement community, Lynchburg has specific fair housing planning responsibilities. These include:

- Conducting an Analysis of Impediments to Fair Housing Choice,
- Developing actions to overcome the effects of identified impediments to fair housing, and
- Maintaining records to support the jurisdictions' initiatives to affirmatively further fair housing.

HUD interprets these three certifying elements to include:

- Analyzing housing discrimination in a jurisdiction and working toward its elimination,
- Promoting fair housing choice for all people,
- Providing racially and ethnically inclusive patterns of housing occupancy,
- Promoting housing that is physically accessible to, and usable by, all people, particularly individuals with disabilities, and
- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act.

This Analysis will:

- Evaluate population, household, income, and housing characteristics by protected classes in each of the jurisdictions,
- Evaluate public and private sector policies that impact fair housing choice,
- Identify blatant or de facto impediments to fair housing choice where any may exist, and

- Recommend specific strategies to overcome the effects of any identified impediments.

HUD defines an impediment to fair housing choice as any actions, omissions, or decisions that restrict or have the effect of restricting the availability of housing choices, based on race, color, religion, sex, disability, familial status, or national origin.

This Analysis serves as the basis for fair housing planning, provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates, and assists in building public support for fair housing efforts. The elected governmental bodies are expected to review and approve the Analysis and use it for direction, leadership, and resources for future fair housing planning. The Analysis will serve as a point-in-time baseline against which future progress in terms of implementing fair housing initiatives will be evaluated and recorded.

C. The Federal Fair Housing Act

1. What housing is covered?

The Federal Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

2. What does the Fair Housing Act prohibit?

a. In the sale and rental of housing

No one may take any of the following actions based on race, color, religion, sex, disability, familial status, or national origin:

- Refuse to rent or sell housing,
- Refuse to negotiate for housing,
- Make housing unavailable,
- Deny a dwelling,
- Set different terms, conditions or privileges for the sale or rental of a dwelling,
- Provide different housing services or facilities,
- Falsely deny that housing is available for inspection, sale, or rental,
- For profit, persuade owners to sell or rent (blockbusting), or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

b. In mortgage lending

No one may take any of the following actions based on race, color, religion, sex, disability, familial status, or national origin:

- Refuse to make a mortgage loan,
- Refuse to provide information regarding loans,

- Impose different terms or conditions on a loan, such as different interest rates, points, or fees,
- Discriminate in appraising property,
- Refuse to purchase a loan, or
- Set different terms or conditions for purchasing a loan.

c. Other prohibitions

It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, religion, sex, disability, familial status, or national origin. This prohibition against discriminatory advertising applies to single family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

3. Additional Protections for People with Disabilities

If someone has a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, or has a record of such a disability, or is regarded as having such a disability, a landlord may not:

Refuse to let the disabled person make reasonable modifications to a dwelling or common use areas, at the disabled person's expense, if necessary for the disabled person to use the housing. Where reasonable, the landlord may permit changes only if the disabled person agrees to restore the property to its original condition when he or she moves, and

Refuse to make reasonable accommodations in rules, policies, practices, or services if necessary for the disabled person to use the housing. For example, a building with a "no pets" policy must make a reasonable accommodation and allow a visually impaired tenant to keep a guide dog.

4. Housing Opportunities for Families with Children

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under the age 18 live with:

- A parent, or
- A person who has legal custody of the child or children, or
- The designee of the parent or legal custodian, with the parent, or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under age 18.

Housing for older persons is exempt from the prohibition against familial status discrimination if:

- The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a federal, state or local government program, or
- It is occupied solely by persons who are 62 or older, or
- It houses at least one person who is 55 or older in at least 80% of the occupied units, and adheres to a policy that demonstrates the intent to house persons who are 55 or older, as previously described.

A transition period permits residents on or before September 13, 1988 to continue living in the housing, regardless of their age, without interfering with the exemption.

5. Recent Changes to HUD Program Regulations

As of a Final Rule effective March 5, 2012, HUD implemented policy with the intention of ensuring that its core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status. In response to evidence suggesting that lesbian, gay, bisexual and transgender individuals and families were being arbitrarily excluded from housing opportunities in the private sector, HUD's aim was to ensure that its own programs do not allow for discrimination against any eligible person or household, and that HUD's own programs serve as models for equal housing opportunity.

This change to HUD program regulations does not amend the Fair Housing Act to prohibit all discrimination in the private market on the basis of sexual orientation, gender identity, or marital status. However, it prohibits discrimination of those types by any housing provider who receives HUD funding, including public housing agencies, those who are insured by the Federal Housing Administration, including lenders, and those who participate in federal entitlement grant programs through HUD.

D. Virginia Fair Housing Law

The Virginia Fair Housing Law was adopted in 1972 and prohibits housing discrimination on the basis of race, color, religion, sex, national origin, elderliness, familial status, and handicap. As a result, persons in Virginia have greater protection under the State's fair housing law than under federal fair housing law.

Specifically, the Virginia Fair Housing Law prohibits the following practices:

- Refusing to sell or rent after the making of a bona fide offer or refusing to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, elderliness, familial status, or disability,
- Discriminating against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith to any person because of race, color, religion, sex, national origin, elderliness, familial status, or disability,
- To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that

indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation or discrimination based on race, color, religion, sex, national origin, elderliness, familial status, or disability,

- Representing to any person because of race, color, religion, sex, national origin, elderliness, familial status, or disability that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available,
- Denying any person access to membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership, or participation because of race, color, religion, sex, national origin, elderliness, familial status, or disability,
- To include in any transfer, sale rental, or lease of housing, any restrictive covenant that discriminates because of race, color, religion, sex, national origin, elderliness, familial status, or disability or for any person to honor or exercise, or attempt to honor or exercise any such discriminatory covenant pertaining to housing, and
- To induce or attempt to induce to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, elderliness, familial status, or disability.

In addition, the State law further stipulates additional actions that are prohibited as they relate to housing discrimination. These prohibitions include the following:

- Failing or delaying maintenance or repairs of sales or rental dwellings,
- Limiting the use of privileges, services, or facilities associated with a dwelling,
- Discouraging the purchase or rental of a dwelling or exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or a community, neighborhood, or development;
- Communicating to any prospective purchaser that they would not be comfortable or compatible with existing residents of a community neighborhood or development,
- Assigning any person to a particular section of a community neighborhood or development or to a particular floor or section of a building, and
- Denying or limiting services or facilities in connection with the sale or rental of a dwelling because a person failed or refused to provide sexual favors.

The law also explicitly regulates the advertising of real estate in the following manner:

- Using words, phrases, photographs, illustrations, symbols, or forms which convey that dwellings are available or are not available to a particular group because of race, color, religion, sex, handicap, familial status, elderliness, or national origin,

- Using selective geographic advertisements, such as the strategic placement of billboards; brochure advertisements distributed within a limited geographic area by hand or in the mail; advertising in particular geographic coverage editions of major metropolitan newspapers or in newspapers of limited circulation which are mainly advertising vehicles for reaching a particular segment of the community; or displays or announcements available only in selected sales offices,
- Using selective human models when using an advertising campaign using human models primarily in media that cater to one racial or national origin segment of the population without a complementary advertising campaign that is directed at other groups, and
- All newspaper publishers should publish at the beginning of the real estate advertising section a notice that includes a statement regarding the coverage of any local fair housing or human rights ordinance prohibiting discrimination in the sale, rental or financing of dwellings.

The Virginia Fair Housing Office (VFHO) is under the auspices of the Department of Professional and Occupational Regulation. The VFHO consists of an administrator who has overall responsibility for the office, an Investigative Supervisor who oversees all investigations, a Program Conciliator who attempts to resolve complaints through informal negotiation, four field investigators, and two administrative investigators. The VFHO is the investigative arm of Virginia's Fair Housing Board and Real Estate Board. The Fair Housing Board administers and enforces the Fair Housing Law for most individuals and businesses; the Real Estate Board retains jurisdiction over real estate licensees and their employees.

Once the VFHO accepts a complaint as stating a fair housing claim, the complaint is assigned to be investigated. During the investigative process an investigator generally interviews the complainant, the respondent and relevant witnesses. The investigator may also review documents and records.

After the investigation is completed, the investigator writes a final report that summarizes the evidence obtained during the investigation. The investigative supervisor then reviews this report. The evidence is presented to the Board, which will review the evidence. The Board will take one of the following actions upon a report: (1) dismiss the complaint, (2) issue a charge of discrimination, or (3) accept the conciliation agreement. If the Board issues a charge of discrimination, the charge is immediately referred to the Office of the Attorney General in Virginia for further action.

Figure 1-1 below lists the protections afforded to Virginia residents under federal and state fair housing laws.

Figure 1-1
Protection for Members of the Protected Classes

Protected Class	Federal Fair Housing Act	Virginia Fair Housing Law
Race*	*	*
Color	*	*
National Origin	*	*
Religion/ Creed	*	*
Sex	*	*
Familial Status	*	*
Handicap/Disability Status	*	*
Elderliness(over 55 Years of age)		*

*The term "color" usually refers only to skin color or pigmentation.
"Race" generally refers to both physical characteristics and ethnological classifications

1. Possible Fair Housing Changes

In early 2013, an amendment to the Virginia Fair Housing Law was proposed to include protections for source of income. This would mean that housing could not be denied based on the source of income used for purchase or lease of a dwelling. This includes all forms of public assistance for housing as well as spousal and child support. Currently, the amendment is in committee and has not been introduced to the legislative body for a vote.

E. Comparison of Accessibility Standards

There are several standards of accessibility that are referenced throughout the AI. These standards are listed below along with a summary of the features within each category or a direct link to the detailed standards.

1. Fair Housing Act

In buildings that are ready for first occupancy after March 13, 1991 and include four or more units:

- There must be an accessible entrance on an accessible route,
- Public and common areas must be accessible to persons with disabilities,
- Doors and hallways must be wide enough for wheelchairs, and
- All ground floor units and all units in elevator buildings must have:
  - An accessible route into and through the unit,

- o Accessible light switches, electrical outlets, thermostats and other environmental controls,
- o Reinforced bathroom walls to allow later installation of grab bars, and,
- o Kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units. These requirements for new buildings do not replace any more stringent standards in state or local law.

2. Americans with Disabilities Act (ADA)

Title II of the ADA applies to state and local services, including state and local housing programs. Government entities are obliged to assure that housing financed through state and local programs complies with ADA accessibility guidelines. A complete description of the guidelines can be found at www.ada.gov/stdspdf.htm.

3. Uniform Federal Accessibility Standards (UFAS)

UFAS accessibility standards are required for facility accessibility by people with motor and sensory disabilities for federal and federally-funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities to the extent required by the Architectural Barriers Act of 1968, as amended. A complete description of the guidelines can be found at www.access-board.gov/ufas/ufas-html/ufas.htm.

4. Visitability Standards

The term “visitability” refers to single-family housing designed in such a way that it can be lived in or visited by people with disabilities. A house is visitable when it meets three basic requirements:

- At least one no-step entrance,
- Doors and hallways wide enough to navigate a wheelchair through, and
- A bathroom on the first floor large enough to get into in a wheelchair, and close the door.

5. Universal Design

Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without adaptation or specialized design. Seven principles guide Universal Design. These include:

- Equitable use (e.g., make the design appealing to all users),
- Flexibility in use (e.g., accommodate right- or left-handed use),
- Simple and intuitive use (e.g., eliminate unnecessary complexity),
- Perceptible information (e.g., provide compatibility with a variety of techniques or devices used by people with sensory limitations),

- Tolerance for error (e.g., provide fail-safe features),
- Low physical effort (e.g., minimize repetitive actions), and
- Size and space for approach and use (e.g., accommodate variations in hand and grip size).

F. Methodology

The firm of Mullin & Lonergan Associates, Inc. (M&L) was retained as consultants to conduct the Analysis of Impediments to Fair Housing Choice. M&L utilized a comprehensive approach to complete the Analysis for the City of Lynchburg. The following sources were utilized:

- The most recently available demographic data regarding population, household, housing, income, and employment at the census tract and municipal level,
- Public policies affecting the siting and development of housing,
- Administrative policies concerning housing and community development,
- Financial lending institution data from the Home Mortgage Disclosure Act (HMDA) database,
- Agencies that provide housing and housing related services to members of the protected classes,
- Consolidated Plans, Annual Plans and CAPERs for the City of Lynchburg,
- The Draft Lynchburg 2013-2030 Comprehensive Plan,
- The Lynchburg Housing Assessment,
- Fair housing complaints filed with HUD and the Virginia Fair Housing Office,
- Real estate advertisements from area newspapers of the News and Advance, and
- Interviews and focus group sessions conducted with agencies and organizations that provide housing and housing related services to members of the protected classes.

G. Use and Presentation of Data

Each dataset is subject to sampling error and non-sampling error, since statistics in census data products are based on the collection, tabulation, editing and handling of questionnaires. Non-sampling error includes confidentiality edits applied by the Census Bureau to assure that data do not disclose information about specific individuals, households, or housing units. Because of sampling and non-sampling errors, there may be discrepancies in the reporting of similar type of data. These discrepancies do not negate the usefulness of the census data.

Most of the census data used in the report is American Community Survey (ACS) sample data rather than 2010 Census Summary File 1 (SF1) data, which is 100-percent data. This was done to provide the most current data. To make the best of sample based ACS data and reduce sampling error, data compiled at five year increments between 2007 and 2011, were used. ACS data compiled between 2009 and 2011 were used for disability data. Five year data is not provided by the Census Bureau for disabilities. Census 2010 Summary File 1 data were used as the most recent data source when 2007-2011 ACS data were unavailable. Additionally, 2000 Census data and earlier were used when comparing current trends with past trends.

H. Development of the AI

1. Lead Agency

The Planning Division within the Lynchburg Community Development Department was the lead agency for the preparation and implementation of the AI. Staff members identified and invited numerous stakeholders to participate in the process for the purpose of developing a thorough analysis with a practical set of recommendations to eliminate identified impediments to fair housing choice.

2. Agency Consultation

The City engaged in an extensive consultation process with local public agencies, nonprofit organizations and other interested entities in an effort to develop a community planning process for the AI. A series of written questionnaires were mailed to many of the interviewees, and detailed lists of issues were developed for the focus group sessions and interviews.

In late August, the consulting team conducted a series of focus group sessions and individual interviews to identify current fair housing issues impacting the various agencies and organizations and their clients. Comments received through these meetings and interviews are appropriately incorporated throughout the AI.

A list of the stakeholders identified to participate in the AI process is included in Appendix A.

I. The Relationship between Fair Housing and Affordable Housing

As stated in the Introduction, fair housing choice is defined as the ability of persons, regardless of race, color, religion/ creed, sex, disability, familial status, or national origin, of similar income levels to have available to them the same housing choices. In Virginia, this protection is also specifically extended to persons based on elderliness, familial status, and handicap/disability status. Persons who are protected from discrimination by fair housing laws are referred to as members of the protected classes.

This AI analyzes a range of fair housing issues regardless of a person's income. To the extent that members of the protected classes tend to have lower incomes, then access to fair housing is related to affordable housing. In many areas across the U.S., a primary impediment to fair housing is a relative absence of affordable housing. Often, however, the public policies implemented in towns and cities create, or contribute to, the lack of affordable housing in these communities, thereby disproportionately affecting housing choice for members of the protected classes.

This document goes well beyond an analysis of the adequacy of affordable housing in Lynchburg. This AI defines the relative presence of members of the protected classes within the context of factors that influence the ability of the protected classes to achieve equal access to housing and related services.

2. Demographic Information

A. Demographic Profile

1. Lynchburg History

The City of Lynchburg is located at the foothills of the Blue Ridge Mountains in central Virginia. The City was settled in 1757 and officially founded in 1786. With the establishment of a ferry along the James River, the City quickly grew and prospered through tobacco trading. By the 1850s, Lynchburg was one of the most prosperous cities per capita. In the late 19th century, Lynchburg's economy evolved into manufacturing and sometimes was referred to as the "Pittsburgh of the South." More recently, Lynchburg and its region have excelled in nuclear technology, pharmaceuticals, and material handling and machinery. The City's largest employer is Centra Health. Popular attractions include: the Lynchburg Museum documenting the City's past, the Old City Cemetery Museum and Arboretum, and nearby Poplar Forest, which was Thomas Jefferson's retreat home. Lynchburg is also home to five colleges and universities: Liberty University (12,600), Lynchburg College (2,715), Randolph College (576), Virginia University of Lynchburg (597), and Central Virginia Community College (5,461).[1]

As a frame of reference for this document, a neighborhood map is included in Appendix B.

2. Population Trends

According to the Census and American Community Survey (ACS) data, Lynchburg grew 38.4% between 1970 and 2011. Virginia grew 70.4% during this period. Lynchburg witnessed its largest rate of growth between 1970 and 1980, and 2000 and 2011, increasing 23.4% and 17.7%, respectively.

Between 2000 and 2011 Lynchburg grew 17.7%. This is slightly lower than Virginia's rate of growth of 18.2% during the same period. The Lynchburg MSA increased by 9.8% (228,616 to 250,952), and includes Amherst County, Appomattox County, Bedford County, Campbell County, the Town of Bedford, and the City of Lynchburg. Refer to Figures 2-1 and 2-2 for more detailed information.

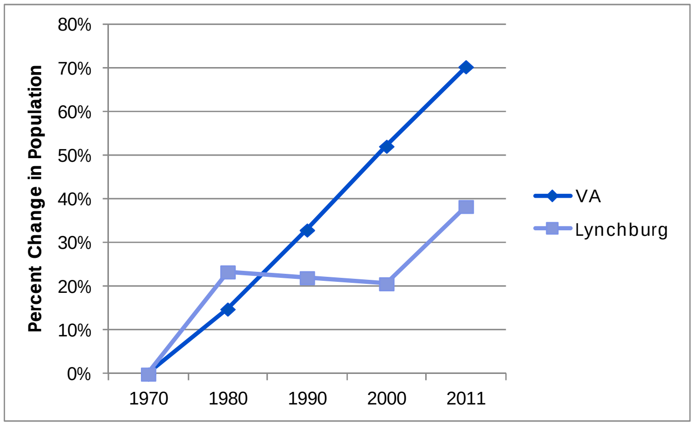
Figure 2-1
Population Trends, 1970-2011

	1970	1980	% Change in Population 1970-1980	1990	% Change in Population 1970-1990	2000	% Change in Population 1970-2000	2011	% Change in Population 1970-2011	% Change in Population 2000-2011
Virginia	4,651,448	5,346,797	14.9%	6,187,358	33.0%	7,078,515	52.2%	7,926,192	70.4%	18.2%
Lynchburg	54,083	66,743	23.4%	66,049	22.1%	65,269	20.7%	74,849	38.4%	17.7%

Source: NHGIS (1970, 1980, 1990); 2007-2011 ACS (B1003)

[1] Numbers in parentheses are the residential enrollments of each university. In total there are 21,949 students residing in Lynchburg.

Figure 2-2
Population Trends Since 1970



Lynchburg's population has grown 38.4% since 1970 while Virginia grew 70.4%.

Lynchburg has grown in population in every decade since 1970. The City's largest decade of growth was 23.4% between 1970 and 1980 followed by another surge in 2000.

Despite an increase of almost 5,000 White residents since 2000, this segment of the population decreased from 66.6% to 65.2%. This decrease as a percentage of the total population was the result of significant increases in the number of minority residents during the same period. For example, Black residents gained 2,348 residents and Asians gained 939. The largest increase occurred among Hispanics, a group which gained over 1,300 residents. Together, the 4,290 net gain in non-White residents represented 45% of the population increase between 2000 and 2011.

The increase in the Asian population represented the fastest growing racial segment over the past decade. This group more than doubled in number to 1,805 residents, and now represents the second-largest racial minority in Lynchburg. Persons of two or more races are another growing minority segment, although this census group represents only 1.0% of the population.

Persons of Hispanic descent represent the fastest-growing group among all minorities (racial and ethnic). This population more than doubled to 2,210 residents, and now comprises 3% of the total population.

Between 2000 and 2011, Lynchburg's population grew more diverse as non-White residents increased from 33.3% to 34.7% of the population. Although slightly less than the State's rate of increasing diversity, the City is experiencing gains in nearly all minority groups.

Figure 2-3
Racial and Ethnic Composition, 2000-2011

	2000		2011		% Change 2000- 2011
Lynchburg	**#**	**%**	**#**	**%**	**100.0%**
White	43,487	66.6%	48,777	65.2%	12.2%
Non-White	21,782	33.3%	26,072	34.8%	19.7%
Black	19,382	29.7%	21,730	29.0%	12.1%
American Indian	169	0.3%	141	0.2%	-16.6%
Asian/ Pacific Islander	866	1.3%	1,805	2.4%	108.4%
Some Other Race	413	0.6%	782	1.0%	89.3%
Two or More Races	952	1.2%	1,614	2.2%	69.5%
Hispanic*	878	1.3%	2,210	3.0%	151.7%
Total	**65,269**	**100.0%**	**74,849**	**100.0%**	**14.7%**
	2000		2011		% Change 2000- 2011
Virgina	**#**	**%**	**#**	**%**	**100.0%**
White	5,120,110	72.3%	5,526,985	69.7%	7.9%
Non-White	1,958,405	27.7%	2,399,207	30.3%	22.5%
Black	1,390,293	19.6%	1,545,568	19.5%	11.2%
American Indian	21,172	0.3%	25,665	0.3%	21.2%
Asian/ Pacific Islander	261,025	3.7%	435,522	5.5%	66.9%
Some Other Race	138,900	2.0%	194,281	2.5%	39.9%
Two or More Races	143,069	2.0%	198,171	2.5%	38.5%
Hispanic*	329,540	4.7%	604,882	7.6%	83.6%
Total	**7,078,515**	**100.0%**	**7,926,192**	**100.0%**	**100.0%**

* Hispanic ethnicity is counted independently of race
2000 Census QT-P3, 2007-2011 ACS (B02001 & B03003)

On the following page, Figures 2-4 and 2-5 display the changing diversity of racial minorities and Hispanics and non-Hispanics between 2000 and 2011.

Figure 2-4
Diversity among Racial Minorities, 2000-2011

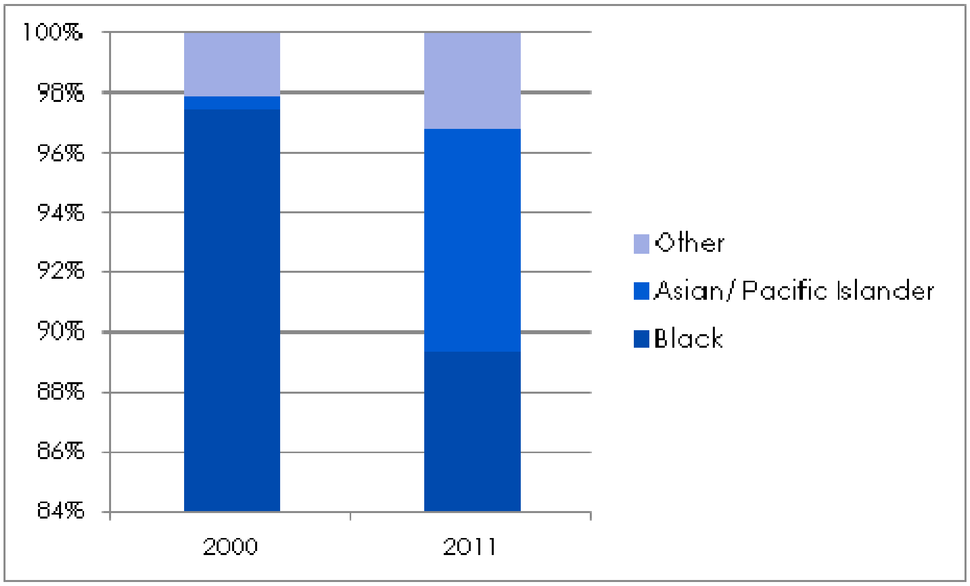
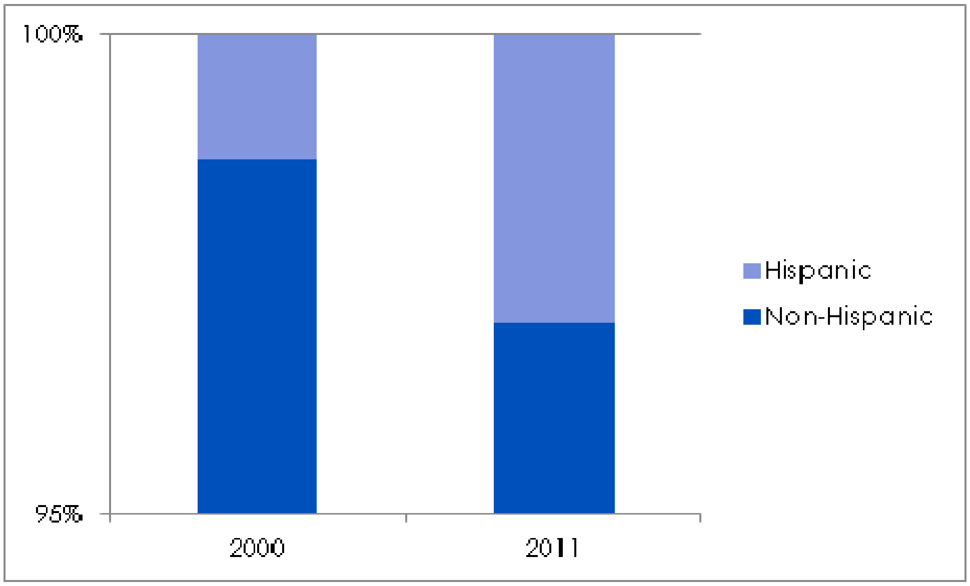


Figure 2-5
Increasing Hispanic Share, 2000-2011



While the rate of Whites and Blacks remained relatively stable as percentages of the total population, the City's Asian and Hispanic populations more than doubled.

Asians increased from 866 to 1,805 between 2000 and 2011, and Hispanics increased from 878 to 2,210.

3. Concentrations of LMI Persons

The CDBG program includes a statutory requirement that at least 70% of CDBG funds invested benefit low and moderate income (LMI) persons. As a result, HUD provides the percentage of LMI persons in each census block group for entitlement communities. HUD's 2013 LMI estimates reveal that 23 of the 50 census block groups across Lynchburg meet the definition for LMI status. The LMI threshold in Lynchburg is 51%.

Lynchburg's LMI areas are heavily concentrated in the Central Business District, and the neighborhoods of College Hill, Diamond Hill, and West End/Lynchburg College. There are also LMI areas within Liberty University and west of the Lynchburg Highway in the Wiggington Heights and Woodbine Village neighborhoods. In general, these are either older areas of the City or areas heavily populated with college students. The LMI area located in Wiggington Heights and Woodbine Village is the exception. Map 2-1 illustrates the location of the LMI areas.

College students comprise a large percentage of the City's population and reside in multi-family rental units primarily. College students represent 29.3% of the City's population and 21.2% of the population are persons between the ages of 18 and 24.[2] This impacts the demographic characteristics by reducing the median household income and percentage of homeowners citywide, and inflating the percentage of people in poverty and the percentage of LMI persons. Over 90% of the residents in census tracts 2.03 and 14 are between the ages of 18-24. These areas represent Lynchburg College and Liberty University. Map 2-2 displays the percentage of persons between the ages of 18-24 by census tract.

College students and young adults represent a large share of Lynchburg's population.

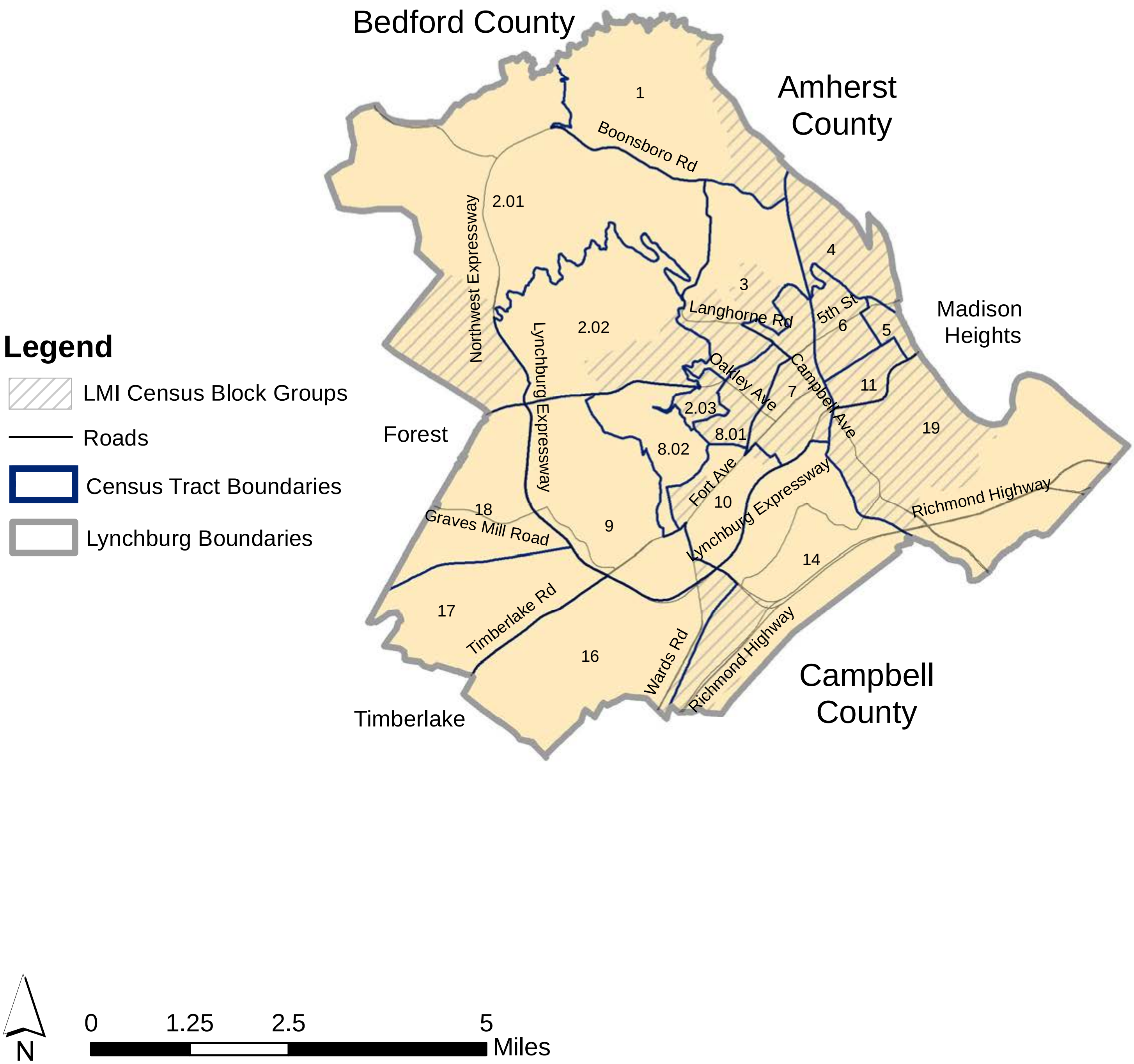
College students comprise 29.3% and persons between the age of 18-24 represent 21.2% of the City's total population. Persons between the ages of 18-24 comprise over 90% of the total population in areas within and around Lynchburg College and Liberty University.

[2] ACS 2007-2011 (S0101)

Map 2-1: Low and Moderate Income Areas, 2013

Lynchburg Analysis of Impediments to Fair Housing Choice

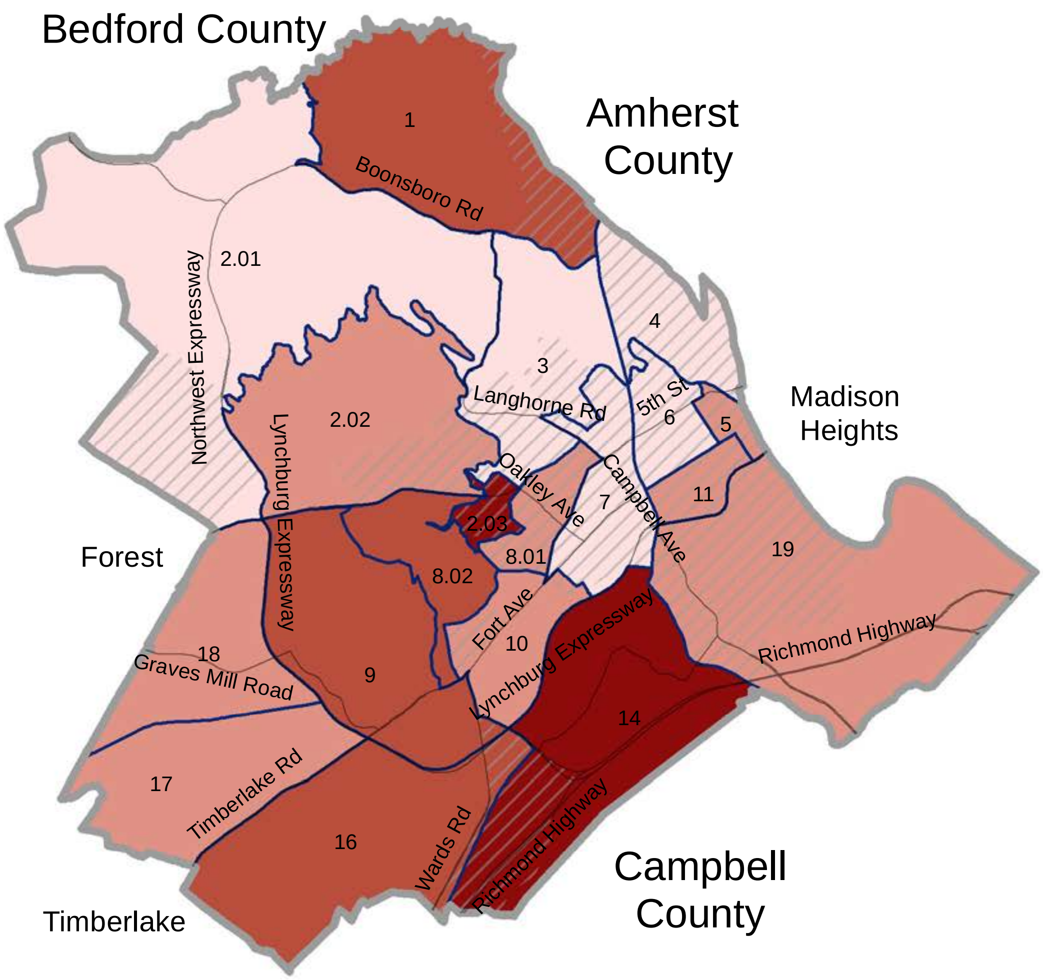
Source: 2000 HUD Low and Moderate Income Summary Data (FY 2013)



Map 2-2: Concentration of Persons Ages 18-24, 2011

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: ACS 2007-2011 (S0101)



Legend

Roads

LMI Census Block Groups

Census Tract Boundaries

Lynchburg Boundaries

Percent of Persons Ages 18-24 per CT

4.5%-10%

10.1%- 20%

20.1%- 29.2%

92.2% and Higher

Note: There is a gap between 29.2% and 92.2% of persons ages 18-24 because there are no census tracts contained within this range.

N

0 1.25 2.5 5 Miles

4. Racial and Ethnic Minority Concentration Areas of Poverty

Areas of racial/ ethnic concentration are defined as census block groups where the percentage of a minority group is 10 percentage points above the citywide average. All references to census block groups hereafter will simply be referred to as “block groups” for brevity.

Across Lynchburg in 2011, Blacks comprised 29% of the population, Hispanics 3%, and Asians 2.4%. Therefore, an area of Black concentration would include any block group where the percentage of Black residents is 39% or higher, a Hispanic concentration would include a block group percentage of 13% or higher, and an Asian concentration would include a block group percentage of 12.4% or higher.

In order to locate racially/ethnically concentrated areas that are also areas of poverty, low and moderate income (LMI) data were layered on top of racially and ethnically concentrated areas. This created racially and ethnically concentrated areas of poverty (RCAPs and ECAPs). The identified RCAPs and ECAPs are displayed in block groups.

Of the 50 block groups within the City, 15 were identified as RCAPs. This included only Black concentrated areas of poverty, which were located exclusively in the Central Business District and surrounding neighborhoods including Daniel’s Hill, Garland Hill, Dearington, College Hill, Diamond Hill, Miller Park, White Rock Hill, Seminary Hill, Fairview Heights, Winston Ridge, and White Rock Hill.

The composition of RCAPs is detailed on the next page in Figure 2-6 and depicted graphically in Map 2-3.

In Lynchburg there are 15 racially concentrated areas of poverty (RCAPs). All 15 RCAPs are Black concentrated areas of poverty.

These Black RCAPs are located exclusively within the Central Business District and its surrounding neighborhoods.

Figure 2-6
Areas of Black Concentration of Poverty, 2011

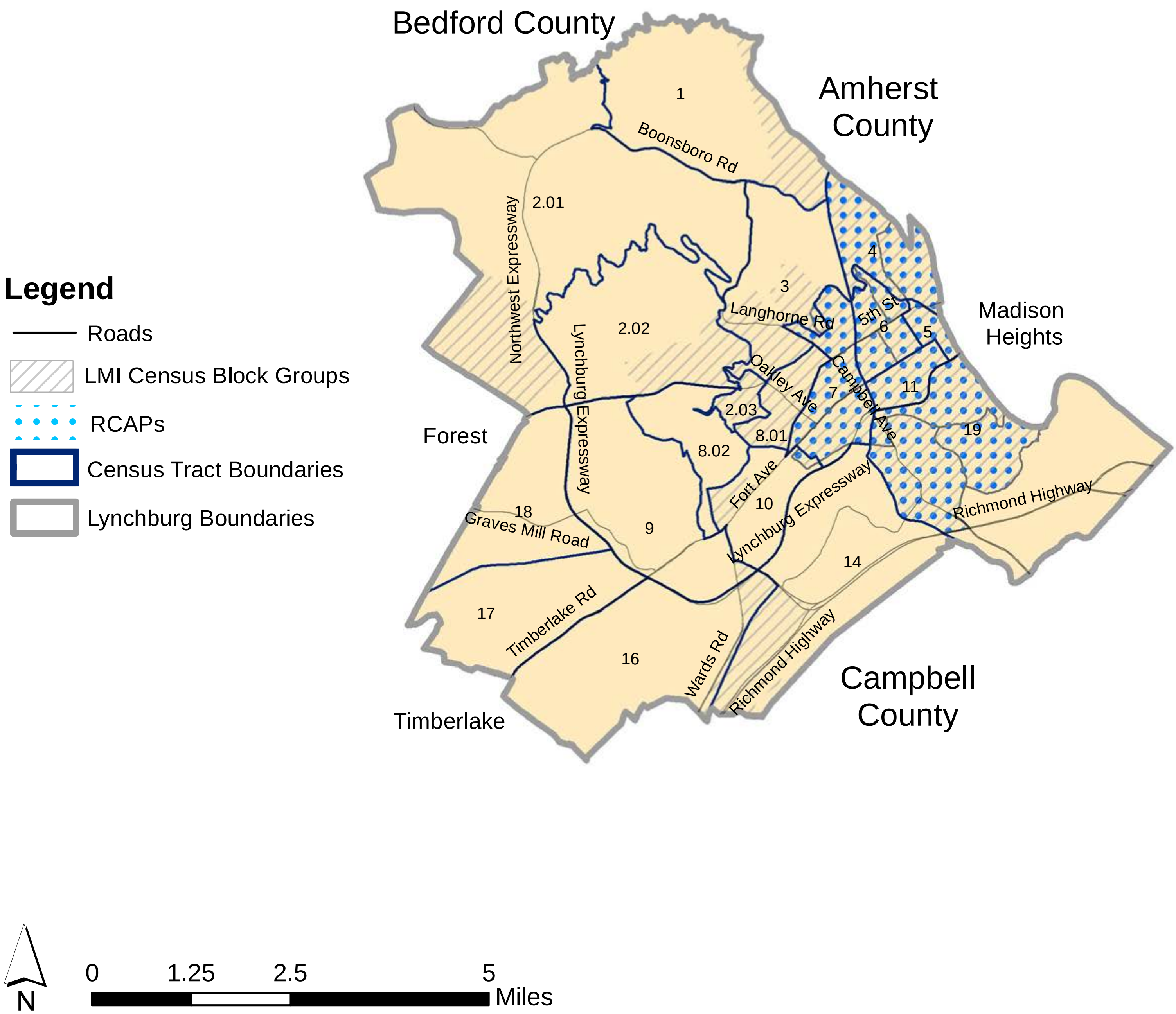
TRACT	Block Group	%LMI	% BLACK	Neighborhood
Census Tract 4	1	64.6%	69.8%	**Rivermont-** Bound by James River to the east, and Rivermont Ave. to the west.
Census Tract 4	2	68.5%	69.8%	**Daniel's Hill-** Bound by Rivermont to the west, James River to the east, and Lynchburg Expressway to the south.
Census Tract 5	1	83.8%	40.0%	**Central Business District**
Census Tract 6	1	81.8%	81.2%	**College Hill-** Bound by railroad tracks to the west, 5th St. to the north, and Federal St. to the east.
Census Tract 6	2	78.0%	81.2%	**College Hill-** Located between 5th and 12th Streets with Monroe St. as the eastern border
Census Tract 6	3	70.3%	81.2%	**College Hill-** Located between 5th and 12th Streets with Monroe St. as the western border.
Census Tract 6	4	59.4%	81.2%	**College Hill-** Bound by Federal St to the east, 5th Ave. to the North, and Blackwater Creek to the east.
Census Tract 7	1	72.0%	47.9%	**Dearington-** Bound by Memorial Ave. to the south, railroad tracks to the east, and Langhourne Rd. to the west.
Census Tract 7	2	64.1%	47.9%	**Miller Park-** Bound to the south by Fort Ave. and 12th St., railroad tracts to the east, and Memorial Ave. to the north.
Census Tract 7	3	70.4%	47.9%	**Miller Park-** Bound to the north by Fort Ave./12th St., to the east by railroad tracks, and to the south by Lynchburg Expressway.
Census Tract 11	1	67.5%	63.3%	**Diamond Hill-** Bound by the Lynchburg Expressway to the south, railroad tracks to the west, and 12th street to the north.
Census Tract 19 (Previously CT 13 BG 3 in 2000)	2	84.1%	84.1%	**Winston Ridge-** Bound by Fishing Creek to the north, railroad tracks to the south, Joan's Branch to the east and the James River to the north.
Census Tract 19 (Previously CT 13 BG 1 in 2000)	3	56.9%	84.1%	**Seminary Hill-** Located south of the Lynchburg Expressway with Campbell Ave. as the main thoroughfare.
Census Tract 19 (Previously CT 13 BG 2 in 2000)	3	61.0%	84.1%	**Fairview Heights-** Located south of Seminary Hill along Campbell Ave. Railroad tracks bound the area to the west.
Census Tract 19 (Previously CT 12 BG 4 in 2000)	4	76.4%	84.1%	**White Rock Hill-** Located south of the Lynchburg Expressway and north of Fishing Creek.

Since LMI calculations are based on 2000 block groups, they do not always align with 2010 block groups. This is the case with block groups within census tract 19, which are paired approximately with LMI data based on 2000 block groups. The table lists the location in parentheses of all census tracts and block groups from 2000, which changed in 2010.

Map 2-3: Racially Concentrated Areas of Poverty, 2013

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: 2000 HUD Low and Moderate Income Summary Data (FY 2013)
2000 Census (QT-P5), ACS 2007-2011 (B02001)



5. Residential Segregation Patterns

Residential segregation is a measure of the degree of separation of racial or ethnic groups living in a neighborhood or community. Typically, the pattern of residential segregation involves the existence of predominantly homogenous, White suburban communities and low-income minority inner-city neighborhoods. Latent factors, such as attitudes, or overt factors, such as real estate practices, can limit the range of housing opportunities for minorities. A lack of racial or ethnic integration in a community creates other problems, such as reinforcing prejudicial attitudes and behaviors, narrowing opportunities for interaction, and reducing the degree to which community life is considered harmonious. Areas of extreme minority isolation often experience poverty and social problems at rates that are disproportionately high.[3] Racial segregation has been linked to diminished employment prospects, poor educational attainment, increased infant and adult mortality rates and increased homicide rates.

The distribution of racial or ethnic groups across a geographic area can be analyzed using an index of dissimilarity. This method allows for comparisons between subpopulations, indicating how much one group is spatially separated from another within a community. The index of dissimilarity is rated on a scale from 0 to 100, in which a score of 0 corresponds to perfect integration and a score of 100 represents total segregation.[4] The index is typically interpreted as the percentage of the minority population (in this instance, the Black population) that would have to move in order for a community or neighborhood to achieve full integration.

With a 2011 White-Black dissimilarity index of 42.4, Lynchburg is moderately segregated based on national standards.[5] The data indicates that in order to achieve full integration among White and Black residents, 42.4% of Lynchburg's Black residents would have to move to another census tract with a Black population of 29% or less (29% of Lynchburg's total population is Black).

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[3] This aspect of segregation is related to the degree to which members of a group reside in areas where their group predominates, thus leading them to have less residential contact with other groups. See: Fossett, Mark. "Racial Segregation in America: A Nontechnical Review of Residential Segregation in Urban Areas." Department of Sociology and Racial and Ethnic Studies Institute, Texas A&M University, 2004.

[4] The index of dissimilarity is a commonly used demographic tool for measuring inequality. For a given geographic area, the index is equal to **1/2 Σ ABS [(b/B)-(a/A)]**, where b is the subgroup population of a census tract, B is the total subgroup population in a city, a is the majority population of a census tract, and A is the total majority population in the city. ABS refers to the absolute value of the calculation that follows.

[5] According to Douglas S. Massey, an index under 30 is low, between 30 and 60 is moderate, and above 60 is high. See Massey, "Origins of Economic Disparities: The Historical Role of Housing Segregation," in *Segregation: The Rising Costs for America*, edited by James H. Carr and Nandinee K. Kutty (New York: Routledge 2008) p. 41-42.

Figure 2-7
Dissimilarity Indices, 2000 & 2011

Year		DI with White Population	Population	Share of Total Population
2011	White	-	48,777	65.2%
	Black	51.2	21,730	29.0%
	American Indian/ Alaskan Native**	67.6	141	0.2%
	Asian/ Pacific Islander	43.2	1,805	2.4%
	Other	53.1	782	1.0%
	Two or More Races	39.6	1,614	2.2%
	Hispanic*	40.8	2,210	3.0%
	Total	**-**		**100.0%**
2000		DI with White Population	Population	Share of Total Population
	White	-	43,487	66.6%
	Black	51.2	19,382	29.7%
	American Indian/ Alaskan Native**	36.4	169	0.3%
	Asian/ Pacific Islander	26.6	104	1.3%
	Other	22.0	413	0.6%
	Two or More Races	18.0	952	1.2%
	Hispanic*	20.4	878	1.3%
	Total	**-**		**100.0%**

* Hispanic ethnicity is counted independently of race
**The DI score for American Indian is not statisitcally reliable due to its small sample size
Source: 2000 Census QT-3, 2007-2011 ACS (B02001 & B02003) , Mullin & Lonergan Associates

In addition to a White/Black index of 42.4, Lynchburg has a White/Hispanic index of 40.8, a White/Other-Race index of 53.1, a White/Multi-Race index of 39.6, and a White/Asian index of 43.2. These numbers indicate that all racial/ ethnic populations are moderately segregated. The indices for the White/American Indian and Native Alaskan populations cannot be interpreted reliably, as the minority group's population was relatively too small. In cases where subgroup population is small, the dissimilarity index may be high even if the group's members are evenly dispersed.

Since 2000, Lynchburg's Black population has become more integrated across the City, while the Asian and Hispanic populations have become more segregated.[6] The increase in Asian and Hispanic segregation is likely due to their increase in population since 2000 resulting in higher concentrations in certain City neighborhoods. However, these concentrations are still below RCAP and ECAP thresholds.

[6] The City's sharp increase in Asians and Hispanics between 2000 and 2012 led to concentrations of Hispanics and Asians as these immigrants moved into neighborhoods near family members and those of the same ethnicity/race. This form of increased segregation is much less alarming than increased segregation with a stagnant population.

Lynchburg's Black population is becoming modestly more integrated, while the Hispanic and Asian populations are rapidly becoming more segregated.

Between 2000 and 2011, the White-Black segregation decreased by 3.1 points, while White-Hispanic and White-Asian segregation increased by 20.4 points and 16.6 points, respectively.

Figure 2-8
Changes in Racial and Ethnic Integration, 2000-2011

	Black		Asian		Hispanic	
	Population	DI	Population	DI	Population	DI
2000	19,382	51.2	104	26.6	878	20.4
2011	21,730	42.4	1,805	43.2	2,210	40.8

Source: 2000 Census SF-1, 2007-2011 ACS (B02001 & B02003) , Mullin & Lonergan Associates

Among Virginia cities, Lynchburg ranks the eighth most-segregated out of 18 in terms of Black-White segregation based on 2000 data.[7] Dissimilarity indices for 2010 by municipality are not available.

Figure 2-9
2000 Segregation Rankings among Virginia Municipalities

Rank	Municipality	Black Population	White Population	Total Population	Dissimilarity Index
1	Richmond	122,455	74,506	197,790	68.3
2	Roanoke	25,220	65,256	94,911	68.3
3	Portsmouth	50,569	45,403	100,565	62.0
4	Norfolk	102,268	110,221	234,403	57.5
5	Chesapeake	56,442	131,200	199,184	52.6
6	Charlottesville	9,916	30,825	45,049	52.4
7	Suffolk	27,524	33,940	63,677	52.0
8	**Lynchburg**	**19,228**	**43,108**	**65,269**	**51.2**
9	Newport News	69,538	93,624	180,150	50.3
10	Hampton	64,798	70,963	146,437	47.4
11	Danville	21,267	25,813	48,411	46.2
12	Alexandria	28,463	68,889	128,283	46.0
13	Petersburg	26,511	6,131	33,740	42.6
14	Virginia Beach	79,092	295,402	425,257	41.4
15	Leesburg	2,573	22,761	28,311	38.0
16	Manassas	4,430	23,304	35,135	29.2
17	Harrisonburg	2,266	32,416	40,468	25.0
18	Blacksburg	1,700	32,869	39,573	17.5

Source: CensusScope Dissimilarity Indices

[7] Due to different calculation methods used by Mullin and Lonergan Associates and CensusScope, Lynchburg's dissimilarity indices are modestly different between Figures 2.8 & 2.9 for 2000.

6. Race/Ethnicity and Income

Household income is one of several factors used to determine a household's eligibility for a home mortgage loan or rental lease. Median household income (MHI) in Lynchburg was $37,733 in 2011. This was significantly lower than the statewide MHI of $63,302. This can partially be attributed to a high percentage of college students with relatively low incomes. As mentioned previously, persons between the ages of 18-24 represented 21.2% of the City's population in 2011. This segment experienced poverty at the rate of 46.8%.[8]

Lynchburg's young adult population between the ages of 18 and 24 experienced poverty at a rate of 46.8%.

Considering a high percentage of Lynchburg's population between 18 and 24 are college students, a high poverty rate is not unexpected. However, since this demographic group represents such a large share of the City's population, overall MHI was lower and poverty rates were higher.

Across racial and ethnic groups, Whites had the highest MHI at $43,013. This was followed closely by Asian households at $41,550. Among Black and Hispanic households, the MHI was substantially less at $25,240 and $25,606, respectively.

As suggested by the lower median incomes among Blacks and Hispanics, minority residents in Lynchburg experienced poverty at greater rates than White residents. Black and Hispanic households had high levels of poverty at 35.6% and 37.6%, respectively. However, even with a high MHI, Asian households experienced the highest poverty rate amongst minorities at 44.8%. This apparent paradox is explained in Figure 2-11. The highest percentage of Asian households were in the lowest income bracket. Generally, Asian households in Lynchburg are either very wealthy or very impoverished.[9]

[8] ACS 2007-2011 (B17024)

[9] The dichotomy of income amongst Asian households is not explained by a disproportionately high percentage of Asian students. Asians comprise 2.89% (ACS 2007-2011 B01001 & B01000D) of the 18-24 age group. This is only slightly higher than the Asian percentage of the City's population (2.4%). There may be significant differences in MHI amongst various Asian ethnicities. Census data, however, does not breakdown Asian ethnicities for MHI.

Figure 2-10
Median Household Income and Poverty Rates by Race/ Ethnicity, 2011

	Median Household Income	Poverty Rate
Lynchburg	**$37,733**	**22.6%**
Whites	$43,013	15.7%
Blacks	$25,240	35.6%
Asians	$41,550	44.8%
Hispanics	$25,606	37.6%

Note: Five-year sample data was selected because one- and three-year sample data iincluded an unacceptably high margin of error within smaller racial/ethnic groups.

Source: U.S. Census Bureau, 2007-2011 American Community Survey (B19013, B19013A, B19013B, B19013D, B19013I, B17001, B17001A, B17001B, B17001D, B17001I)

The poverty rate was 22.6% Citywide, yet all minority groups experienced poverty at rates above 35%. Among Whites, the poverty rate was 15.7%.

Asians had the highest poverty rate at 44.8%. There is a significant dichotomy of income amongst Asian households with many impoverished and upper-middle income households.

Based on Figure 2-11, the percentage of minority households in the lowest income bracket ($0-24,999) occurred at much higher percentages than White households. While 26.4% of White households were in the lowest income bracket, between 40%-50% of households in each minority category were in the lowest income bracket. However, minority households, with the exception of Asian households, were in the middle income bracket ($25,000 to $49,999) at rates similar to White households.

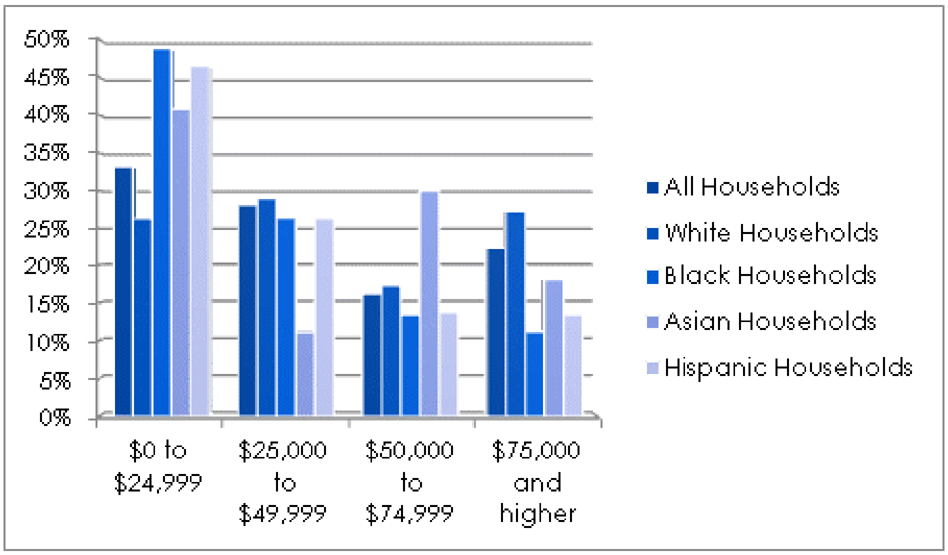
White and Asian households had incomes above $50,000 at rates much higher than Black and Hispanic households. Of all White and Asian households, 44.6% and 48.1%, respectively, earned more than $50,000. Of all Black and Hispanic households, 24.6% and 27.1%, respectively, earned more than $50,000.

Figure 2-11
Household Income Distribution by Race and Ethnicity, 2011

	Total	$0 to $24,999	$25,000 to $49,999	$50,000 to $74,999	$75,000 and higher
Lynchburg	28,513	33.2%	28.2%	16.2%	22.3%
White	19,337	26.4%	29.0%	17.3%	27.3%
Black	8,173	48.8%	26.5%	13.4%	11.2%
Asian	493	40.8%	11.1%	30.0%	18.1%
Hispanic	686	46.5%	26.4%	13.7%	13.4%

Source: U.S. Census Bureau, 2007-2011 American Community Survey (B19001, B19001A, B19001B, B19001D, B19001I).

Figure 2-12
Household Income Distribution by Race and Ethnicity, 2011



Black and Hispanic households had much lower median household incomes (MHI) than White and Asian households.

The MHI for Black and Hispanic households was $25,240 and $25,606, respectively. The MHI for White and Asian households was $43,013 and $41,550, respectively.

7. Educational Attainment and Income

In Lynchburg there exists a strong correlation between lower educational levels and lower income/increased poverty. This follows national trends according to the Bureau of Labor Statistics in 2012. Persons with lower education experienced, on average, higher levels of unemployment and lower wages. Nationwide, 8.3% of the population with a high school diploma were unemployed while only 4.5% and 3.5% with a Bachelor's and Master's degree, respectively, were unemployed. Persons with a high school diploma earned approximately $34,000 annually compared to those with a Bachelor's and Master's degree who earned approximately $55,432 and $67,600, respectively.[10]

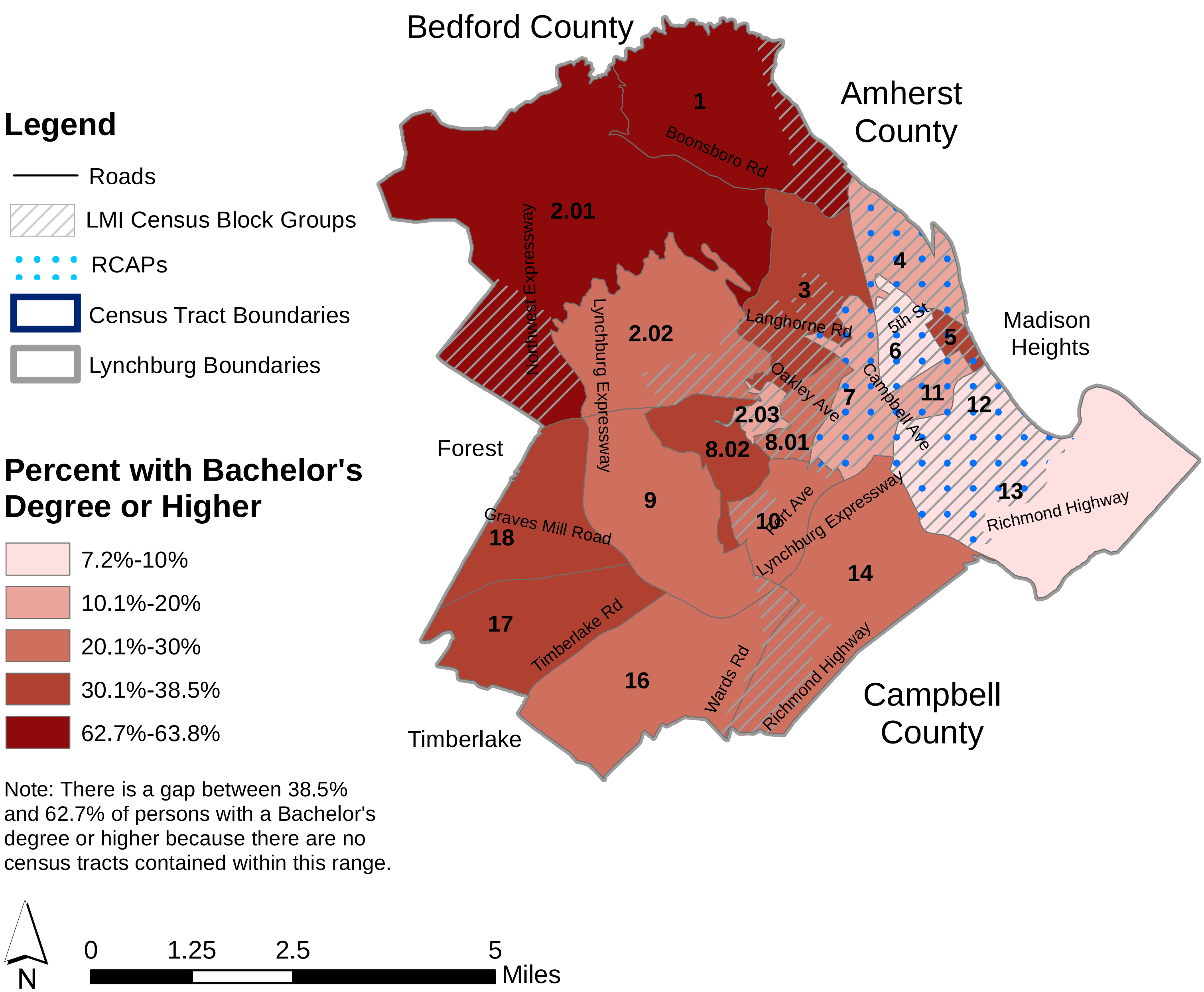
Map 2-4 on the following page illustrates this analysis. Persons with the lowest educational attainment are concentrated near downtown Lynchburg and its surrounding neighborhoods. These are neighborhoods identified as racially concentrated areas of poverty. Areas with the highest educational attainments are located in the northern and western edges of Lynchburg in neighborhoods such as Boonsboro, Royal Oaks, Boxwood, Peakland, Forestdale, and Maple Hills. These are areas with low rates of poverty, relatively higher incomes, and high rates of homeownership.

[10] Bureau of Labor Statistics (2012 Population Survey)

Map 2-4: Educational Attainment, 2011

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: ACS: 2007-2011 (S1501)



8. Disability and Income

As defined by the Census Bureau, a disability is a long-lasting physical, mental, or emotional condition that can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

The Fair Housing Act prohibits discrimination based on physical, mental, or emotional handicap, provided "reasonable accommodation" can be made. Reasonable accommodation may include changes to address the needs of disabled persons, including adaptive structural changes (e.g., constructing an entrance ramp) or administrative changes (e.g., permitting the use of a service animal). In Lynchburg, 12.2% of the population reported at least one type of disability in 2011.[11]

According to the National Organization on Disabilities, a significant income gap exists for persons with disabilities given their lower rate of employment. In Lynchburg, persons with disabilities were 4.7% more likely to live in poverty than persons without disabilities.[12]

In comparison to the general population, a substantially higher percentage of persons with disabilities were not looking for work. In Lynchburg, 59.4% of persons with disabilities were not looking for work, compared to 26% of persons without disabilities.[13]

In Lynchburg, persons with disabilities were 4.7% more likely to be unemployed and more likely to be living in poverty than persons without disabilities.

Among residents with a disability in 2011, 28.3% lived in poverty compared to 23.6% of persons without disabilities. In addition, 59.4% of persons with disabilities were not looking for work compared to 26% of persons without disabilities.

9. Familial Status and Income

The Census Bureau divides households into family and non-family households. Family households are married couples with or without children, single-parent families, and other families comprised of related persons. Non-family households are either single persons living alone, or two or more non-related persons living together.

Title VIII of the Civil Rights Act of 1968 protects against gender discrimination in housing. Protection for families with children was added in the 1988 amendments to Title VIII. Except in limited circumstances involving elderly housing and owner-occupied buildings of one to four units, it is unlawful to refuse to rent or sell to families with children.

[11] American Community Survey 2008-2011 (B18101)
[12] B18130
[13] American Community Survey 2008-2011 (C18120)

In Lynchburg, female-headed households decreased from 16% of all households in 2000 to 12.6% in 2011, and female-headed households with children decreased from 9.7% to 7%. The proportion of male-headed households increased from 3.6% to 4%, and male-headed households with children increased from 1.8% to 2%. Married-couple family households with children declined from 17.3% to 16.1%. Single-person and non-family households comprised a growing share of the population, increasing from 38.8% to 42.8%. Overall, these trends indicate a smaller number of families with children and an increase of non-family and single-person households across the City. This is the result of Lynchburg's growing student population.

Non-family and one-person households are growing and traditional family households with children are decreasing in Lynchburg.

Family-households decreased from 61.2% to 57.2%, while non-family households increased from 38.8% to 42.8% between 2000 and 2011. Additionally, most family households with children decreased as a percentage of all households.

Female-headed households with children often experience difficulty in obtaining housing, often as a result of lower-incomes and the potential unwillingness of some landlords to rent their units to families with children. Although female-headed households comprised 12.6% of family households in 2011, they accounted for 47% of all families living in poverty. Among female-headed households with children, 34% were living in poverty compared to only 3.6% of married-couple families with children.[14]

Figure 2-13
Household Type and Presence of Children, 2000-2011

		Family Households										
			Married-couple families			Female-headed Households			Male-headed Households			
	Total Households	% of Total	#	With Children	Without Children	#	With Children	Without Children	#	With Children	Without Children	**Non-family Households**
2000												
Lynchburg	25,477	61.2%	10,597	**17.3%**	24.2%	**4,066**	**9.7%**	5.0%	925	**1.8%**	1.8%	38.8%
2011												
Lynchburg	28,513	57.2%	11,591	**16.1%**	25.0%	**3,590**	**7.0%**	5.6%	1,127	**2.0%**	2.0%	42.8%

Source: Census 2000 (SF-1, QTP10); 2007-2011 American Community Survey (B11003)

Female-headed households with children accounted for nearly half of all families living below the poverty line in Lynchburg.

Female-headed households with children comprised 47% of all families living in poverty and were over nine times more likely to live in poverty than married couple families with children.

Figure 2-14
Household Type and Presence of Children, 2000-2011

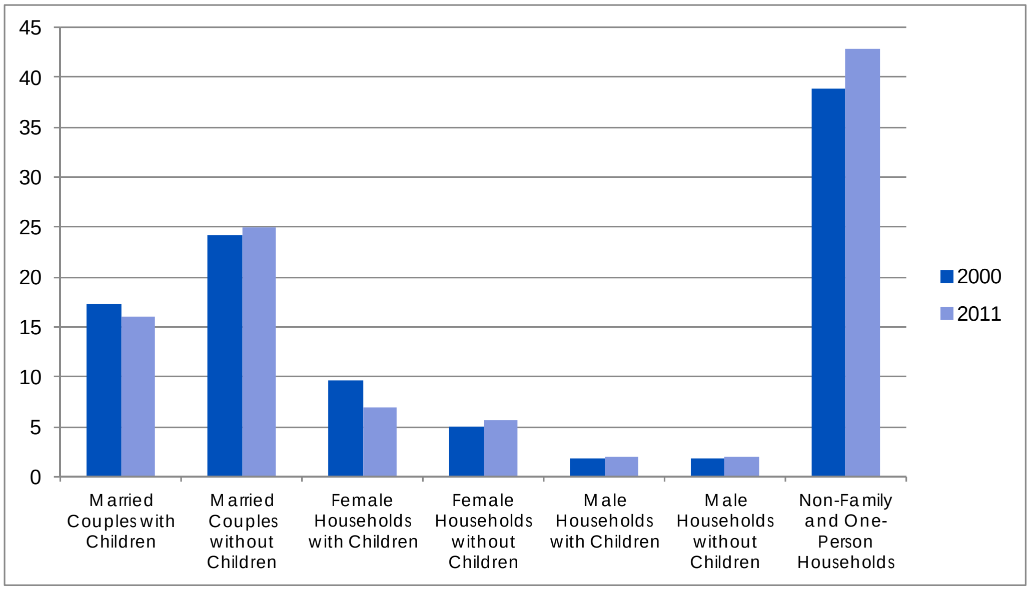


Figure 2-15
Non-Family Households Comparison, 2011

Municipality	Percent Non-Family Households
Alexandria	54.1%
Charlottesville	59.3%
Danville	40.7%
Harrisonburg	47.4%
Lynchburg	42.8%
Suffolk	25.6%
Virginia	32.6%

ACS 2007-2011 (S1101)

Lynchburg's high percentage of non-family households can largely be attributed to its large student population, which comprised 29.3% of the City's population in 2011. In comparison to the State of Virginia, Lynchburg has a high percentage of non-family households. However, the non-family household percentage of similar sized cities across Virginia is generally similar or higher than Lynchburg. The high percentage of non-family households can be attributed to a large student population in Harrisonburg and Charlottesville, but not in Danville and Alexandria.

10. Ancestry and Income

It is illegal to refuse the right to housing based on place of birth or ancestry. American Community Survey (ACS) data on native and foreign-born populations reported that in 2011, 4.5% of all Lynchburg residents were foreign-born.[15] By way of origin, nearly 46.6% of the City's foreign-born population came from Asian countries, 21.8% came from Latin American countries, and 13.6% were from European countries. Koreans represented the largest number of residents from one country, accounting for 22.3% of all foreign-born residents. This was followed by Indians, Canadians, and Mexicans representing 10.1%, 9.9%, and 9.6% of the City's foreign-born residents, respectively.

Lynchburg's foreign-born population is more likely to experience poverty than its native-born population. According to the ACS, 39.1% of the City's foreign-born population fell below the poverty line, compared to 23.1% of all City residents in 2011.[16]

Persons with limited English proficiency (LEP) are defined by the federal government as persons who have a limited ability to read, write, speak, or understand English. HUD issued its guidelines on how to address the needs of persons with LEP in January 2007. HUD uses the prevalence of persons with LEP to identify the potential for impediments to fair housing choice due to their inability to comprehend English. Persons with LEP may encounter obstacles to fair housing by virtue of language and cultural barriers within their new environment. To assist these individuals, it is important that a community recognizes their presence and the potential for discrimination, whether intentional or inadvertent, and establishes policies to eliminate barriers. It is also incumbent upon HUD entitlement communities to determine the need for language assistance and comply with Title VI of the Civil Rights Act of 1964.

In 2011, ACS reported that 1,751 individuals in Lynchburg spoke English less than "very well".[17] This limited English proficiency subpopulation constituted 2.5% of the City's population five years of age and older. Spanish and Korean were the two most common language groups in the City, both representing 0.9% of the population.

Figure 2-16
Limited English Proficiency Languages, 2011

Language Group	Number of LEP Speakers	Percentage of Population 5 years and older
Total Persons with LEP	**1751**	**2.5%**
Spanish	659	0.9%
Korean	642	0.9%

Source: American Community Survey 2007-11 Estimates (B16001)

[15] U.S. Census Bureau, American Community Survey 2007-2011 (B05006)
[16] U.S. Census Bureau, American Community Survey 2007-2011 (B06012)
[17] U.S. Census Bureau, 2007-2011 American Community Survey (B16001)

11. Patterns of Poverty

Household poverty correlates strongly with limitations in housing choice and, as demonstrated in previous pages, disproportionately affects members of the protected classes in Lynchburg, particularly Black, Asian, and Hispanic households, persons with disabilities, and female-headed households with children. Map 2-5 illustrates the geographic distribution of poverty by census tract across the City. Areas with high concentrations of poverty are widely distributed across the City. However, concentrations of the highest poverty rates are located within and nearby the central business district, and within college campuses and adjacent residential areas. Census tract 14 (Liberty University) and census tract 2.03 (Lynchburg College) had the highest poverty rates above 50%.

12. Protected Class Status and Unemployment

According to the ACS, Lynchburg's unemployment rate was 10.9% in 2011, which was higher than the statewide rate of 9%. The unemployment rate in the Lynchburg MSA was 8.2%.

The American Community Survey (ACS) provides detailed data by gender and race, indicating differences in employment rates among racial and ethnic groups. Black and Asian residents were substantially more likely to be unemployed than White and Hispanic residents. Unemployment rates for Black and Asian individuals were 16.8% and 11.7%, respectively. White and Asian unemployment rates were 7.9% and 6.3%, respectively. Based on this data, unemployment rates do not always follow poverty and median household income (MHI) trends. For example, while Hispanic and Black median household incomes were similar at $25,606 and $25,240, Hispanics had a much lower unemployment rate at 6.3% compared to 16.8% for Blacks. Additionally, while Asian households had a high MHI, their unemployment rate was also high. This is more than likely due to a high poverty rate of 44.8%, representing a large segment of the Asian population.

Overall, minorities had higher unemployment rates than Whites in Lynchburg. Hispanics, however, did not fit this trend with an unemployment rate lower than Whites.

Hispanics had the lowest unemployment rate at 6.3%. This was followed by Whites at 7.9%. Both Blacks and Asians had high unemployment rates at 16.8% and 11.7%, respectively.

Map 2-5: Percentage Below Poverty by Census Tract, 2011

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: ACS 2007-2011 (B17001)

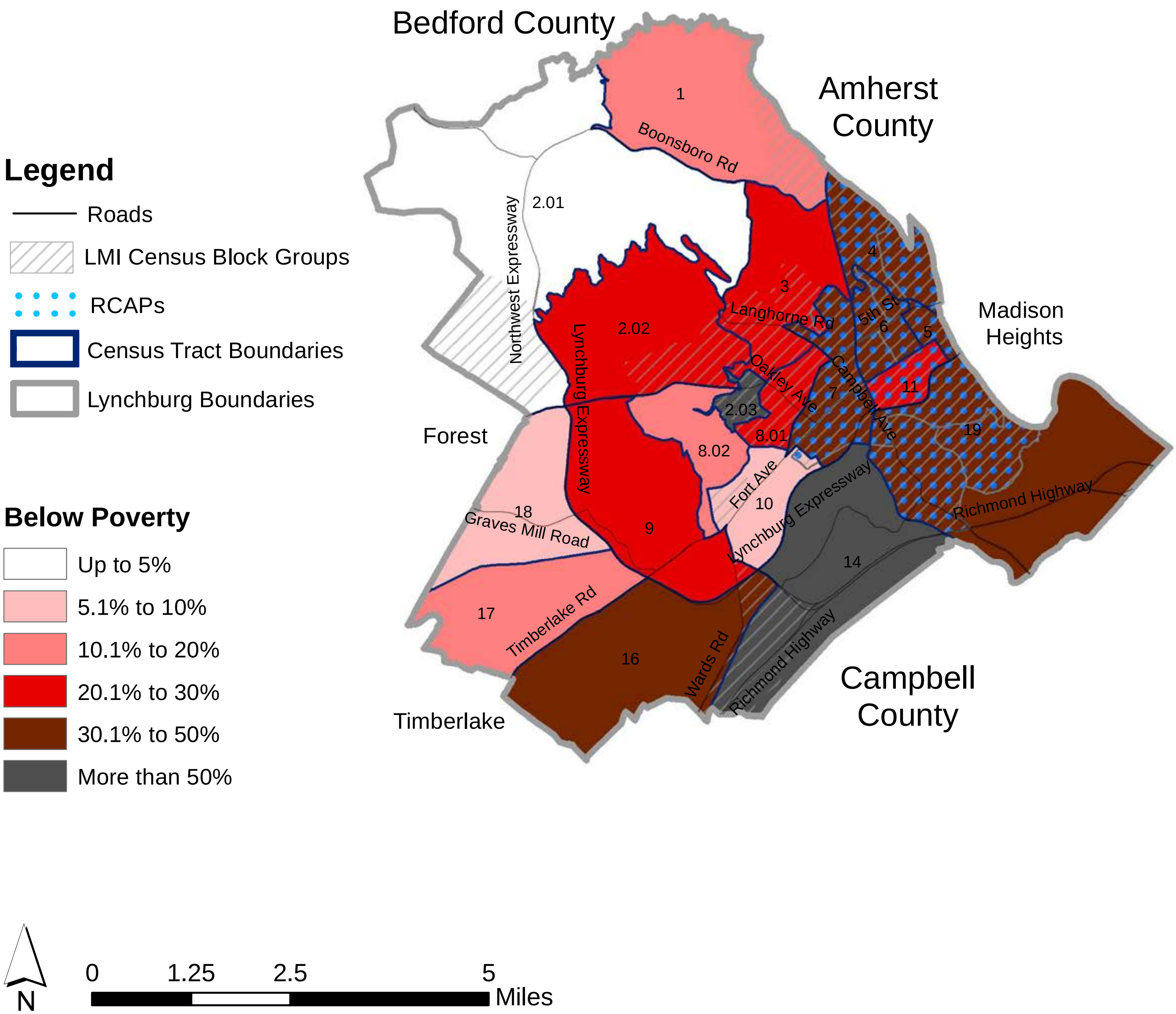


Figure 2-17
Civilian Labor Force, 2011

Civilian Labor Force	Virginia Total	Virginia %	Lynchburgh MSA* Total	Lynchburgh MSA* %	Lynchburg Total	Lynchburg %
Total CLF	**4,231,576**	**100%**	**126,450**	**100.0%**	**36,912**	**100.0%**
Employed	3,843,773	91%	116,096	91.8%	32,891	89.1%
Unemployed	387,803	9%	10,354	8.2%	4,021	10.9%
Male CLF	**2,228,037**	**100.0%**	**65,510**	**100.0%**	**18,561**	**100.0%**
Employed	1,985,520	89.1%	58,844	89.8%	16,493	88.9%
Unemployed	242,517	10.9%	6,666	10.2%	2,068	11.1%
Female CLF	**2,003,539**	**100.0%**	**60,940**	**100.0%**	**18,351**	**100.0%**
Employed	1,858,253	92.7%	57,252	93.9%	16,398	89.4%
Unemployed	145,286	7.3%	3,688	6.1%	1,953	10.6%
White CLF	**2,995,487**	**100.0%**	**100,991**	**100.0%**	**24,560**	**100.0%**
Employed	2,757,024	92.0%	94,183	93.3%	22,623	92.1%
Unemployed	238,463	8.0%	6,808	6.7%	1,937	7.9%
Black CLF	**791,764**	**100.0%**	**21,551**	**100.0%**	**10,429**	**100.0%**
Employed	683,328	86.3%	18,515	85.9%	8,672	83.2%
Unemployed	108,436	13.7%	3,036	14.1%	1,757	16.8%
Asian CLF	**240,677**	**100.0%**	**1,471**	**100.0%**	**778**	**100.0%**
Employed	225,384	93.6%	1,328	90.3%	687	88.3%
Unemployed	15,293	6.4%	143	9.7%	91	11.7%
Hispanic CLF	**333,259**	**100.0%**	**2,538**	**100.0%**	**1,336**	**100.0%**
Employed	297,242	89.2%	2,354	92.8%	1,252	93.7%
Unemployed	36,017	10.8%	184	7.2%	84	6.3%

*The Lynchburg MSA Includes the Counties of Amherst, Appomattox, Bedford, & Campbell and the Cities of Bedford and Lynchburg.

Source: U.S. Census Bureau, 2007-11 American Community Survey (B17005, C23002A, C23002B, C23002D, C23002I).

B. Housing Market

1. Housing Inventory

In 2011, the City's housing inventory consisted of 31,706 dwelling units. This represented an increase of 14.7% above the 2000 inventory of 27,640 dwelling units.

Figure 2-18 documents the number of housing units across Lynchburg by census tract in 2011. A comparison by census tracts between 2000 and 2011 cannot be made since census tract boundaries have changed significantly since 2000.

Figure 2-18
Total Housing Units by Census Tract and RCAPs, 2011

Census Tract	2011
Census Tract 1	2,031
Census Tract 2.01	2,702
Census Tract 2.02	3,194
Census Tract 2.03	146
Census Tract 3	2,006
Census Tract 4	**1,566**
Census Tract 5	**291**
Census Tract 6	**1,550**
Census Tract 7	**1,663**
Census Tract 8.01	964
Census Tract 8.02	1,576
Census Tract 9	2,912
Census Tract 10	1,533
Census Tract 11	**835**
Census Tract 14	147
Census Tract 16	2,991
Census Tract 17	2175
Census Tract 18	927
Census Tract 19	**2497**
	31,706

Highlighted census tracts include RCAPs
Source: 2000 Census SF-3, DP-4;
ACS 2007-2011 (B25001)

2. Types of Housing Units

In 2011, single-family units comprised 68.4% and multi-family units comprised 34.4% of the housing stock in Lynchburg. Mobile homes accounted for the remaining 1.6%. The City's 28,513 occupied units were 55.4% owner-occupied and 44.6% renter-occupied. Multi-family units comprised 3.3% and 61.2% of all owner-occupied and renter-occupied units, respectively. Renter-occupied multi-family units represented 27.3% of the City's occupied units. Additionally, there were a high percentage of single-family rental units representing 17.3% of the occupied units. The statewide average was 12.2% in 2011. The City's high percentage of renter occupied single-family units is attributed to a large student population.

Figure 2-19
Trends in Housing Units in Structures, 2011

			Multi-family units					
	Total	Single Family	2 to 4	5 to 9	10 to 19	20 or more	Total	Mobile home
Lynchburg	28,513	19,858	2,869	1,490	1,831	2,117	8,307	348
% of Total	100.0%	69.6%	34.5%	17.9%	22.0%	25.5%	29.1%	1.2%

Source: 2007-2011 ACS (B25032)

Figure 2-20
Housing Units by Tenure and Structure Type, 2011

	Owner-Occupied				Renter-Occupied				%Renter-Occupied Multi-Family
	Total	Single-Family	Multi-Family	% Multi-Family	Total	Single-Family	Multi-Family	% Multi-Family	
Lynchburg	15,796	15,272	524	3.3%	12,717	4,934	7,783	61.2%	27.3%

Source: U.S. Census Bureau, 2007-2011 ACS (B25032)

Census tracts with high multi-family rental concentrations are located in the western side of the City. This area extends between the northern and southern limits of the City. These areas are generally not located in RCAPs, and many are not located in low-moderate income areas. The highest concentration of multi-family rental units is adjacent to Randolph College in census tract 3.

Map 2-6 illustrates the distribution of multi-family rental units across Lynchburg.

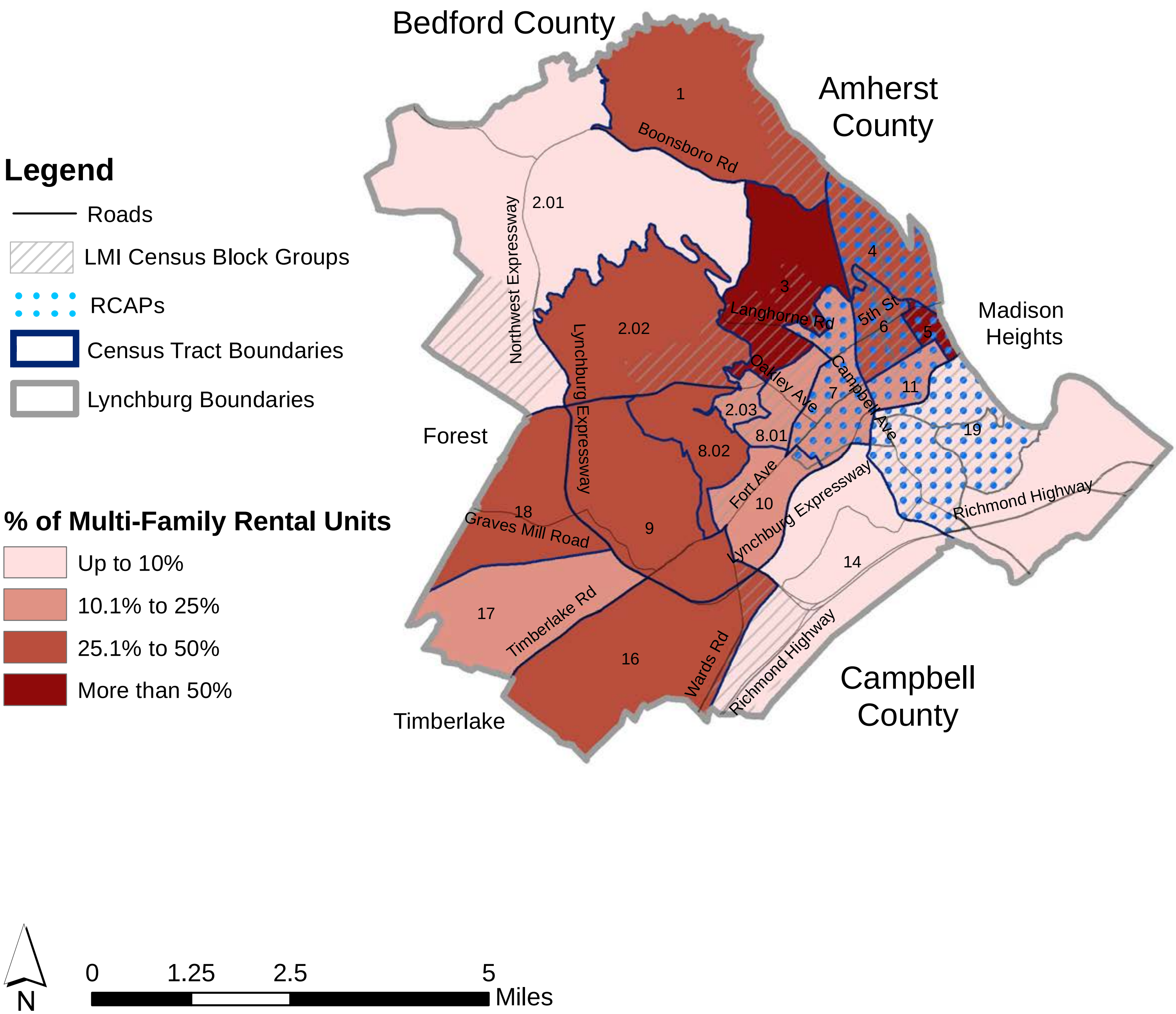
Lynchburg's housing stock is comprised of a high percentage of rental housing.

In 2011, 55.3% of Lynchburg's housing stock was owner-occupied and 68.4% were single-family units. Multi-family and single-family rental units represented 27.3% and 17.3%, respectively, of the City's occupied housing stock.

Map 2-6: Percent of Multi-Family Rental Units, 2011

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: ACS 2007-2011 (B25032)



3. Protected Class Status and Homeownership

The value in homeownership lies in the accumulation of wealth as the owner's share of equity increases with the property's value. Paying a monthly mortgage instead of rent is an investment in an asset that is likely to appreciate.

Historically, minorities tend to have lower homeownership rates than Whites. As previously noted, Lynchburg's median incomes for minority households (with the exception of Asian households) are significantly lower than those of White households. This is one among several factors that contributed to the lower rates of homeownership among minority households across Lynchburg. In 2011, White households had a homeownership rate of 62.3%. This was significantly higher than minority homeownership rates. Black households had the second highest homeownership rate at 41.6%, followed by Asians at 32.9%, and Hispanics at 25.2%.

Figure 2-21
Housing Tenure by Race and Ethnicity, 2011

	White			**Black**			**Asian**			**Hispanic**		
	HHs*	Owners		HHs	Owners		HHs	Owners		HHs	Owners	
		%	#		%	#		%	#		%	#
Lynchburg	19,337	62.3%	12,047	8,173	41.6%	3,400	493	32.9%	162	686	25.2%	173

*Households

Source: ACS 2007-11 (B25003A, B25003B, B25003D, B25003I)

Lower household incomes among Blacks and Hispanics were reflected in lower homeownership rates in comparison to Whites. Asian households also had a lower homeownership due to a 44.8% poverty rate.

Among minorities in Lynchburg, 41.6% of Blacks, 25.2% of Hispanics, and 32.9% of Asians were homeowners, compared to 62.3% of Whites.

Across Lynchburg, the majority of census tracts have a homeownership rate of between 30% and 60%. With the exception of census tract 5 (downtown Lynchburg), census tract 6 (College Hill) had the lowest homeownership rate at 31.5%. Census tract 2.01 in the northwestern corner of Lynchburg had the highest homeownership rate at 85.7%.

Areas with homeownership rates of 60% and higher were located on the City's periphery, with the exception of census tract 10, located near the center of Lynchburg in the Fort Hill neighborhood. Homeownership rates in census tracts containing RCAPs varied between 8.5% (downtown) to 57.5%.

In order to determine if Black households are becoming homeowners outside of RCAPs, homeownership rates were analyzed for White and Black households by census tract. In 2011 the rate of homeownership was 65.2% for White households across Lynchburg. In most census tracts White homeownership rates were above 40%. Exceptions included census tracts 5 (downtown) and 6, which were also RCAPs.

The rate of homeownership for Black households was 41.6% across the City. Among the six RCAPs, four included homeownership rates above the citywide average for Black households. In non-RCAP census tracts, five out of 13 were above the citywide average; however, the total number of Black households residing in these areas was relatively small. Approximately 53% of all Black homeowners reside within RCAP census tracts. This closely mirrors Black settlement patterns as 51% of all Blacks reside within RCAP census tracts. Non-RCAP census tracts represent 49% of the Black population and 47.2% of all Black homeowners. However, when Black households are able to obtain housing outside of RCAP areas, homeownership rates are lower in most cases.

Figure 2-22
Homeownership by Census Tract for White and Black Households, 2011

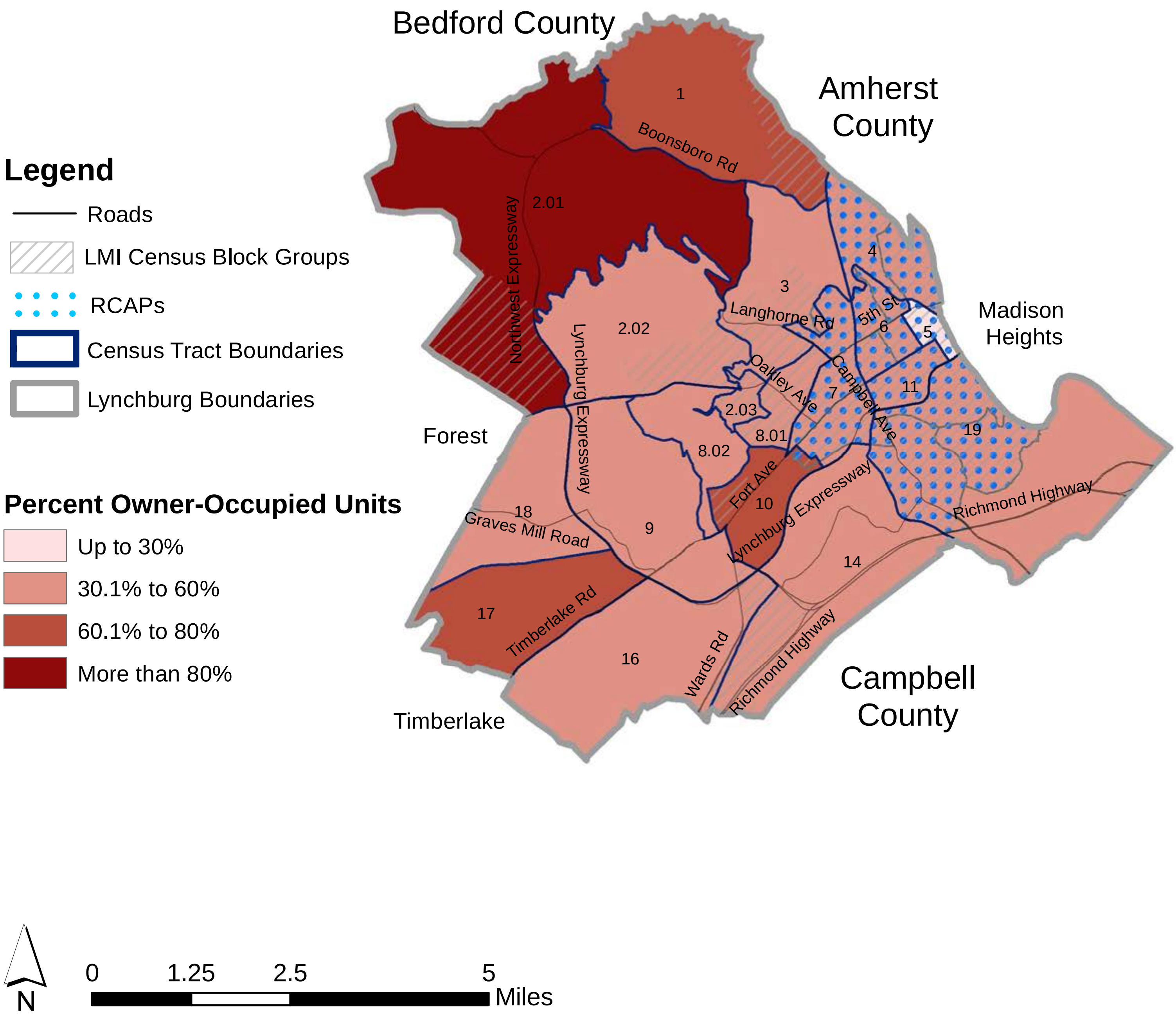
Census Tract	Total	White		Black*	
		%	#	%	#
Lynchburg	55.4%	65.2%	12,046	41.6%	3,398
Census Tract 1	8.5%	68.2%	1,140	0.0%	0
Census Tract 2.01	31.5%	86.3%	2,072	65.7%	65
Census Tract 2.02	39.3%	62.6%	1,313	36.3%	337
Census Tract 2.03	42.1%	48.0%	60	0.0%	0
Census Tract 3	47.4%	49.1%	624	19.5%	80
Census Tract 4	47.5%	50.7%	194	**48.5%**	**385**
Census Tract 5	48.0%	7.4%	11	**10.7%**	**9**
Census Tract 6	48.7%	35.2%	64	**31.2%**	**297**
Census Tract 7	50.5%	61.2%	485	**41.7%**	**234**
Census Tract 8.01	53.1%	70.0%	366	27.1%	75
Census Tract 8.02	54.1%	41.7%	469	37.8%	136
Census Tract 9	54.5%	51.4%	990	44.0%	249
Census Tract 10	54.8%	79.5%	814	47.7%	173
Census Tract 11	57.5%	65.6%	84	**44.4%**	**188**
Census Tract 14	59.2%	70.8%	63	0.0%	0
Census Tract 16	62.0%	56.9%	1,153	33.0%	183
Census Tract 17	66.7%	64.7%	1,203	91.3%	178
Census Tract 18	70.8%	55.6%	364	74.6%	129
Census Tract 19	85.7%	63.3%	577	**53.9%**	**680**

* Due to its relatively smaller population, the margin of error is higher for Blacks than Whites.
Highlighted census tracts contain RCAPs.
Source: ACS 2007-2011 (B25003 A,B,D,I)

Map 2-7: Homeownership Rates, 2011

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: ACS 2007-2011 (B25032)



4. The Tendency of the Protected Classes to Live in Larger Households

Larger households may be at risk for housing discrimination on the basis of race and the presence of children (familial status). A larger household, whether or not children are present, can raise fair housing concerns. If there are policies or programs that restrict the number of persons that can live together in a single housing unit, and members of the protected classes need more bedrooms to accommodate their larger household, there is a fair housing concern because the restriction on the size of the unit will have a negative impact on members of the protected classes.

In Lynchburg, minority families were more likely than White families to live in households with four or more people. In 2011, 25.5% of White families had four or more persons. By comparison, Black, Asian, and Hispanic families had higher rates of larger family households.

Figure 2-23

Family households with Four or More Persons, 2011

	Percent of Families with Four or More Persons
White	25.5%
Black	34.4%
Asian	44.7%
Hispanic	44.7%
City	**29.1%**

Source: U.S. Census Bureau, Census 2010 (SF1: P28, P28A, P28B, P28D, P28I)

To adequately house larger families, a sufficient supply of large dwelling units consisting of three or more bedrooms is necessary. In Lynchburg nearly one-third of the rental stock consisted of three or more bedrooms. This is primarily due to a high percentage of single-family rental units citywide. Of the 12,717 rental units in the City, 31.1% had three or more bedrooms. However, this is significantly less than the percent of units with three or more bedrooms within owner-occupied housing stock, 78.1%. This situation is likely influenced by the large student population in Lynchburg.

Figure 2-24

Housing Units by Number of Bedrooms, 2011

	Renter-Occupied Housing Stock		Owner-Occupied Housing Stock	
	#	%	#	%
Lynchburg				
0-1 bedroom	3,193	25.1%	420	2.6%
2 bedrooms	5,570	43.8%	3,034	19.2%
3 or more bedrooms	3,954	31.1%	12,342	78.1%
Total	12,717	100.0%	15,796	100.0%

Sources: ACS 2007-11 (B25042)

5. Cost of Housing

Increasing housing costs are not a direct form of housing discrimination. However, a lack of affordable housing does constrain housing choice. Residents may be limited to a smaller selection of neighborhoods because of a lack of affordable housing in other areas.

Between 2000 and 2011, median housing value (adjusted for inflation to 2011 dollars) increased 31.1% and median gross rent rose 13.7% across Lynchburg, while real median income increased 17.1%. Increases in MHI were higher than increases in median rent, yet much lower than increases in median housing value. As a result, buying a house became more expensive than renting in Lynchburg between 2000 and 2011.

Figure 2-25
Trends in Housing Value, Rent, and Income, 2000-2011

	Median Housing Value (in 2011 $)	Median Gross Rent (in 2011 $)	Median Household Income (in 2011 $)
2000	$111,424	$613	$32,234
2011	$146,100	$697	$37,733
Change	**31.1%**	**13.7%**	**17.1%**

Sources: Census 2000 (SF3: H076, H063, P053), ACS 2007-11 (B25077, B25064, B19013)

Between 2000 and 2011, the increase in median household income exceeded the increase in median rent, but was significantly less than the increase in median housing value.

Median household income increased 17.1% since 2000, compared to increases of 13.7% and 31.1% for median gross rent and median housing value, respectively. As a result, the increase in housing value is outpacing income.

a. Rental Housing

The number of affordable rental units in Lynchburg declined between 2000 and 2011. The number of units renting for less than $500 fell by 58.1%. During the same time, the number of units renting for more than $1,000 per month increased from 392 to 1,823, or 365.1%.

The data does not provide a distinction between units that were actually lost from the inventory (through demolition, etc.) and those for which rents were increased. Additionally, this figure should be analyzed with an understanding that $500 was worth more in 2000 than in 2011, due to inflation.[18] The data used in Figure 2-25, due to the categorical nature of the variable, cannot be adjusted for inflation.

[18] $500 in 2000 is worth $653 in 2011 dollars, according to BLS inflation indices.

Figure 2-26
Loss of Affordable Rental Housing Units, 2000-2011

Units Renting for:	2000	2011	Change #	Change %
Lynchburg				
Less than $500	5,663	2,373	-3,290	-58.1%
$500 to $699	3,193	3,545	352	11.0%
$700 to $999	745	3,979	3,234	434.1%
$1,000 or more	392	1,823	1,431	365.1%

Sources: U.S. Census Bureau, Census 2000 (SF3, H062), ACS 2007-11 (B25063)

Lynchburg lost more than half of its units renting for less than $500 between 2000 and 2011. By comparison, the number of units renting for more than $1,000 more than tripled. This was the result of the rental supply not meeting the demand. Nationally, as housing costs rose and wages remained stagnant, people increasingly rented rather than purchased a home. In the case of Lynchburg, a shortage of rentals was increased by the City's large student population. For low-income residents, these trends translate into less affordable housing options.

The National Low Income Housing Coalition provides annual information on the Fair Market Rent (FMR) and affordability of rental housing in counties and cities in the U.S. In Lynchburg, the FMR for a two-bedroom apartment was $726. In order to afford this level of rent and utilities without paying more than 30% of income on housing, a household must earn $2,420 monthly or $29,040 annually.[19] Assuming a 40-hour work week, 52 weeks per year, this level of income translates into a Housing Wage of $13.96.

In Lynchburg, a minimum-wage worker earns an hourly wage of $7.25. In order to afford the FMR for a two-bedroom apartment, a minimum-wage earner must work 77 hours per week, 52 weeks per year.

Minimum-wage and single-income households cannot afford a housing unit renting for the HUD fair market rent for a two-bedroom unit in Lynchburg.

As of 2011, Monthly Supplemental Security Income (SSI) payments for an individual were $1,360 in Lynchburg and across Virginia. If SSI represents an individual's sole source of income, $408 in monthly rent is affordable, while the FMR for a one-bedroom is $595 and $544 for an efficiency apartment.

[19] The 30% rule for affordability is used here due to its establishment as a HUD standard. HUD defines households of any income level paying more than 30% of household income on housing expenses as "cost-burdened."

Persons receiving a monthly SSI check of $1,360 as their sole source of income, including persons with disabilities, can afford a monthly rent of $408. This is equivalent to 69% of the FMR of $595 for a one-bedroom unit in the Lynchburg MSA.

b. Sales Housing

One method used to determine the inherent affordability of a housing market is to calculate the percentage of homes that could be purchased by households at the median income level. It is possible also to determine the affordability of the housing market for each racial or ethnic group in the City. To determine affordability (i.e., how much mortgage a household could afford), the following assumptions were made:

- The mortgage was a 30-year fixed rate loan at a 4.0% interest rate,
- The buyer made a 10% down payment on the sales price,
- Principal, interest, taxes and insurance (PITI) equaled no more than 30% of gross monthly income,
- In 2011, property taxes were levied at the City's tax rate of 1.05% per $100 against 100% of assessed value (assessments are biennially),[20] and
- Additional consumer debt (credit cards, car payment, etc). averaged $500 per month

Figure 2-26 details the estimated *maximum* affordable sales prices and monthly PITI payments for Whites, Blacks, Asians, and Hispanics in Lynchburg.

In Lynchburg, the 2011 median sales price for homes was $134,900. The citywide median household income in 2011 was $37,733. This translates to a maximum affordable home purchase price of $100,650. The fact that the median household cannot afford the median sales price suggests the City is not an inherently affordable market, and homeownership opportunities are limited for those at and below the median household income level.

The maximum affordable home purchase prices for Whites and Asians was substantially higher than for Black and Hispanic homebuyers, however, none could afford the median sales price home in 2011. The maximum affordable purchase price set at the median household income for Blacks and Hispanics was $31,100 and $32,225, respectively, making homeownership unattainable at this income level. The affordable purchase price at the median household income for White households was $130,425 and $122,175 for Asian households. Both of these amounts were well below the median sales price for homes citywide.

[20] Figures provided by the City Assessor's Office in Lynchburg. As of 2013 property taxes were $1.11 per $100 of the assessed value.

Figure 2-27
Maximum Affordable Purchase Price by Race/Ethnicity, 2011

	Median Household Income	Monthly Mortgage Payment: Mortgage Principal & Interest	Real Estate Taxes	Homeowner's Insurance & PMI	Total Debt Service*	Maximum Affordable Purchase Price
Lynchburg	**$37,733**	**$432**	**$88**	**$80**	**$1,101**	**$100,650**
Whites	$43,013	$560	$114	$80	$1,255	$130,425
Blacks	$25,240	$134	$27	$80	$741	$31,100
Asians	$41,550	$525	$107	$80	$1,212	$122,175
Hispanics	$25,606	$138	$28	$80	$747	$32,225
2011 Median Sales Price for Owner-Occupied Home: $134,900						

* Includes PITI and assumed other consumer debt averaging $500

Sources: ACS 2007-11 (B19013, B19013A, B19013B), Calculations by Mullin & Lonergan Associates

The City's median household income is insufficient to purchase a home selling for the median sales price. Furthermore, the maximum affordable purchase prices for Black and Hispanic households were so low as to make attaining homeownership impossible.

The maximum affordable home purchase price ($100,650) for residents earning the citywide MHI was below the 2011 median sales price ($134,900). The maximum affordable price for White and Asian households was $130,425 and $122,175, respectively, compared to $31,100 and $32,225 for Black and Hispanic households, respectively.

3. Housing Discrimination Complaints

This section analyzes the existence of fair housing complaints or compliance reviews where a charge of a finding of discrimination has been made. Additionally, this section will review the existence of any fair housing discrimination suits filed by the United States Department of Justice or private plaintiffs in addition to the identification of other fair housing concerns or problems.

Depending on the type, fair housing complaints in Virginia are either resolved by the HUD Office of Fair Housing and Equal Opportunity (FHEO) or the Virginia Fair Housing Office (VFHO). Fair housing complaints, which do not involve federal funding are Title 8 cases. As a participant in the HUD Fair Housing Assistance Program (FHAP), VFHO can review these cases. FHAP participants are state or local agencies that enforce fair housing laws substantially equivalent to the Fair Housing Act. Fair housing complaints, which involved federal funding are Title 6 cases and require review by HUD FHEO. Section 504 cases are also reviewed by HUD FHEO because they involve disability issues covered by the Rehabilitation Act of 1973.

A. Existence of Fair Housing Complaints

The number of complaints reported may under-represent the actual occurrence of housing discrimination in any given community, as persons may not file complaints because they are not aware of how or where to file a complaint. Discriminatory practices can be subtle and may not be detected by someone who does not have the benefit of comparing his treatment with that of another home seeker. Other times, persons may be aware that they are being discriminated against, but they may not be aware that the discrimination is against the law and that there are legal remedies to address the discrimination. Also, households may be more interested in achieving their first priority of finding decent housing and may prefer to avoid going through the process of filing a complaint and following through with it. According to the Urban Institute, 83% of those who experience housing discrimination do not report it because they feel nothing will be done. Therefore, education, information, and referral regarding fair housing issues remain critical to equip persons with the ability to reduce impediments.

1. U.S. Department of Housing and Urban Development

The Office of Fair Housing and Equal Opportunity (FHEO) at HUD receives complaints from persons regarding alleged violations of the federal Fair Housing Act. Fair housing complaints originating in Lynchburg were obtained and analyzed for the period of July 2007 through the end of 2012. In total, two complaints originating in Lynchburg were closed by HUD during this period, less than one case every two years.

While there were two complaints originating during this period, one case had multiple reasons for the complaint (disability and religion). The other complaint was based on race.

All of the cases closed by HUD were found to have no probable cause. Cases are found to be without probable cause when the preponderance of evidence obtained during the course of the investigation is insufficient to substantiate the charge of discrimination.

2. Virginia Fair Housing Office

The Virginia Fair Housing Office (VFHO) receives complaints from persons regarding alleged violations of the Virginia Fair Housing Act. VFHO does not conduct compliance reviews; rather, the complaints investigated by the Office are either consumer-or Board-initiated complaints. Between July 2007 and the end of 2012, a total of nine fair housing cases originating from Lynchburg were filed with VFHO. This averages about one complaint annually. One case had multiple reasons for the complaint. Five cases alleged discrimination on the basis of disability, three on the basis of race, one on the basis of sex, and one on the basis of familial status. Six out of the seven cases involved rental properties.

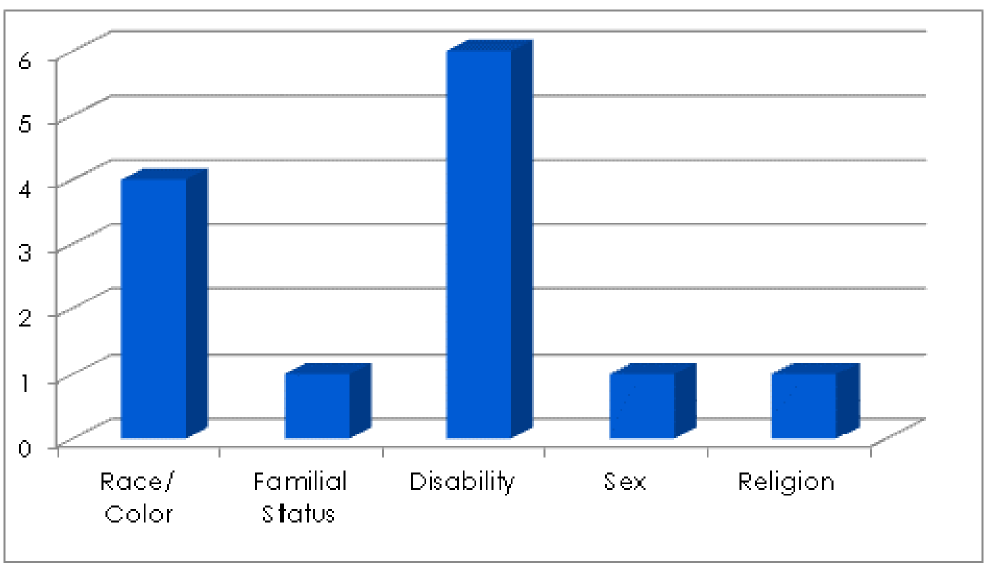
Two of the cases were conciliated. A complaint is considered conciliated when all of the parties to the complaint enter into a conciliation agreement with HUD. Such agreements include benefits for the complainant, and affirmative action on the part of the respondent, such as civil rights training. HUD has the authority to monitor and enforce these agreements. One case was closed due to lack of jurisdiction. Another was withdrawn after a resolution was created. The remaining five cases were found to have no probable case.

B. Patterns and Trends in Fair Housing Complaints

With only 13 complaints filed from Lynchburg over 11 years, it is difficult to draw meaningful conclusions about the patterns and trends in housing discrimination in the City. However, there was some consistency in the type of complaints filed. Six of the complaints were filed on the basis of disabilities and four were on the basis of race; 11 of the total complaints involved rental properties.

The total number of complaints and closure reasons from the City of Lynchburg is listed in Figures 3-1 and 3-2.

Figure 3-1
HUD and VFHO Complaints by Basis of Discrimination, July 2007-2012



Source: *HUD FHEO, Richmond Regional Office and VFHO*

Figure 3-2
Housing Discrimination Cases Closed, July 2007-2012

	Administrative	Withdrawal w/relief	Conciliation	No Cause	Cause	Lack of Jurisdiction	Total
Lynchburg	0	1	2	7	0	1	11

Source: *HUD FHEO, Richmond Regional Office and VFHO*

A total of 13 housing complaints were filed by residents in Lynchburg between July 2007 and the end of 2012.

With 13 housing complaints filed over almost five years, it is difficult to draw meaningful conclusions about patterns and trends in housing discrimination. However, there was some consistency in the type of complaints filed. Six of the complaints were filed on the basis of disability and four were on the basis of race; 11 of the complaints involved rental properties.

1. Testing

Random paired testing has not occurred in Lynchburg.

Testing for discrimination in the private housing market has not been conducted in Lynchburg.

Testing is an important part of the fair housing profile of a city because it can reveal the extent of discrimination.

C. Existence of Fair Housing Discrimination Suit

There is no pending fair housing discrimination suit involving Lynchburg.

D. Determination of Unlawful Segregation

There is no pending unlawful segregation order involving Lynchburg.

4. REVIEW OF PUBLIC SECTOR POLICIES

The analysis of impediments is a review of impediments to fair housing choice in the public and private sector. Impediments to fair housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin that restrict housing choices or the availability of housing choices, or any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin. Policies, practices or procedures that appear neutral on their face but that operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, familial status, or national origin may constitute such impediments.

An important element of the AI includes an examination of public policy in terms of its impact on housing choice. This section evaluates the public policies in the City to determine opportunities for furthering the expansion of fair housing choice.

A. Policies Governing Investment of Federal Entitlement Funds

From a budgetary standpoint, housing choice can be affected by the allocation of staff and financial resources to housing related programs and initiatives. The decline in federal funding opportunities for affordable housing for lower-income households has shifted much of the challenge of affordable housing production to state, city, and local government decision makers.

Lynchburg's federal entitlement funds received from HUD may be used for a variety of activities to serve a variety of needs.

- The primary objective of the Community Development Block Grant (CDBG) program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low and moderate income levels. Funds can be used for a wide array of activities, including: housing rehabilitation, homeownership assistance, lead-based paint detection and removal, construction or rehabilitation of public facilities and infrastructure, removal of architectural barriers, public services, rehabilitation of commercial or industrial buildings, and loans or grants to businesses.

- The HOME Investment Partnership Program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for low and moderate income households. HOME funds can be used for activities that promote affordable rental housing and homeownership by low and moderate income households, including reconstruction, moderate or substantial rehabilitation, homebuyer assistance, and tenant-based rental assistance.

Lynchburg began receiving CDBG funding in 1975 and HOME funding in 1994. In FY 2013, $1,026,736 and $330,424 were allocated for CDBG and HOME programs, respectively. CDBG funds went towards a variety of activities including redevelopment projects, infrastructure improvements, recreational facilities, demolition, and funding for the Lynchburg Redevelopment and Housing Authority to carry out acquisition, disposition, housing rehabilitation, and blight abatement. HOME funds were spent on activities supporting local community housing and development organizations (CDHOs), housing rehabilitation, homeownership assistance, and single-family housing developments. A breakout of entitlement allocations by activity type between 2010 and 2013 is listed in Figures 4-1 and 4-2.

Figure 4-1
HOME Allocations, FY 2011 – 2013

Eligibile Activity	2011		2012		2013	
Housing & Supportive Services for Persons with Disabilities	**$0**	**0.0%**	**$0**	**0.0%**	**$175,000**	**53.0%**
Homeownership Assistance	$140,000	**30.5%**	$193,226	**45.1%**	$15,000	**4.5%**
Housing Rehabilitation	$198,163	**43.1%**	$173,226	**40.4%**	$75,000	**22.7%**
Housing Development	$105,000	**22.9%**	$33,699	**7.9%**	$65,424	**19.8%**
Administration	$16,353	**3.6%**	$28,731	**6.7%**	$0	**0.0%**
Total HOME Allocations	**$459,516**	**100.0%**	**$428,882**	**100.0%**	**$330,424**	**100.0%**

Source: FY 2011-2013 CAPER reports

Figure 4-2
CDBG Allocations, FY 2011 – 2013

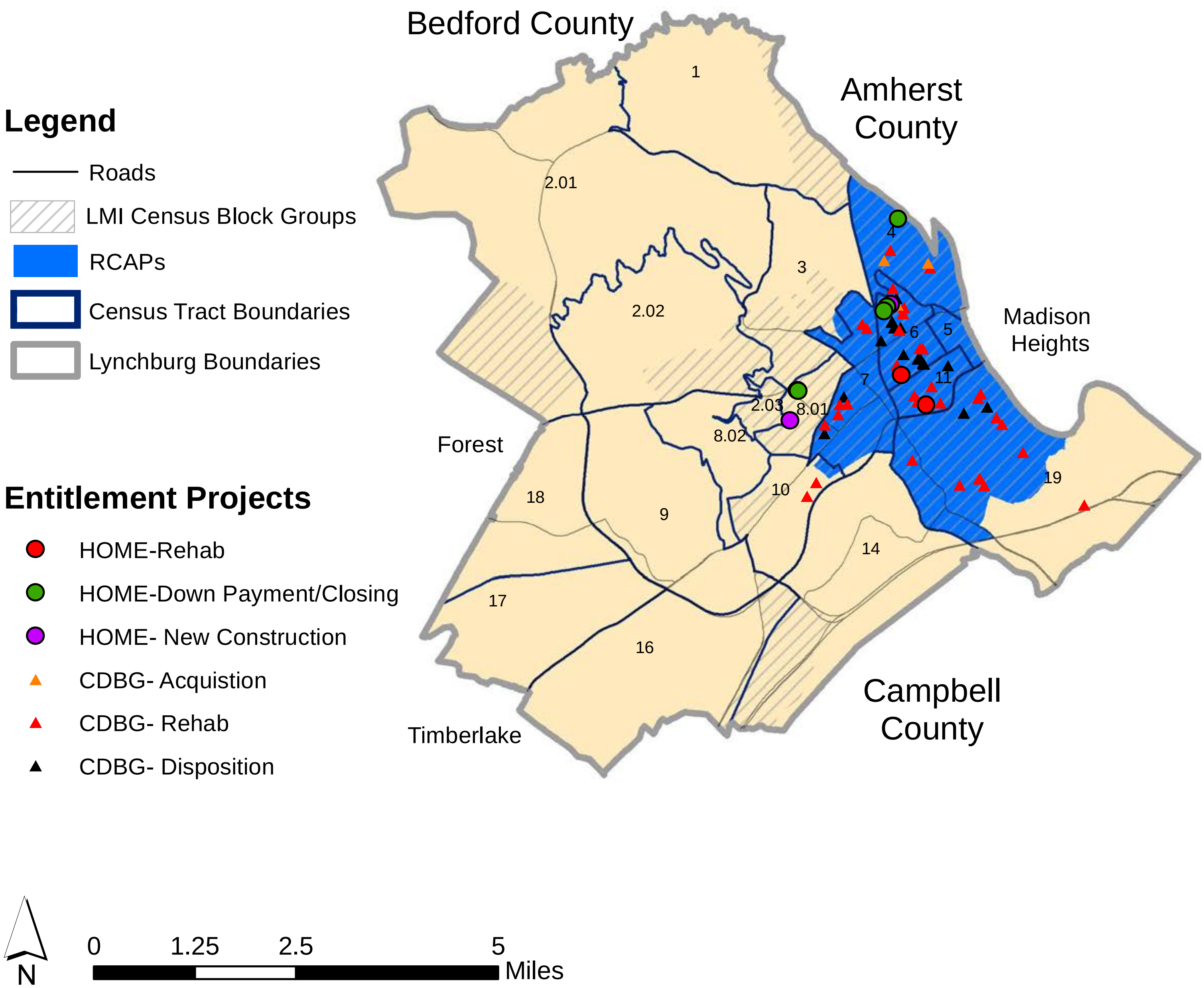
Eligible Activity	2011		2012		2013	
Public Facilities	**$369,254**	**35.2%**	**$294,284**	**31.7%**	**$501,770**	**48.9%**
Street Improvements	$100,000	9.5%	$77,000	8.3%	$115,831	11.3%
Recreational Facilities	$0	0.0%	$0	0.0%	$125,000	12.2%
LRHA- Acquisition, Rehab	$110,934	10.6%	$86,430	9.3%	$135,939	13.2%
Housing Rehabilitation	$140,000	13.3%	$130,854	14.1%	$125,000	12.2%
Building Renovations	$18,320	1.7%	$0	0.0%	$0	0.0%
Public Services	**$105,723**	**10.1%**	**$84,410**	**9.1%**	**$0**	**0.0%**
Transitional Housing	$20,000	1.9%	$22,102	2.4%	$0	0.0%
Supportive Services	$60,723	5.8%	$62,308	6.7%	$0	0.0%
Interfaith Outreach	$5,000	0.5%	$0	0.0%	$0	0.0%
Scholarship Program	$20,000	1.9%	$0	0.0%	$0	0.0%
Clearance	**$80,000**	**7.6%**	**$98,500**	**10.6%**	**$137,000**	**13.3%**
LRHA- Spot Blight Abatement	$80,000	7.6%	$98,500	10.6%	$125,000	12.2%
Citywide Demoltion Program	$0	0.0%	$0	0.0%	$12,000	1.2%
Disposition	**$14,479**	**1.4%**	**$13,047**	**1.4%**	**$10,366**	**1.0%**
LRHA	$14,479	1.4%	$13,047	1.4%	$10,366	1.0%
Fair Housing	**$0**	**0.0%**	**$0**	**0.0%**	**$30,000**	**2.9%**
Analysis of Impediments to Fair Housing	$0	0.0%	$0	0.0%	$30,000	2.9%
Special Economic Developent Activities	**$310,283**	**29.6%**	**$301,859**	**32.5%**	**$290,084**	**28.3%**
Bluffwalk Section 108 Loan	$310,283	29.6%	$301,859	32.5%	$290,084	28.3%
Adminstration	**$169,524**	**16.2%**	**$135,643**	**14.6%**	**$57,546**	**5.6%**
Citywide Demoltion Program	$125,979	12.0%	$96,711	10.4%	$25,000	2.4%
LRHA	$43,545	4.2%	$38,932	4.2%	$32,546	3.2%
Total CDBG Allocations	**$1,049,263**	**100.0%**	**$927,743**	**100.0%**	**$1,026,766**	**100.0%**

Source: FY 2011-2013 CAPER reports

Map 4-1: Location of CDBG & HOME Projects, FY 2011 & FY 2012

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: City of Lynchburg



Map 4-1 displays the location of HOME and CDBG entitlement projects in FY 2011 and FY 2012. Projects are overwhelmingly concentrated in RCAPs. The City should seek to strike a balance between revitalizing RCAPs and creating affordable housing opportunities outside of RCAPs for LMI minority residents.

The City's HOME and CDBG affordable housing activities are concentrated in RCAPs.

To reduce the concentration of poverty in RCAPs, and provide better opportunities to the City's lower-income residents, the City should seek to strike a balance between revitalizing RCAPs and creating affordable housing opportunities in other City neighborhoods.

With the exception of $30,000 allocated in FY 2013 for the creation of this Analysis of Impediments, the City has not allocated CDBG funds for pure fair housing activities. The provision of fair housing services is eligible as either a program administration cost, per 24 CFR 570.206,(c) or as a public service, per 24 CFR 570.201 (e). Such services might include educating residents of the range of available housing options, fair housing enforcement, education, outreach, testing, and other appropriate activities.

The City's CDBG budget does not include an allocation for fair housing services.

Allocating CDBG dollars towards fair housing services greatly improves the City's ability to monitor fair housing issues and strongly demonstrates that the City is addressing fair housing issues.

1. Project Proposal and Selection

Lynchburg's Grant Administration Office within the Department of Community Development is responsible for the administration of the City's federal entitlement programs. The Department compiles the Five-Year Consolidated Plan, which establishes policies and priorities to govern entitlement spending. The current Consolidated Plan is effective from 2010 to 2015.

Entitlement projects funded by CDBG and HOME funds are selected by the Community Development Advisory Committee. Once a year the Committee meets to review all HOME and CDBG applications. Selections are based upon a project's location, merit, and funding availability. Project recommendations are then sent to City Council. Before a project can be selected, however, the City's CDBG Grant Manager must review all projects with the Finance Department to ensure all finances are correct, and HUD's national objectives are met.

On January 8, 2013, City Council approved the following goals for housing activities using CDBG and HOME funds. These goals constitute the priority needs stated in the FY 2014 Annual Action Plan:

- Increase the number of owner-occupied units,
- Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources,
- Support initiatives to increase permanent affordable rental and housing ownership opportunities, and
- Promote programs that assist eligible individuals in retaining their homes.

The above list approved by City Council is largely based on the following goals developed in the City's 2010-2015 Consolidated Plan:

- Provide diverse housing choices,
- Increase the number of owner-occupied units,
- Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources,
- Support initiatives to increase permanent affordable rental and housing ownership opportunities, and
- Support programs that assist individuals in retaining their homes in challenging economic times.

2. Affirmative Marketing Policy

The City is required to adopt affirmative marketing procedures and requirements for all HOME-assisted housing with five or more units. Such a plan should include:

- Methods of informing the public, owners, and potential tenants about fair housing laws and the City's policies,
- A description of what the owners and/or the City will do to affirmatively market housing assisted with HOME funds,
- A description of what the owners and/or the City will do to inform persons not likely to apply for housing without special outreach,
- Maintenance of records to document actions taken to affirmatively market HOME-assisted units and to assess marketing effectiveness, and
- A description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

The City's Affirmative Marketing Plan for Affordable Housing Programs applies to all rental facilities with five or more units that are assisted by City CDBG or HOME grants. The City requires the owner of such properties to provide, in writing and orally, non-discrimination and fair housing policies. All owners are also required to clearly advertise fair housing rights to prospective renters by placing HUD fair housing posters and any other printed material used in connection with renting vacant units in all rental offices. Additionally, all advertisements must include the

Equal Housing Opportunity slogan, and advertising materials need to depict persons of both the majority and minority groups and of both genders.

The Plan specifies that marketing outreach must be publicized to minority groups and non-minority groups regardless of race, color, religion, sex, national origin, age, familial status, and disability. In all cases properties must be advertised in the News and Advance newspaper. Properties in LMI areas are required to implement special outreach practices to attract those least likely to apply. In areas with low minority populations, landlords must advertise in the local minority paper.

Each applicant who participates in the City's HOME Program is required to submit records of all advertisements, notices, other marketing information (including racial, ethnic, gender data, income, and other characteristics) of tenants occupying units before/after rehabilitation.

The affirmative marketing policy specifies the City's methods for monitoring affirmative marketing efforts and states the consequences for noncompliance. All owners of rental and/or homebuyer properties containing five or more HOME-funded rental units shall provide information indicating their affirmative marketing program to comply with the requirements listed above. Once this information is approved by the City, it will be available for public inspection at the rental offices of the applicant. The City does not fund applications without approved Affirmative Marketing Plans. Applicants that fail to comply with the Plan are subject to the following sanctions:

- Sixty days to undertake corrective actions as specified by the City,
- Requested re-payment of grant funds; and/or,
- Departure from future participation in the HOME Program or other federally funded programs administered by the City.

Additional requirements should be added to the City's Affirmative Marketing Plan to better market HOME-assisted housing with five or more units, especially to those who are less likely to apply.

- Clearly outline how the City intends to monitor recipients of these funds,
- Require property owners to annually access the success of affirmative marketing actions by reviewing whether the demographic data of applicants reflects the local population,
- Require property owners to receive annual off-site training on fair housing laws and the City's Affirmative Marketing Plan.

3. Section 3 Policy

Section 3 of the HUD Act of 1968 requires that wherever HUD financial assistance is expended for housing or community development, to the greatest extent feasible, economic opportunities must be given to local public housing residents and LMI persons who live in the metropolitan area where the assisted project is located. The policy is intended to direct the employment and other economic opportunities created by federal financial assistance for housing and community development programs toward LMI persons, particularly those who are recipients of government assistance for housing.

Section 3 is the legal basis for providing jobs for residents and awarding contracts to Section 3 businesses, which include businesses that are at least 51% owned by Section 3 residents, whose permanent, full-time employees include at least 30% current Section 3 residents, or businesses that commit to subcontract at least 25% of the dollar award to a Section 3 business concern. The opportunities provided can include job, training, employment, or contracts.

Recipients of federal assistance are required, to the greatest extent feasible, to provide all types of employment opportunities to low and very low-income persons, including seasonal and temporary employment, as well as long-term jobs. HUD receives annual reports from recipients, monitors the performance of contractors, and investigates complaints of Section 3 violation, examining employment and contract records for evidence of actions taken to train and employ Section 3 residents and to award contracts to Section 3 businesses.

The City states in its Section 3 Policy that employment priority for publicly constructed projects using CDBG funding will be given to low-and very low-income Section 3 residents. Contract priority will be given to businesses that provide economic opportunity to low-and very low-income residents. Locationally, project and employment priority will be given to Section 3 residents and businesses located within the project service area and/or neighborhood.

The City's Section 3 Policy should advertise the Plan to Section 3 residents and businesses.

The Plan should identify specific ways in which the Section 3 policy will be advertised to low-and very low-income Section 3 residents and to businesses that serve this population.

4. Spending Patterns

In FY 2013, Lynchburg received $639,243 in CDBG funds and $284,263 in HOME funds. With prior year income amounts of $385,463 for CDBG and $46,161 for HOME, $1,026,736 and $330,424 were available for CDBG and HOME activities, respectively.

Figure 4-1 on a previous page displays all HOME allocations between FY 2011 and FY 2013. The City's HOME entitlement has decreased 25.4% from $459,516 in FY 2011 to $330,424 in FY 2013. Homeownership assistance and housing rehabilitation activities accounted for the largest share of the annual grant.

Figure 4-2 on a previous page lists CDBG allocations from FY 2011 to FY 2013. The three largest CDBG activities included the Bluffwalk Redevelopment Section 108 Loan, funding to the Lynchburg Redevelopment and Housing Authority (LRHA) for housing acquisition, disposition, clearance, spot blight, removal, and citywide housing rehabilitation.

Trends show that the City's annual CDBG grant has fluctuated. The City allocated $1,049,262 in FY 2011, $927,743 in FY 2012, and $1,026,736 in FY 2013.

B. Appointed Boards and Commissions

A community's sensitivity to fair housing issues is often determined by people in positions of public leadership. The perception of housing needs and the intensity of a community's commitment to housing related goals and objectives are often measured by board members, director, and the extent to which these individuals relate within an organized framework of agencies, groups, and individuals involved in housing matters. The expansion of fair housing choice requires a team effort, and public leadership and commitment is a prerequisite to strategic action.

Lynchburg City Council appoints residents to serve on various boards and commissions focused on a wide range of issues. The following bodies are especially relevant to issues of fair housing. The City's housing-related boards and commissions varied in terms of protected class representation. While many have representation from minorities and women, none of the reviewed boards are represented by persons with disabilities. The experiences and perspectives of more persons with disabilities and racial and ethnic minorities can enhance the decision-making process, further ensuring that the City is able to understand and serve the needs of these populations.

1. Lynchburg Planning Commission

The Lynchburg Planning Board, comprised of seven members, is primarily responsible for consulting City Council on the planning and development of the City with a focus on subdivision review, rezoning, and parks.

Of the seven members on the Planning Commission, one is Black and one is female. No one reported a disability.

2. Community Development Advisory Committee

This Committee's primary purpose is to facilitate citizen participation through all stages of the consolidated planning, implementation, and evaluation processes. The Committee makes recommendations to City Council regarding CDBG and HOME projects.

Of the five appointed members on the Advisory Committee, three are Black and three are women. No one reported a disability.

3. Lynchburg Redevelopment & Housing Authority Board

The Authority is entrusted with conducting programs of urban renewal and housing rehabilitation in designated neighborhoods. As of 2012, the Lynchburg Redevelopment and Housing Authority (LRHA) assisted 1,221 households with 328 public housing units and 893 housing choice vouchers.

One member of the board is appointed by LRHA while the remaining members are appointed by City Council. The Authority's board currently has seven members, of which one is Asian, one is Black, and two are women. No one reported a disability.

4. **Historic Preservation Commission**

This Commission is charged with the protection and preservation of the City's historic districts. Requests for new construction, reconstruction, alteration, or demolition affecting any structure in the City's historic districts are reviewed by the Commission.

The Commission must be composed of at least one architect, one property owner residing in a City historic district, and two members must have professional standard qualifications as used by the National Park Service. Additionally, no more than one member can be actively engaged in real estate. All seven members of the Commission are White, including one female. No one reported a disability.

5. **Building Code Appeals Board**

The Board is responsible for reviewing variances in the City building code and the fire prevention ordinance, and hearing appeals from property owners.

At least one member of the Board should be an experienced builder, licensed engineer, architect, or experienced property manager. All seven members of the Building Code Appeals Board are White, including one female. No one reported a disability.

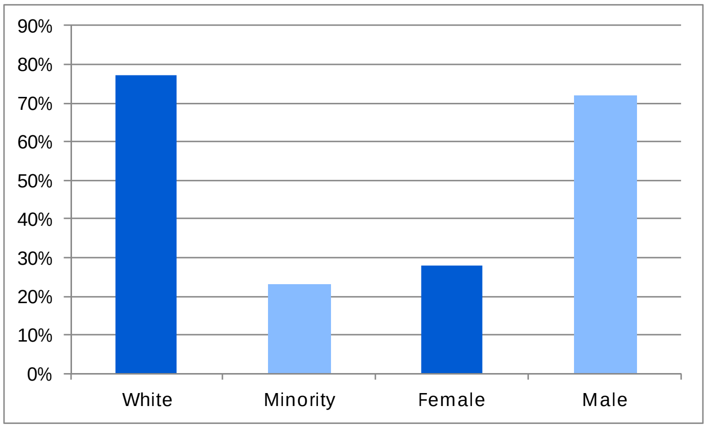
6. **Social Service Board**

The Board is involved in matters of citizens' welfare, monitoring the formulation and implementation of social welfare, and making recommendations on policy matters concerning the Human Services Department.

Of the six members on the Board, three are Black and three are women. No one reported a disability.

Figure 4-3 illustrates a lower representation of minorities and females on selected appointed boards and commissions when compared to the rates of these groups citywide. Minorities represent 23% of the appointees, which is less than the rate of minorities citywide (33.3%). Females, who account for 53.3% of the City's population, comprise only 28% of the appointed seats. Of the boards and commissions reviewed for this report, none of the members reported disabilities.

Figure 4-3
Demographic Composition of Boards and Commissions, 2013



Select appointed boards and commissions with jurisdiction over housing and housing-related issues in Lynchburg do not reflect the City's growing diverse composition.

Minorities represent 33.3% of the City's population, but only 23% of appointees. Females accounted for 28% of appointees, but represent 53.3% of Lynchburg's population. Also notably absent appear to be persons with disabilities.

C. Accessibility of Residential Dwelling Units

From a regulatory standpoint, local governments develop measures to control land use (such as zoning regulations), and define the range and density of housing resources that can be introduced into a community. Housing quality standards are enforced through the local building code and inspections procedures.

Lynchburg adopted the Virginia Property Maintenance Code with enforcement conducted on a complaint basis in the City's identified rental target neighborhoods. These include 11 LMI areas in the City with older housing stock.

According to the City's attorney, there have been no design and construction lawsuits filed against the City of Lynchburg.

The Lynchburg Area Center for Independent Living (LACIL) specializes in linking persons in need of accessibility modifications with the appropriate resources. One such resource is Rebuilding Together, which uses volunteer labor to install accessibility modifications for free. LACIL also recommends clients to the Veterans Administration Wounded Warriors initiative, the Multiple Sclerosis Society, and the Central Virginia Division of Aging. The City does not allocate any CDBG or HOME resources to accessibility modifications. LACIL noted there are a number of challenges in providing accessibility modifications to City residents. These include a lack of a central network, a lack of communication between agencies, and the demand for accessibility modifications exceeding available resources. LACIL currently maintains a multi-year list of people in need of modifications.

Rush Homes constructs and renovates residential properties for persons with disabilities in the Lynchburg region. The organization is a non-profit and has been involved in accessible construction for approximately 16 years. They are the only organization in Lynchburg that constructs housing to 100% accessibility standards. From time to time the organization will provide accessibility modifications. However, over the last five years, Rush Homes has focused exclusively on new construction creating 29 accessible units.

Funding sources for these Rush Home projects originate from Low-Income Housing Tax Credits, the Virginia Department of Housing and Community Development HOME funds and low-interest loans, and City of Lynchburg HOME funds. Rush Homes notes that efforts in the City to provide accessible units range from fair to poor. The demand for these units greatly outweighs the supply, and more education is need for organizations to carry out accessibility provisions.

Several accessibility providers in Lynchburg stated that the demand for affordable accessible units greatly outweighs the supply, and efforts to provide additional accessible units are needed.

1. Public Housing Stock

Section 504 of the Rehabilitation Act of 1973 and 24 CFR Part 8 requires 5% of all public housing units to be accessible to persons with mobility impairments. Another 2% of public housing units must be accessible to persons with sensory impairments. In addition, an Authority's administrative offices, application offices and other non-residential facilities must be accessible to persons with disabilities. The Uniform Federal Accessibility Standards (UFAS) is the standard against which residential and non-residential spaces are judged to be accessible.

Lynchburg Redevelopment and Housing Authority has not prepared a Section 504 plan but instead uses its Green Physical Needs Assessment (GPNA) Plan to document whether the Section 504 requirements were fulfilled at each public housing site. None of the three public housing sites met the Section 504 requirement to make 5% of all units accessible to persons with mobility impairments and another 2% accessible to persons with sensory impairments. The GPNA plan recommended the conversion of the necessary number of units per site to comply with the Section 504 requirements. According to the GPNA, each public housing site does comply with other requirements for persons with disabilities by providing reasonable accommodation for visitability and parking guidelines.

D. Language Access Plan for Persons with Limited English Proficiency

As noted earlier, Lynchburg does not have any language groups with more than 1,000 speakers or 5% of the population, whichever is less, with limited English proficiency (LEP). Regardless, all CDBG and HOME Program publications include a statement that non-English speaking persons can request language assistance. With exponential increases of Hispanics and Asians (108.4% and 151.7% since 2000, respectively), the City should monitor these populations annually to determine if the threshold of LEP speakers has been reached.

E. Comprehensive Planning

A community's comprehensive plan is a statement of policies relative to new development and preservation of existing assets. In particular, the land use element of the comprehensive plan defines the location, type, and character of future development. The housing element of the comprehensive plan expresses the preferred density and intensity of residential neighborhoods within the City. Taken together, the land use and housing elements of the comprehensive plan provide a vision desired by Lynchburg residents.

Lynchburg is in the process of adopting an amendment to its 2002-2020 Comprehensive Plan. The Plan was last amended in 2007 and 2010. The current amendment will be the City's long term planning document for 2013-2030. Since the plan is nearly complete it was reviewed for this analysis.

The stated purpose of the Plan is to:

"Establish a clear vision for the future, identify the City's goals towards achieving that vision, create policy guidance for public and private decision makers, and identify tasks that need to be pursued to make the plan's vision and goals a reality."

Below is a list of the City's goals and policies directly related to fair housing:

- **Land Use Goal:** Make efficient use of land and resources in the City to serve the needs of the region through new development and infill that accomplish the Plan's goals.
- **Land Use Policy:** Encourage continued code enforcement efforts and the City's Rental Housing Registration and Inspection Program.
- **Land Use Policy:** Support revitalization of existing developments and new neighborhood oriented mixed-used development in locations where such uses will promote stability and improvements.
- **Neighborhood & Housing Policy:** Coordinate with the Housing Collaborative, (collaborative includes a variety of public and private stakeholder groups working to address housing issues) local lenders, builders, the Virginia Housing and Development Authority, and other agencies to improve access to programs and funding for renovation and rehabilitation maintenance of older housing.
- **Neighborhood & Housing Policy:** Continue and expand the use of code enforcement to promote the rehabilitation and renovation of blighted housing.
- **Neighborhood & Housing Policy:** Pursue the removal and redevelopment of dilapidated and condemned structures that are poor candidates for rehabilitation. Where groups of structures are condemned, facilitate demolition and land assembly to foster more and rapid redevelopment.
- **Neighborhood & Housing Policy:** Monitor affordable and attainable housing supply and coordinate with public and private agencies to:
    - Rehabilitate substandard housing units,
    - Support initiatives to increase permanent affordable rental and homeownership opportunities,
    - Ensure that the supply of housing for individuals and families with special needs are met, and
    - Promote programs that assist eligible individuals in retaining their homes.
- **Neighborhood & Housing Policy:** Nurture neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- **Neighborhood & Housing Policy:** Ensure that zoning regulations facilitate the creation of a variety of safe, affordable, and innovative housing options that serve the community's diverse needs, including established small lots, attached units, and other housing types that achieve densities in the future land use map.
- **Neighborhood & Housing Policy:** Allow for accessory dwellings in single family districts consistent with standards addressing such issues as maximum unit size, adequacy of on-site or on-street parking, entry location and other factors to ensure compatibility.
- **Neighborhood & Housing Policy:** Promote well-designed mixed-use residential neighborhoods that incorporate a variety of housing types and densities with

pedestrian-oriented streets, small-scale neighborhood oriented services and parks where residents are able to live, work, and play close to home.

In relation to land use development and the promotion of affordable housing, the Lynchburg Comprehensive Plan focuses on the need for efficient development patterns, creation of more mixed-use districts, the increase of truly multi-modal neighborhoods through improvements for pedestrians and bicyclists, and the redevelopment of older distressed neighborhoods near the Central Business District.

Need for Efficient Development Patterns:

Often when a community promotes higher and more efficient development patterns, more affordable housing options are available through the provision of smaller dwelling units. The City views the reinvestment of previously developed areas and increased density to be essential since Lynchburg is an older city with limited vacant land.

In efforts to increase density, the Comprehensive Plan calls for the establishment of accessory dwelling density bonuses for the provision of community benefit. This includes incentives for open space amenities, mobility enhancements, natural resource protections, and street enhancements. The Plan also recommends increased densities in the following areas: Liberty University along Leesville and Timberlake roads, Lynchburg College along Lakeside Drive, and within the Graves Mill employment area. Incentives are also recommended to encourage businesses to reuse previously developed sites and lessen the demand of “green fields”.

Creation of Mixed-Use Districts:

A mixed-use district is an important affordability factor for persons with lower incomes who need affordable housing. For households with less disposable income to spend on transportation, the existence of mixed-use districts reduces the need to drive to neighborhood amenities. Public transportation options are typically nearby too. The Comprehensive Plan strongly promotes more mixed-use development in already built-up areas, and new developments on the City’s edges. The promotion of mixed-use development is explicitly mentioned in Downtown and the Riverfront, Midtown, and the Tyreeanna/ Pleasant Valley Neighborhood. Mixed-use developments are also recommended in a number of the City’s growth areas to balance residential, neighborhood commercial, civic uses, and parks, and more efficiently address infrastructure and mobility challenges.

Increase of Multi-Modal Neighborhoods:

Neighborhoods with multi-modal options provide less costly transportation options for lower-income residents. Typically neighborhoods with multi-modal options have walkable residential and commercial districts, dedicated bike lanes, and access to public transportation. The Comprehensive Plan identified through public meetings that residents prefer pedestrian friendly streetscapes and human scale “Main Street” design conventions. Specific goals promoting multi-modal and pedestrian friendly development are included in the transportation section of the Comprehensive Plan, which is reviewed later in this document.

Redevelopment Priorities:

In Lynchburg, rental opportunities and affordable housing are concentrated in neighborhoods surrounding the City's Central Business District. However, many of these areas have high rates of vacancy and dilapidated structures. Improvements in these areas would not only be beneficial to affordable housing residents for the sake of providing safer housing options, but also would take advantage of more traditional neighborhood attributes these neighborhoods could possess with some investment. Such attributes include a dense neighborhood with mixed-use and multi-modal transportation options.

Through the Comprehensive Plan, Lynchburg proposes the following revitalization efforts in its distressed older neighborhoods:

- Creation of an appropriate mix and location of uses based on market potential and compatibility with surrounding areas,
- Investments to improve connectivity, streetscapes, and sidewalks,
- Pedestrian, bicycle, and vehicular circulation improvements,
- Application of the Traditional Residential Overlay District to reduce permits needed to renovate homes,
- Target housing programs to encourage homeownership a private investment.
- Active code enforcement, and
- Reduce pressures to convert single family homes to other uses.

The Comprehensive Plan consistently recommends reducing the number of single family home conversions, especially in older, lower income neighborhoods. This largely reflects residents concerns over the proliferation of rental housing, and the belief that higher homeownership rates encourage housing investment. Concern over converting too many owner-occupied units into rental units is certainly valid. Yet, care must be taken to keep affordable rental housing options in place as neighborhoods increase homeownership. This is reflected by a statement in the Comprehensive Plan:

"Ensure all current and future residents are served by a range of housing opportunities, and a variety of housing types in a range of prices must be available".

Fair Housing Achievement

The Lynchburg 2013-2030 Comprehensive Plan Draft incorporates an array of policies that will have the effect of affirmatively furthering fair housing.

These include a focus on creating mixed-use neighborhoods in developing areas and traditional City neighborhoods. Mixed-use neighborhoods provide a variety of housing types, walkable and transit-friendly districts helpful to low-income residents who cannot afford a vehicle. Additionally, the plan recommends permitting accessory dwelling units and improving housing in low-income neighborhoods.

F. Housing Plans

In 2011, Housing Opportunities Made Equal (HOME) of Virginia prepared a Housing Assessment Plan for the City. Findings and recommendations from the report include the following:

- Lynchburg offers unique opportunities to empty nesters and young families due to its affordable housing options, proximity to cultural amenities, and overall density,
- Even with many affordable housing options, 34% residents are paying more than 30% of their income on housing (cost burdened). Higher unemployment rates, especially for low-income and middle income households, have increased the number of cost-burdened residents in Lynchburg,
- The location of residents receiving tenant-based vouchers are concentrated in low-opportunity areas, which is contrary to their original intention to locate low-income residents in higher-opportunity areas,
- The age group 18-24 has grown 70% between 2000 and 2010. This is mainly due to increases in university and college enrollments, and
- Median income for renters was equal to 40% of the median income of owners in 2010.

Shortly after the Housing Assessment Plan was created the City completed a Housing Goals and Strategy Report, which documented the City's efforts to engage citizens and stakeholders on housing issues. The meetings revealed a lack of a "clear leader" in citywide housing efforts. The stakeholders recommended that a housing resources inventory be created to identify service gaps. Also, stakeholders felt more efforts were needed to address special needs housing. Through the meetings, a Housing Collaborative was established. The Collaborative is charged with initiating and facilitating all housing strategies.

Fair Housing Achievement

The City of Lynchburg established a Housing Collaborative.

A Housing Collaborative was established to initiate and facilitate all housing strategies.

G. Zoning

In Virginia, as in most states, the power behind land development decisions resides with municipal governments through the formulation and administration of local controls. These include comprehensive plans, zoning ordinances and subdivision ordinances, as well as building and development permits.

The zoning ordinance for the City of Lynchburg was reviewed to identify regulations that may potentially impede fair housing choice. The analysis of zoning regulations was based on the following five topics raised in HUD's Fair Housing Planning Guide, which include:

- The opportunity to develop various housing types (including apartments and housing at various densities).
- The opportunity to develop affordable housing options.
- Minimum lot size requirements.
- Dispersal requirements and regulatory provisions for housing facilities for persons with disabilities (i.e. group homes) in single family zoning districts.
- Restrictions on the number of unrelated persons in dwelling units.

The complete fair housing ordinance review is located in Appendix C.

1. Date of Ordinance

Generally speaking, the older a zoning ordinance, the less effective it will be. Older zoning ordinances have not evolved to address changing land uses, lifestyles, and demographics. However, the age of the zoning ordinance does not necessarily mean that the regulations impede housing choice by members of the protected classes.

The Lynchburg zoning ordinance was originally passed in December 1978 and updated most recently in December 2006. The 2013-2030 Comprehensive Plan recommends a revised zoning ordinance in 2014.

2. Residential Zoning Districts and Permitted Dwelling Types

The number of residential zoning districts is not as significant as the characteristics of each district, including permitted land uses, minimum lot sizes, and the range of permitted housing types. However, the number of residential zoning districts is indicative of the municipality's desire to promote and provide a diverse housing stock for different types of households at a wide range of income levels.

Similar to excessively large lots, restrictive forms of land use that exclude any particular form of housing, particularly multi-family housing, discourage the development of affordable housing. Allowing varied residential types reduces potential impediments to housing choice by members of the protected classes.

There are a variety of residential districts (six), residential types, and densities permitted in Lynchburg. In addition to the six residential districts, the City permits residential units in all six of its business districts, the Traditional Neighborhood Development Overlay District, the 5th Street Revitalization Corridor Overlay, and Residential Planned Unit Developments. The City's lowest densities can be found in the Conservation District along the edges of the City. This district has a minimum lot size of 10 acres and functions to preserve open space, agricultural and horticultural uses, and forest land. Figure 4-3 lists the City's current land use, dominated by low density residential (37.8%). Low-density residential districts permit between 2.9 and 4.35 dwelling units and 5.9 and 8.7 dwellings per acre. Dwelling units between 5.9 and 8.7 units per acre are only permitted in owner-occupied duplexes with a shared entrance.

Medium density residential districts permit single family homes and duplexes of various types. Densities of between 8.7 and 10.89 dwelling units and 4.35 and 5.45 dwellings are permitted per acre. High density districts permit single family, duplexes, multi-family, and apartments. Densities of 7.26 dwellings and 29.04 dwelling units are permitted per acre. Higher densities and a variety of uses are also permitted in the Traditional Neighborhood Development District, all business districts and the 5th Street Revitalization Corridor Overlay.

The City is required by Virginia statutes to permit mobile homes by right in at least one zoning district. While the City permits mobile homes in its R-1 district, the language used in the zoning ordinance may lead to confusion as to whether mobile homes are permitted in the district.

While Lynchburg's zoning ordinance provides a variety of residential districts and dwelling unit types, single-family units still dominate the majority of the City's residential districts. Additionally, duplexes are strongly restricted in lower density areas. To promote more affordable housing options, the City could reduce areas zoned for low-density, and permit duplexes in low-density districts.

Figure 4-4
Residential Land Use Percentage, 2013

Residential Land Use	% of Total City Acreage
Conservation	14.5%
Low Density	35.0%
Medium Density	8.4%
High Density	1.3%
Traditional Neighborhood Development	4.7%
Mixed Use	6.5%

Source: City of Lynchburg 2013-2030 Comprehensive Plan

The language used in Lynchburg's zoning ordinance regarding mobile homes may lead to confusion as to whether mobile homes are permitted in the R-1 district.

Chapter 35, Section 1-29 of Lynchburg's zoning ordinance states under conditional uses that "dwellings of any building type not prohibited by state law, [are a conditional use] except individual mobile homes. To reduce confusion mobile homes should be clearly listed under permitted uses in the R-1 district.

3. Definition of Family

Restrictive definitions of family may impede unrelated individuals from sharing a dwelling unit. Defining family broadly advances non-traditional families and supports the blending of families who may be living together for economic purposes. Restrictions in the definition of family typically cap the number of unrelated individuals that can live together. These restrictions can impede the development of group homes, effectively impeding housing choice for the disabled (a protected class). However, in some cases, caps on unrelated individuals residing together may be warranted to avoid overcrowding, that creates health and safety concerns.

The City of Lynchburg restricts unrelated individuals to no more than three persons per housing unit. According to the City Planner, the primary reason to regulate the number of students living together in a housing unit. With nearly 22,000 college students in Lynchburg, this is a valid concern.

4. Regulations for Group Homes

Group homes are residential uses that do not adversely impact a community. Efforts should be made to ensure group homes can be easily accommodated throughout the community under the same standards as any other residential use. Of particular concern are those group homes that serve members of the protected classes such as the disabled. Because a group home for the disabled serves to provide a non-institutional experience for its occupants, imposing conditions separate from all residential uses in the zoning district is contrary to the purpose of a group home. More importantly, the restrictions, unless executed against all residential uses in the zoning district, are an impediment to the siting of group homes, which is in violation of the Fair Housing Act.

Group homes with individuals who are mentally ill are limited to eight or fewer residents. Group homes with individuals who are aged, infirm, or physically disabled are limited to four or fewer residents. Limiting the number of individuals in a group home for the disabled appears arbitrary and inconsistent with the Fair Housing Act. Persons with disabilities who reside in a group home should be considered a single family household and regulated like all other single-family dwelling units.

Lynchburg's zoning code places undue restrictions on group living facilities for persons with disabilities.

Distinctions are made in the City's zoning ordinance between group homes for the mentally ill and those who are aged, infirm, or physically. The former permits up to eight residents and the latter up to four. This difference is arbitrary and inconsistent with the Fair Housing Act as group homes for persons with disabilities should be regulated as single family dwelling units.

5. Affordable Housing Options

There are additional tools communities can employ to expand affordable housing options. One such tool is permitting accessory residential units. Accessory units are typically smaller dwelling units that are subordinate to the main residential structure on a parcel. This can include a unit located above a garage, within the basement or attic, or as a separate structure. In Lynchburg, accessible units are practically excluded due to regulations, which require at least a 30 foot frontage along the street for each accessory unit. Lynchburg's Comprehensive Plan recommends the establishment of accessory dwelling density bonuses for the provision of community benefit.

The City could also consider establishing inclusionary zoning. This zoning tool requires a certain percentage of development to be reserved for lower-income households. This tool is most effective in robust housing markets.

H. Public Housing

Lynchburg Redevelopment and Housing Authority (LRHA) owns and manages 328 public housing units located throughout the City. Female-headed households represent 92.8% of all households compared to 7.2% of male-headed households. Also, non-White households comprised 85.3% of all tenant households, nearly all of which are Black households.

Information regarding the demographic characteristics of individuals on the public housing and housing choice voucher waiting lists can be found in Figure 4-5 below.

Figure 4-5
Public Housing and Housing Choice Voucher Waiting Lists, 2013

	Public Housing Units		Housing Choice Vouchers	
Total Households	**479**	**100.0%**	**348**	**100.0%**
Income Level				
Extremely low income (30% or less of AMI)	386	80.6%	NA	
Very low income (30.1% to 50% of AMI)	84	17.5%	NA	
Low income (50.1% to 80% of AMI)	9	1.9%	NA	
Household Type				
Families with Children	384	80.2%	60	17.2%
Elderly Families	11	2.3%	73	20.1%
Families with Disabilities	84	17.5%	215	61.8%
Race and Ethnicity				
Black	368	76.8%	207	63.0%
White	101	21.1%	115	35.0%
Other Race	3	0.6%	7	2.1%
Hispanic*	7	1.5%	3	3.0%
Characteristics by Bedroom Size				
0 Bedrooms	0	0.0%	2	0.7%
1 Bedroom	212	44.3%	279	92.4%
2 Bedrooms	178	37.2%	46	15.2%
3 Bedrooms	68	14.2%	16	5.3%
4 Bedrooms	19	4.0%	5	1.7%
5 Bedrooms	1	0.2%	0	0.0%

* Hispanic ethnicity is counted independently of race.
Source: Lynchburg Redevelopment and Housing Authority

In addition to public housing, LRHA also administers the Housing Choice Voucher (HCV) Program, which in January of 2012 served 893 households. Households in the HCV program were overwhelmingly female-head households, (77.9%). Also, non-White households comprised 69% of all tenant households, nearly all of which are Black households.

The prevalence of households with a disabled member on the waiting list suggests that there is considerable demand for accessible and affordable housing in Lynchburg. According to Figure 4-5, 84 applicants (18%) on the public housing waiting list and 215 applicants (61.8%) on the HCV waiting list were families with a member with a disability. LRHA is well short of meeting this demand, which is exacerbated by its lack of Section 504 compliant units. All available resources are being employed by LRHA to retrofit at least 5% of its units to be handicapped accessible and meet Section 504 requirements. For example, LRHA is in the process of converting properties at 3001 B Birchwood Drive and 2229 York Town Ave # 1001 into designated accessible units meeting all Section 504 requirements.

Of the total households on the public housing and HCV waiting lists, 18% and 61.8%, respectively, are households with a member with a disability.

LRHA continues to be cited by HUD for not fulfilling its obligation to reserve 5% of all public housing units as accessible to persons with mobility impairments. This is the result of a lack of resources and a hilly topography making it difficult to make units accessible. LRHA, however, continues to use all available resources to create new handicapped accessible units.

HUD imposes a fair market rent level that can be paid for HCV units, allowing housing authorities to set their payment standards between 90% and 110% of that threshold. LRHA sets its threshold at 100%. While a higher threshold would increase the housing options for voucher holders, it would reduce the total number of vouchers LRHA could provide.

Porting is limited within LRHA. Currently, there are only one porting-in and two porting-out voucher holders. LRHA is paying the expenses for one porting-out voucher holder but the receiving housing authority is administering it. The two porting-in voucher holders are administered by LRHA with expenses paid by the originating housing authorities.

LRHA permits public housing applicants to refuse an offer for designated housing in limited circumstances. Elderly/disabled families may refuse a designated unit when it does not fulfill their needs (e.g. a disabled family is offered a unit that does not have the appropriate accessibility features). Designated housing may also be refused for “good cause” reasons such as the applicant is willing to move but is unable to do so at the time of the offer, or the offer would lead to undue hardship not related to the application’s race, color, national origin, etc. These circumstances do not lead to removal from the waiting list. Applicants who refuse an offered unit without good cause are removed from the waiting list. LRHA sends the family a notice of the removal and informs the family of their right to an informal hearing. After being removed from the list, the family is allowed to reapply when the waiting list re-opens.

LRHA should allow public housing applicants the right to refuse a unit at least once before they are removed from the waiting list. This step would expand housing choice for applicants.

As a condition of administering the Housing Choice Voucher program, LRHA is annually subject to HUD's Section 8 Management Assessment Program (SEMAP). SEMAP is HUD's evaluation tool for determining a housing authority's efficiency and effectiveness in administering the voucher program. For fiscal year 2012, LRHA received a SEMAP score of 96% indicating a "high performer" designation, the highest under HUD's system.

According to Map 4-2, voucher units are largely concentrated in LMI areas and RCAPs. The highest concentrations of voucher units are located in the neighborhoods of College Hill, Diamond Hill, Seminary Hill, Tyreeanna, Fairview Heights, and Miller Park. The majority of these neighborhoods are also RCAPs. The neighborhoods of Lakeside, Richeson, Peakland, College Park, Vista Acres, and Winsor Hills also contain high concentrations of voucher units. Other forms of subsidized housing tied to specific locations, are heavily concentrated in an east to west corridor running from the Central Business District to the Lakeside neighborhood. There are also some subsidized housing projects located in the neighborhoods of Winston Ridge, Vista Acres, and Sheffield.

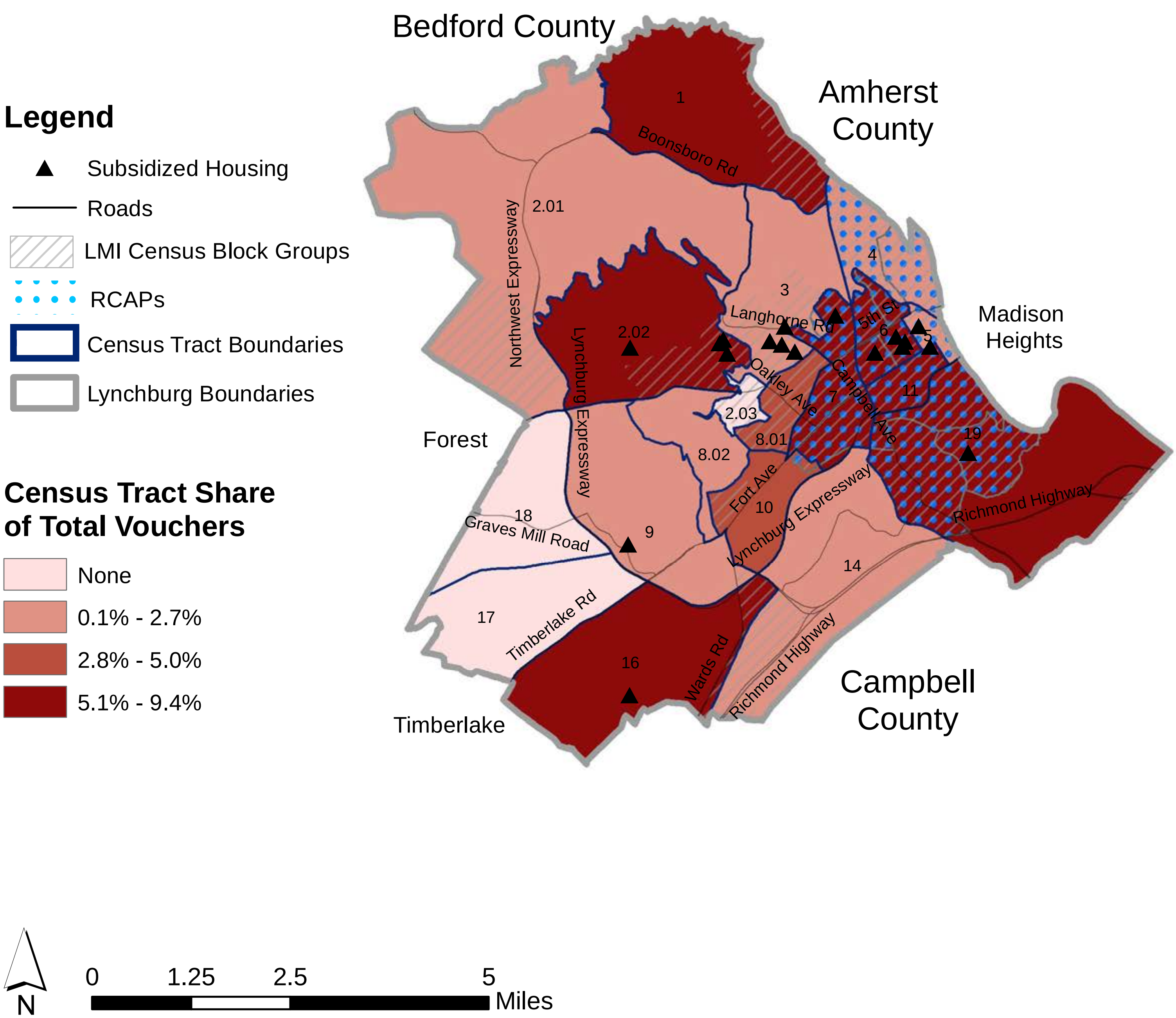
HCV holders are concentrated in LMI areas and RCAPs.

This pattern indicates restricted housing choice for low income minorities living in Lynchburg.

Map 4-2: Location of Voucher Units and Subsidized Housing

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: Lynchburg Redevelopment & Housing Authority



Two policy documents utilized by LRHA were reviewed for this analysis. A summary of the reviews of the administrative plans for both the public housing and the Section 8 Housing Choice Voucher Programs are included below.

1. Section 8 Housing Choice Voucher Administrative Plan

The Statement of Policies and Objectives in Section 2 of the Administrative Plan includes a fair housing policy in which LRHA states its anti-discrimination policy. The protected classes include race, color, sex, religion, national, origin, age, family or marital status, disability, sexual orientation, and gender identity.

Section 2 also includes LRHA's policy relative to reasonable accommodations. The Administrative Plan defines disability as:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- A record of such impairment, or
- Is regarded as having such impairment

LRHA defers to the federal definition for reasonable accommodations, which states that accommodations are "Reasonable if they do not create an undue financial and administrative burden for the PHA or result in a fundamental alteration in the nature of the program or service offered". A fundamental alteration is a modification that alters the essential nature of the provider's operations.

LRHA's policy relative to persons with limited English proficiency (LEP) is also explained in Section 2. LRHA will analyze various kinds of contacts it has with the public to access language needs, and decide what reasonable steps should be taken for persons with LEP. Reasonableness is based upon a cost-benefit analysis. Additionally, when feasible, LRHA will train and hire bilingual staff for interpretation services, and encourage the use of qualified volunteers. LEP persons are permitted, at their own expense, to pay for their own interpreter in place of supplemented or free language services. A Language Access Plan was not developed by LRHA due to the limited number of persons with LEP residing in Lynchburg.

In order to be eligible to receive a Section 8 Housing Choice Voucher, the applicant must qualify as a family. In Section 3 of the Administrative Plan, LHRA defines family as a single person or a group of persons and lists many variations of family types. Group types listed include family with child or children, two or more elderly or disabled persons living together, and two or more individuals not related by blood, marriage, or adoption who can demonstrate they have lived together for at least three years, and certify each other's resources will be available to meet the needs of the family. These definitions are so broad that any person or persons intending to live together would qualify. Live-in aides are not counted as family members but are permitted to live with a family as long as they are necessary.

In Section 4, LRHA states that its waiting list preferences include individuals who are: working, elderly, disabled, have a high rent burden, a veteran, homeless, a victim of domestic violence, involuntarily displaced, have substandard housing, enrolled in an education training program, or were terminated from LRHA's Housing Choice Voucher Program due to insufficient funding. All of these preferences are given equal weighting.

In Section 16, LHRA states that it provides an opportunity for an informal review of any decision denying assistance to an applicant. A notice of the denial and the opportunity for an informal review is provided to the applicant in writing. In other cases, depending on the cause of the potential conflict, LRHA also provides the opportunity for an informal hearing, as also described in Section 16.

2. Public Housing Admission and Continued Occupancy Plan (ACOP)

Chapter 2.I. of the ACOP includes a non-discrimination policy in which LRHA states its anti-discrimination policy. The list of protected classes includes race, color, religion, sex, national origin, age, familial status, disability, and sexual orientation.

Chapter 2.II. includes a reasonable accommodation/modification policy for persons with disabilities. As stated in the ACOP, LRHA must approve a request for an accommodation if the following conditions are met:

- The request was made formally or informally by or on behalf of a person with a disability,
- There is a disability-related need for the accommodation, and the disability has been verified, or
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on LRHA, or fundamentally alter the nature of the LRHA's operations.

LHRA defines a reasonable accommodation as a change, exception, or adjustment to a policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.

In Chapter 7.II.F., LRHA states that it may not inquire about any details of the nature of the disability, but they may inquire as to whether the applicant qualifies for a disability priority or an accessible unit.

Chapter 2.III.A. provides LHRA's affirmative policy to communicate with persons with LEP. The policy is the same as the policy contained in the Section 8 Housing Choice Voucher Administration Plan.

Chapter 3 defines the Authority's admission procedures. All applicants must qualify as a family. In Chapter 3-I.B. of the Administrative Plan, LHRA defines family as a single person or a group of persons and lists many variations of family types. All of the variations of the single person types do not need to be listed because one of the single person types is "any other single person". Group types listed include family with child or children, two or more elderly or disabled persons living together, and two or more individuals not related by blood, marriage, or adoption who can demonstrate they have lived together, and certify each other's resources will be available to meet the needs of the family. These definitions are so broad that any person or persons intending to live together would qualify. Live-in aides are not counted as family members but are permitted to live with a family as long as they are necessary.

Chapter 4.III.B. of the ACOP establishes waiting list preferences. The preferences are the same of those contained in the Section 8 Housing Choice Voucher Administration Plan.

I. Taxes

Taxes impact housing affordability. While not an impediment to fair housing choice in and of themselves, real estate taxes can impact the choice that households make with regard to where to live. Tax increases can be burdensome to low-income homeowners, and increases are usually passed on to renters through rent increases. Tax rates for specific districts and the assessed value of all properties are the two major calculations used to determine revenues collected by a jurisdiction. Determining a jurisdiction's relative housing affordability, in part, can be accomplished using tax rates.

However, a straight comparison of tax rates to determine whether a property is affordable or unaffordable gives an incomplete and unrealistic picture of property taxes. Local governments with higher property tax rates, for example, may have higher rates because the assessed values of properties in the community are low, resulting in a fairly low tax bill for any given property

Real estate taxes are levied on land and buildings and provide the primary revenue streams for counties and school districts throughout Virginia. In Virginia, cities are also autonomous counties. Additionally, real estate taxes levied for schools are collected through the same property tax levied to fund the City's general fund. The Lynchburg School District essentially functions as a City department, and receives an allocation from the general budget. Using the effective tax rate, each taxing jurisdiction levies a uniform tax rate per $100 of assessed value. By mandate of the State of Virginia, assessments occur at 100% of property value. The effective assessment level in Lynchburg is typically near 98% of market rate, due to minor errors in assessment. Since the effective assessment is near 100% of market value, no equalization factor is used in Virginia on assessed properties.

By state mandate, assessments occur on every odd numbered year. Regularly updating City property assessments minimizes the potential for inequity in the system of taxation as changes in assessed value keep pace with changes in market value across the board. This ensures that neighborhoods that are in decline will not be overtaxed, and that those that are prospering in neighborhoods of increasing value are not undertaxed.

When compared with similarly sized cities in Virginia, (populations between 40,000 and 100,000) Lynchburg had the second highest tax rate charging $1.11 per $100 of assessed value, effective in 2013. While this real estate tax rate is generally much lower than municipalities in the Northeast and Midwest, it is high compared to rural counties across the state. Rural counties generally provide fewer services than Virginia's urban jurisdictions. The three counties listed in Figure 4-6 surround the City Lynchburg, and all have tax rates less than half the rate of the City.

According to information provided by the City's Budget Division and Assessor's Office, the City is moderately reliant on property taxes to fund the City's general budget. Approximately 31% of the City's general budget is funded through property taxes.

Figure 4-6
Millage Rates by Taxing Body, 2013

Comparable Virginia Municipalities/ Counties	Tax Rate
Roanoke	1.190
Lynchburg	**1.110**
Alexandria	1.038
Suffolk	1.030
Charlottesville	0.950
Danville	0.730
Harrisonburg	0.630
Amherst County	0.540
Campbell County	0.530
Bedford County	0.500

Source: Various Municipal & County Assessment Departments

The City offers tax relief to low-income seniors above 65 years of age or persons with disabilities. The homeowner and spouse (if applicable) must gross $32,500 or less and have a net worth less than $60,000. This tax relief provides an exemption to the first $4,000 of assessed real estate. The City also provides a complete tax exemption for disabled veterans. To receive this benefit, the veteran must either own the home outright or jointly with his/her spouse and the disability must be a 100% service-connected disability, which is permanent and total, certified by the Department of Veterans Affairs. A surviving spouse may also be eligible for the exemption if the spouse has not remarried and the death occurred since 2011.

Exemptions are also provided for certain rehabilitated and renovated residential, commercial, and industrial structures. To be eligible for the residential exemption, the rehabilitation/renovation must be older than 50 years, and improve the assessed value of the property by at least 40%. The exemption is effective for 15 years commencing on July 1st for any work done in the preceding year. Additionally, a partial real estate tax exemption is offered to new multi-family developments constructed on vacant land.

J. Public Transit

Households without a vehicle, which in many cases are low-moderate income households, are at a disadvantage in accessing jobs and services, particularly when public transit is inadequate or absent. Access to public transit is critical to these households. Without convenient access, employment is potentially at risk and the ability to remain housed is threatened. The linkages between residential areas (of minority concentrations and LMI persons) and employment opportunities are key to expanding fair housing choice.

Figure 4-7
Means of Transportation to Work 2011, by Race and Ethnicity

	Total		White		Black		Asian		Hispanic	
Drove Alone	24,957	77.4%	17,801	80.5%	6,359	74.3%	400	59.4%	682	57.7%
Carpool	3,472	10.8%	2,093	9.5%	880	10.3%	119	17.7%	440	37.2%
Public Transit	1,131	3.5%	305	1.4%	756	8.8%	63	9.4%	3	0.3%
Walked	1,493	4.6%	1,036	4.7%	285	3.3%	75	11.1%	38	3.2%
Taxi, motorcycle, bike or other means	235	0.7%	117	0.5%	118	1.4%	0	0.0%	0	0.0%
Worked at home	959	3.0%	758	3.4%	165	1.9%	16	2.4%	19	1.6%
Total	32,247	100.0%	22,110	100.0%	8,563	100.0%	673	100.0%	1,182	100.0%

Source: ACS 2007-2011 Census (B08105A,B,D,I)

According to the 2007-2011 American Community Survey, there were 1,131 transit-dependent households in Lynchburg, comprising 3.5% of all households. Asian and Hispanic households were far less likely to drive alone to work than White and Black households. Of all White and Black households, 80.5% and 74.3%, respectively, drove to work alone. Of all Asian and Hispanic households, 59.4% and 57.7%, respectively, drove to work alone. At 11.1%, Asian households were the group most likely to walk to work, and Hispanic households at 37.2% were the most likely to carpool.

Black and Asian households used public transit at much higher rates than White and Hispanic households. Citywide, 8.8% of Black and 9.4% of Asian households used public transit compared to 1.4% of White and 0.3% of Hispanic households.

Lynchburg is served by the Greater Lynchburg Transit Company (GLTC). GLTC also serves Amherst County. The GLTC has a fleet of eight buses and four para transit vehicles. The transit system offers 14 routes during the week and 11 on Sunday. Buses run between 6 a.m. and 8:30 p.m during the week and on Saturdays. Due to budget constraints, Sunday service was discontinued as of January 15, 2012. Most buses run on an hourly schedule with the exception of a few, which run every two hours. A lack of service during the evening and night creates a challenge for low-income residents who work second or third shifts.

Areas with the highest level of service include the Central Business District, the surrounding neighborhoods of Miller Park, College Hill, Lynchburg College, the West End, and Liberty University. Neighborhoods in southwestern Lynchburg along Timberlake Road and beyond the Lynchburg Expressway receive a moderate level of service. Areas in northern and northwest Lynchburg surrounding Boonsboro Road receive very limited bus service. Map 4-3 illustrates the location of all GLTC bus lines.

Fare rates on GLTC are $2.00 with a free transfer. Rates are discounted for seniors at $1 and paratransit rides cost $4.

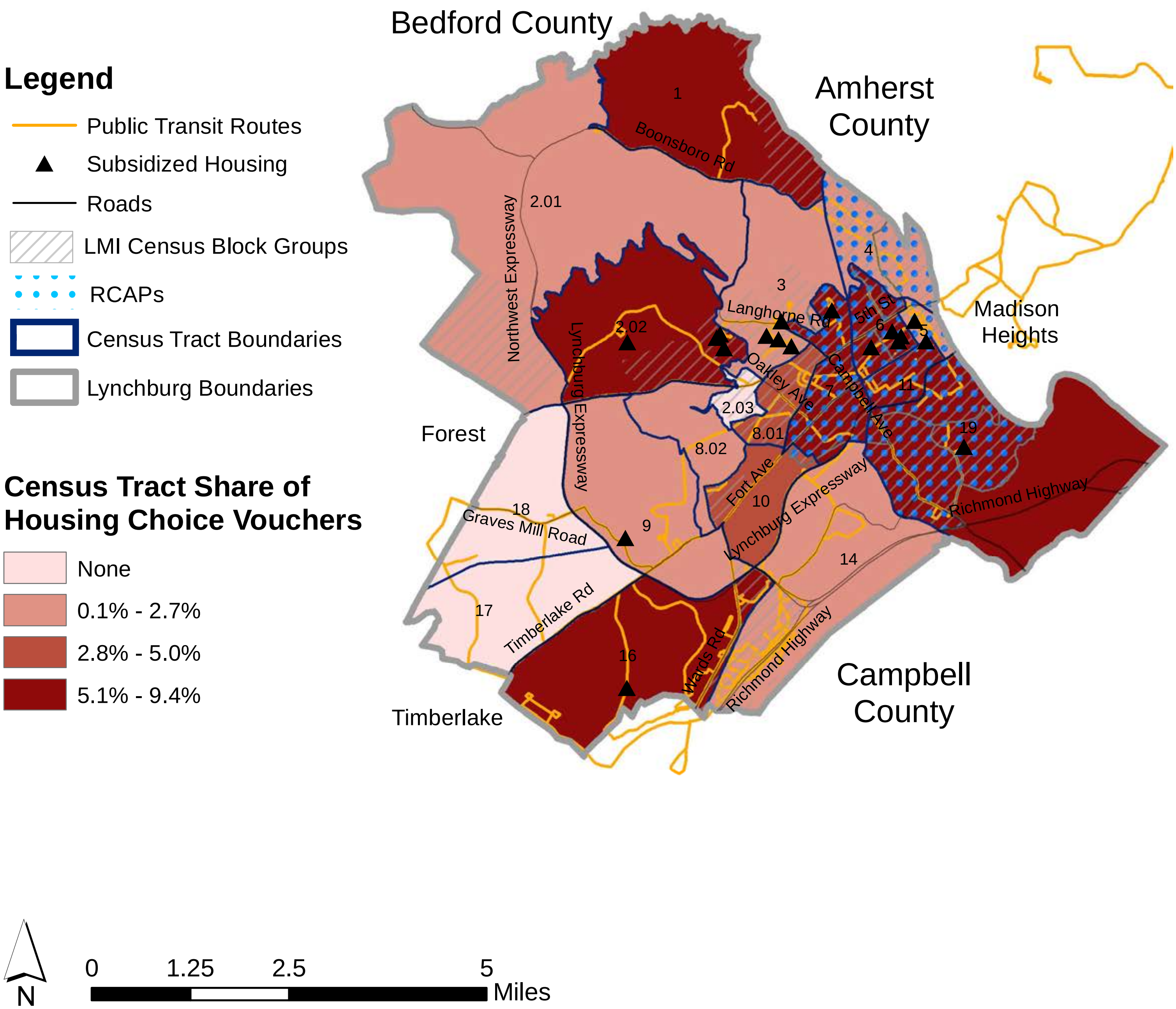
The Central Business District and surrounding neighborhoods, as well as Lynchburg College and Liberty University, receive a very high level of public transit service.

Public transit service is limited in the remaining parts of the City, especially in areas north and northwest of the Central Business District.

Map 4-3: Comparison of Public Transit with Affordable Housing

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: Lynchburg Redevelopment & Housing Authority
Greater Lynchburg Transit Authority



1. Location of Routes and Affordable Housing

Fixed-route buses provide service to public housing and subsidized rental housing sites across the City, yet bus service to developing areas that likely supply entry-level employment is limited.

Map 4-3 compares existing transit routes to public and affordable housing sites. The basemap displays the percentage of voucher units by census tract. This is overlaid with all bus routes and subsidized housing projects. The map shows a concentration of public transit options in Downtown with many parallel lines extending southwest from Downtown towards Lynchburg College and Liberty University. With the exception of the bus line on Rivermont and Boonsboro, public transit is limited in areas north and northwest of Downtown.

Almost all of the subsidized rental housing sites are located near public transit. And the majority of census tracts with a large number of voucher units are located near public transit. As a result, many LMI neighborhoods in the City are serviced by GLTC, providing residents with public transit.

2. Accessibility

All GLTC buses and paratransit vehicles are equipped with wheelchair lifts or ramps, in accordance with the American with Disabilities Act (ADA). Seven out of eight buses and one out of four paratransit vehicles also have bike racks.

3. Transportation Planning

A Transportation section is included in Lynchburg's Comprehensive Plan. Below are the two goals included in the Plan:

Supportive Transportation System: Provide safe, efficient, effective, and well-planned transportation system and facilities that enhance the economic development and redevelopment opportunities while preserving the integrity and character of the affected neighborhoods, historic districts, downtown, and natural resources.

Better Street and Enhanced Mobility: Enhance mobility for all residents through safe and convenient access to transportation choices that attend to the needs of pedestrians, bicyclists, transit riders, and motorists. Streets should help move goods and people, while accommodating trees, stormwater, and other utilities that enhance Lynchburg's livability.

A "Better Streets Policy" was identified in the Transportation Section, which builds upon the second goal of Better Streets and Enhanced Mobility. The policy states: "*Better Streets serve all modes of transportation and are designed to support the delivery of all services while enhancing neighborhood character, providing sustainable infrastructure, improving energy efficiency, improving stormwater quality, and protecting natural resources".*

The Better Street Policy and the "Better Street and Enhanced Mobility" goal translate into a number of policies that benefit low-income residents who have limited access to cars. This includes the policy to coordinate transportation and mobility enhancements with increased neighborhood density and mixed-use development. Another policy promotes transit supported design for developments within walking distance of existing and proposed transit options.

Fair Housing Achievement

The transportation section of the Comprehensive Plan incorporates policies that will have the effect of affirmatively furthering fair housing.

These include a focus on creating multi-modal transportation options in developing areas and traditional City neighborhoods, and coordinating transportation and mobility enhancements with increased neighborhood density and mixed-use development. Multi-modal and mixed-use neighborhoods provide better mobility and transportation options for low-income residents who often do not own a vehicle.

5. PRIVATE SECTOR POLICIES

A. Mortgage Lending Practices

Home Mortgage Disclosure Act

Under the terms of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (F.I.R.R.E.A.), any commercial lending institution that makes five or more home mortgage loans annually must report all residential loan activity to the Federal Reserve Bank under the terms of the Home Mortgage Disclosure Act (HMDA). The HMDA regulations require most institutions involved in lending to comply and report information on loans denied, withdrawn, or incomplete by race, sex, and income of the applicant. The information from the HMDA statements assists in determining whether financial institutions are serving the housing needs of their communities. The data also helps to identify possible discriminatory lending practices and patterns.

The most recent HMDA data available for Lynchburg is from 2010 to 2012. Reviewing this data helps to determine the need to encourage area lenders, other business leaders and the community at large to actively promote existing programs and develop new programs to assist residents in securing home mortgage loans for home purchases. The data focus on the number of homeowner mortgage applications received by lenders for home purchases of one- to four-family dwellings and manufactured housing units across the City. The information provided is for the primary applicant only. Co-applicants were not included in the analysis. In addition, where no information is provided or categorized as not applicable, no analysis has been conducted due to lack of information. Figure 5-1 summarizes three years of HMDA data by race, ethnicity, and action taken on the applications, followed by detailed analysis. Grouping all three years of data into the analysis increases the likelihood that differences among groups are statistically significant. This is especially important in view of the data on mortgage application denials, which also suggests differences according to race and ethnicity.

1. Home Mortgage Trends

Across Lynchburg during the last three years, lenders received 2,594 home purchase mortgage applications, 4,808 applications for mortgage refinancing, and 467 applications for home improvement equity loans.

While refinancing loans were the most common application type, home purchase loans were the most likely to be approved with 51.3% of loan applicants receiving approval.[21]

The frequency of loan applications withdrawn or deemed incomplete was low across all loan categories. Refinancing loans were withdrawn or deemed incomplete 10.6% of the time, nearly matching the combined withdrawal/incomplete percentage of both home purchase and home improvement loans. Denial rates for home purchase and refinancing loans were low at 7.8% and 12.8%, respectively. Home improvement loans, on the other hand, were denied 43.7% of the time.

[21] Originated loans means that the loan has been approved and then signed-off by the participating bank.

Figure 5-1
Cumulative Mortgage Data Summary Report, 2010-2012

	Total Applicants*		Originated		Approved, Not Accepted		Denied		Withdrawn/ Incomplete	
	#	%	#	%	#	%	#	%	#	%
Loan Purpose										
Home Purchase	2,594	33.0%	1,330	51.3%	42	1.6%	203	7.8%	156	6.0%
Refinancing	4,808	61.1%	2,373	49.4%	126	2.6%	615	12.8%	508	10.6%
Home Improvement	467	5.9%	197	42.2%	18	3.9%	204	43.7%	22	4.7%
Loan Type										
Conventional	5,146	65.4%	2,720	52.9%	131	2.5%	736	14.3%	376	7.3%
FHA	2,256	28.7%	951	42.2%	45	2.0%	223	9.9%	276	12.2%
VA	446	5.7%	220	49.3%	10	2.2%	61	13.7%	33	7.4%
FSA/ RHS	21	0.3%	9	42.9%	0	0.0%	2	9.5%	1	4.8%
Property Type										
One- to Four-Family Unit	7,809	99.2%	3,897	49.9%	175	2.2%	981	12.6%	682	8.7%
Manufactured Housing Unit	60	0.8%	3	5.0%	11	18.3%	41	68.3%	4	6.7%
Applicant Race										
White	5,434	69.1%	3,212	59.1%	124	2.3%	594	10.9%	1,390	25.6%
Black	941	12.0%	375	39.9%	37	3.9%	277	29.4%	232	24.7%
Asian	85	1.1%	47	55.3%	2	2.4%	16	18.8%	20	23.5%
American Indian/Alaska Native	19	0.2%	7	36.8%	0	0.0%	9	47.4%	2	10.5%
Hawaiian/Pacific Islander	8	0.1%	4	50.0%	0	0.0%	1	12.5%	2	25.0%
Hispanic**	114	1.4%	49	43.0%	4	3.5%	24	21.1%	28	24.6%
No Information	578	7.3%	250	43.3%	23	4.0%	126	21.8%	144	24.9%
Not Applicable	777	9.9%	5	0.6%	0	0.0%	1	0.1%	777	100.0%
Total	**7,869**	**100.0%**	**3,900**	**49.6%**	**186**	**2.4%**	**1,024**	**13.0%**	**2,567**	**32.6%**

* Total Applications do not include loans purchase by another institution.

** Hispanic ethnicity is counted independently of race.

Source: 2010-2012 Federal Financial Institutes Examination Council, Home Mortgage Disclosure Act database

2. Applicant Characteristics

Applications by Type of Loan

Conventional loans had the highest application percentage at 65.4% all loan applications. An additional 28.7% of loans applications were for loans insured by the Federal Housing Administration (FHA), a type of federal assistance that has historically benefited lower-income residents. A much smaller percentage of applications, 5.7%, were for loans backed by the Department of Veteran Affairs (VA) and 21 (less than 1%) loan applications were backed by the Farm Services Administration or Rural Housing Service (FSA/RHS).

Applications by Type of Home

The majority of applications involved one-to-four family housing structures, with only 60 applications (less than 1%) requesting financing for manufactured units. The denial rate for manufactured units, 68.3%, was substantially higher than the overall denial rate of 12.6% for all housing types. Loans for manufactured units were also more likely to be approved, but not accepted by the applicant, than loans involving one-to-four family housing structures.

Applications by Race and Ethnicity

After subtracting out loans applications categorized as No Information or Not Applicable from the Applicant Race section, the percentage of loan applicant households by race are as follows: 83% White, 14.4% Black, 1.3% Asian, and 1.7% Hispanic. Large discrepancies existed between the representation by race and ethnicity of loan applicants and the City's racial/ethnic composition. While 27.6% of all Lynchburg households were Black in 2011, only 14.4% of all loan applications were from Black households. Similarly, while 2.3% of households were Hispanic, only 1.7% of all loan applications were from Hispanic households. Asian households, which comprised 1.7% of all households, represented 1.3% of all loan applications. Conversely, White households represented 83% of all loan applications but only 66% of all households. Lower participation in the market for home mortgages by Black and Hispanic households is likely a reflection of the lower median income of these groups.[22]

Applications by Race/Ethnicity and Purpose of Loan

With the exception of the Other racial group, the percentage of loan applications was similar across racial and ethnic groups. The most frequent loan type was refinancing, comprising over 50% of all loan applications for each racial/ethnic group. The Other racial group had the highest percentage of refinance loans than any other racial/ethnic group at 81.5% and Whites had the second highest percentage at 59.7%. Blacks had the highest percentage of home improvement loans at 14.1%, followed by the Other racial group at 7.4%. Asians had the highest percentage of home purchase loans at 42.4%, followed by Whites at 35.3%.

[22] Household by race data came from the ACS 2007-2011 (B11001 A,B,D,I)

Figure 5-2
Loan Application Purpose by Race and Ethnicity, 2010-2012

	Total	White	Black	Asian	Other*	No data	Hispanic**
Home purchase	2,594 **33.0%**	1,926 **35.3%**	261 **27.7%**	36 **42.4%**	3 **11.1%**	368 **27.2%**	37 **32.5%**
Refinance	4,808 **61.1%**	3,261 **59.7%**	547 **58.1%**	47 **55.3%**	22 **81.5%**	931 **68.7%**	70 **61.4%**
Home improvement	467 **5.9%**	274 **5.0%**	133 **14.1%**	2 **2.4%**	2 **7.4%**	56 **4.1%**	7 **6.1%**
Total	7,869 **100.0%**	5,461 **69.4%**	941 **12.0%**	85 **1.1%**	27 **0.3%**	1,355 **17.2%**	114 **1.4%**

Note: Percentages within racial/ethnic groups are calculated within each group's total.
*Other includes American Indian/ Alaskan Native, and Hawaiian
**Hispanic ethnicity is counted independently of race.
Source: Federal Financial Institutions Examination Council, 2010 to 2012

Black and Hispanic households were severely underrepresented in loan applications compared to their share of the City's total households.

While Black households represented 27.6% of total households in 2011, only 14.4% of all loan applications came from Black households. Similar trends occurred with Hispanic households. This contrasts sharply with White households, which represented 83% of all applications even though White households comprised 66% of all City households.

3. Geographic Distribution of Approvals by Lender

Figure 5-3 provides a summary of the top ten lenders in Lynchburg based on the total number of loan originations between 2010 and 2012. Wells Fargo Bank was the top lender in the City with 1,094 originations during the three-year period, accounting for 13.9% of all loans originated. The second highest was Branch Bank and Trust Company originating 841 (10.7%) of all loans. Those two banks represented nearly a quarter of all loan originations in the City.

Figure 5-3

Top 10 Lenders by Number of Originations, 2010-2012

Lending Institution	# of Loans Originated	% of Total Loans Originated
Wells Fargo Bank, NA	1,094	13.9%
Branch Bank and Trust Company	841	10.7%
Advanced Financial Services	621	7.9%
Bank of America	579	7.4%
Carolina Bank	422	5.4%
Sun Trust Bank	403	5.1%
US Bank, NA	327	4.2%
JP Morgan Chase Bank, NA	178	2.3%
Quicken Loans Inc.	170	2.2%
CITI Bank, Inc.	162	2.1%
Loans Originating from Top 10 Lenders	**4,797**	**61.0%**
Total Loans Originated	**7,869**	**100.0%**

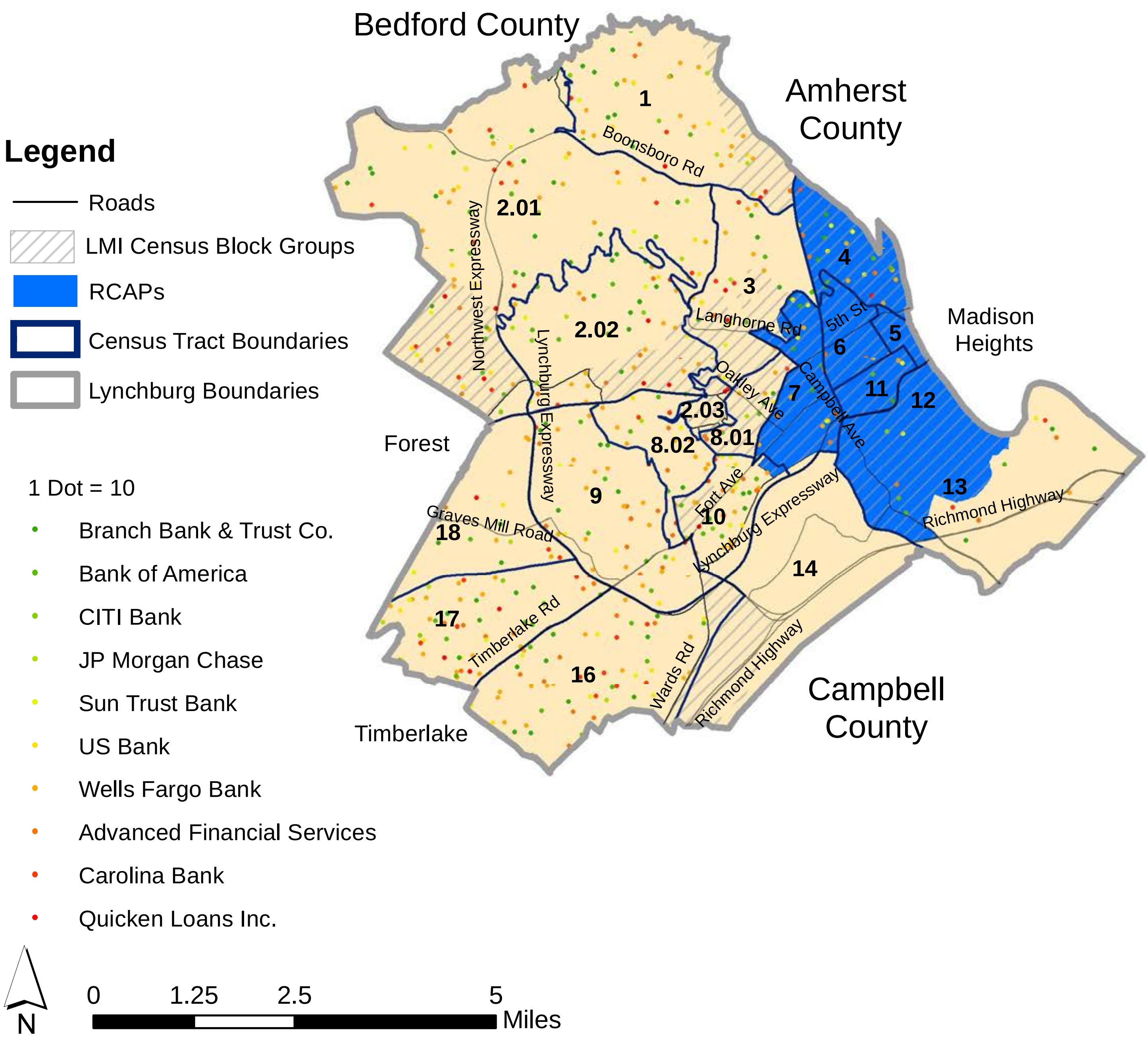
Source: Federal Financial Institutions Examination Council, 2010 to 2012

Map 5-1 illustrates the distribution of originations for the top ten lenders, with each dot representing 10 mortgage loan originations. Generally, the map displays less originations occurring in RCAPs than other heavily populated areas of the City. Many LMI areas that were not Black concentrated areas of poverty had a high number of originations, especially in the area just west of the Central Business District near Lynchburg College. A high number of originations also occurred in the northern and western areas of the City, which were neither LMI nor Black concentrated areas of poverty.

Map 5-1: Distribution of Originations by Lender, 2010-2012

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: Federal Financial Institutions Examination Council, 2010-2012



4. Mortgage Application Denials

Reasons for Denial

Between 2010 and 2012, a total of 1,024 mortgage loan applications were denied in Lynchburg. The overall cumulative denial rate was 13% with denials by race and ethnicity ranging from 10.9% for Whites to 29.4% for Blacks.

In reporting denials, lenders are required to list at least one primary reason for the denial and may list up to two secondary reasons. As Figure 5-4 demonstrates, the primary basis for the rejection of a majority of loan applications was credit history.

Denials and the Protected Classes

Among Blacks and Hispanics, credit history was the most common reason for denial. Among Asians for whom reasons were given, insufficient collateral was the most common reason for denial.

Figure 5-4
Primary Reason for Mortgage Application Denial by Race, 2010-2012

	Total	White	Black	Asian	Other*	Hispanic**	No Info
Collateral	13.3%	18.2%	5.1%	18.8%	0.0%	8.3%	8.8%
No Reason Given	24.4%	19.2%	32.5%	25.0%	30.0%	8.3%	30.4%
Credit History	26.3%	20.5%	41.2%	6.3%	20.0%	33.3%	24.0%
Debt-to-Income Ratio	16.1%	18.5%	10.1%	12.5%	30.0%	29.2%	17.6%
Other	8.2%	9.9%	5.1%	12.5%	10.0%	12.5%	6.4%
Incomplete Application	5.2%	6.1%	2.5%	0.0%	10.0%	4.2%	7.2%
Insufficient Cash	1.9%	1.3%	1.8%	12.5%	0.0%	0.0%	3.2%
Unverifiable Information	3.2%	4.4%	1.1%	6.3%	0.0%	4.2%	2.4%
Employment History	14.1%	9.9%	5.1%	12.5%	10.0%	12.5%	6.4%
Insurance Denied	0.1%	0.0%	0.4%	0.0%	0.0%	0.0%	0.0%

*Other includes American Indian/ Alaskan Native, and Hawaiian

** Hispanic ethnicity is counted independently of race.

Source: Federal Financial Institutions Examination Council, 2010 to 2012

All minority groups had mortgage denial rates higher than Whites.

Furthermore, an analysis of HMDA data for 2010 to 2012 revealed a higher rate of home mortgage loan denials within the City's RCAPs, areas of lower income Black residents, than elsewhere in Lynchburg.

5. Mortgage Denials and Income

Classifying Income

For this analysis, lower-income households include those with incomes between 0% and 80% of median family income (MFI), while upper-income households include those with incomes above 80% MFI. Applications made by lower-income households accounted for 56.8% of all denials between 2010 and 2012, although they accounted for only 38.8% of total applications for those three years.

Denials by Income, Race, and Ethnicity

Between 2010 and 2012, a total of 970 mortgage loan applications were denied in Lynchburg. The overall cumulative denial rate was 14.3% with denials by race and ethnicity ranging from 10.8% for Whites to 31.4% for Blacks.

Among lower-income households, denial rates were generally higher for Black and Hispanic households. While the overall lower-income denial rate was 21%, the denial rates for lower-income Black and Hispanic households were 37.5% and 34%, respectively. Lower-income Asian and White households had significantly lower denial rates at 16.7% and 15.7%, respectively.

While denial rates were generally lower for upper-income households, differences persisted across racial and ethnic groups. Upper-income White households experienced denials at 8.2%. This contrasted significantly with upper-income denial rates for Black, Hispanic, and Asian households, which experienced denials at 22.5%, 19.6%, and 10.2%, respectively. Upper-income minority households experienced denials at much higher rates than lower-income White households. Lower-income White households had a denial rate of 15.7% while upper-income Black, Asian, and Hispanic households had rates of 31.4%, 18.8%, and 22.2%, respectively. This trend of significantly higher denial rates amongst minority households in comparison to White households, regardless of income level, is a pattern that is consistent with discrimination.

Map 5-2 illustrates the census tracts in Lynchburg where mortgage denial rates were above 14.3%, the citywide average. Areas with denial rates in this range included all the RCAPs, areas in central Lynchburg, and areas along the Campbell County border. The majority of LMI areas also had denial rates above 14.3%.

Figure 5-5
Mortgage Application Denials by Household Race/Ethnicity, 2010-2012

		Total	White	Black	Asian	Other**	No data	Hispanic*
Lower-Income	Total Applications	2,628	1,840	507	24	6	251	50
	Denials	551	288	190	4	4	65	17
	% Denied	**21.0%**	**15.7%**	**37.5%**	**16.7%**	**66.7%**	**25.9%**	**34.0%**
Upper-Income	Total Applications	4,148	3,346	346	56	20	380	49
	Denials	419	274	78	11	6	50	5
	% Denied	**10.1%**	**8.2%**	**22.5%**	**19.6%**	**30.0%**	**13.2%**	**10.2%**
Total	Total Applications	6,776	5,186	853	80	26	631	99
	Denials	970	562	268	15	10	115	22
	% Denied	**14.3%**	**10.8%**	**31.4%**	**18.8%**	**38.5%**	**18.2%**	**22.2%**

Note: Total also includes 1,093 applications for which no income data was reported.
* Hispanic ethnicity is counted independently of race.

**Small sample size may make analysis unreliable.

Source: Federal Financial Institutions Examination Council, 2010 to 2012

Map 5-2: Mortgage Denial above 14.3% by Census Tract, 2010-2012

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: Federal Financial Institutions Examination Council, 2010-2012

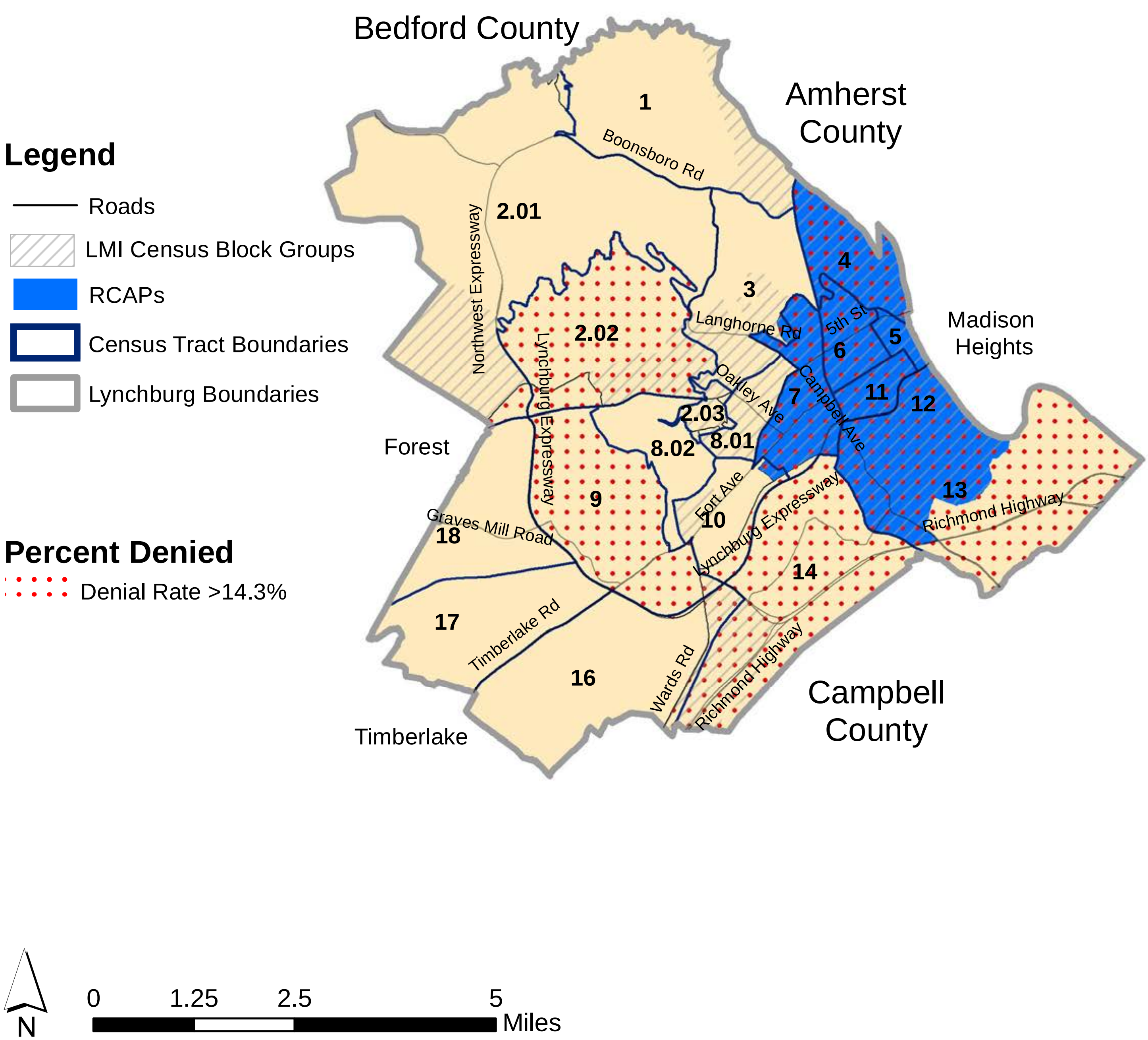
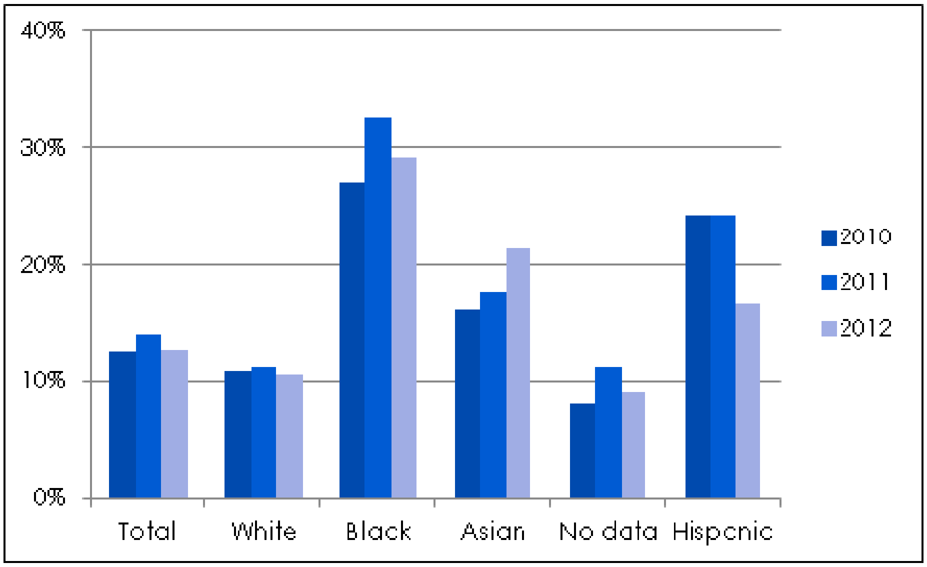


Figure 5-6
Trends in Mortgage Application Denials by Household Race/Ethnicity, 2010-2012



Over the course of the three years, lower-income and upper-income minority households were denied mortgage loans at significantly higher rates than corresponding lower-income and upper-income White households. Most significantly, upper-income Black and Asian households were denied at higher rates than lower-income White households.

Among lower-income White households, 15.7% of applications were denied compared to 31.4% and 19.6% of upper-income Black and Asian households, respectively.

6. High-Cost Lending

Defining High-Cost Lending

The widespread housing finance market crisis of recent years has brought a new level of public attention to lending practices that victimize vulnerable populations. Subprime lending, designed for borrowers who are considered a credit risk, has increased the availability of credit to low-income persons. At the same time, subprime lending has often exploited borrowers by piling on excessive fees, penalties, and interest rates that make financial stability difficult to achieve. Higher monthly mortgage payments make housing less affordable, increasing the risk of mortgage delinquency and foreclosure and the likelihood that properties will fall into disrepair.

Some subprime borrowers have credit scores, income levels, and down payments high enough to qualify for conventional, prime loans, but are nonetheless steered toward more expensive subprime mortgages. This is especially true of minority groups, which tend to fall disproportionately into the category of subprime borrowers. The practice of targeting minorities for subprime lending qualifies as mortgage discrimination.

Since 2005, HMDA data has included price information for loans priced above reporting thresholds set by the Federal Reserve Board. This data is provided by lenders via Loan Application Registers and can be aggregated to complete an analysis of loans by lender or for a specified geographic area. HMDA does not require lenders to report credit scores for applicants, so the data does not indicate which loans are subprime. It does, however, provide price information for loans considered “high-cost.”

A loan is considered high-cost if it meets one of the following criteria:

- A first-lien loan with an interest rate at least three percentage points higher than the prevailing U.S. Treasury standard at the time the loan application was filed. The standard is equal to the current price of comparable-maturity Treasury securities
- A second-lien loan with an interest rate at least five percentage points higher than the standard

Not all loans carrying high APRs are subprime, and not all subprime loans carry high APRs. However, high-cost lending is a strong predictor of subprime lending, and it can also indicate a loan that applies a heavy cost burden on the borrower, increasing the risk of mortgage delinquency.

High-Cost Loans in Lynchburg

Between 2010 and 2012, there were 3,537 originated home purchase loans, refinance loans, or home improvement loans made for single-family or manufactured units in Lynchburg. Of this total, 79 (2.2%) reported high-cost mortgages. Overall, upper-income households were less likely to have high-cost mortgages than lower-income households.

High-Cost Loans and Race/Ethnicity

An analysis of loans in Lynchburg by race and ethnicity reveals that Black households are overrepresented in high-cost lending. Among lower-income and upper-income Black households, 3.7% of mortgages were high-cost in comparison to 2.0% among White households. Lower-income Asian households had the highest percentage of high-cost loans at 7.7%. However, considering the small sample size from Asian and Hispanic households, the analysis may be unreliable. Refer to Figure 5-7 for more details.

Figure 5-8 shows the distribution of high-cost loans by racial/ethnic groups over individual years. The trends show general decreases in high-cost lending among all racial/ethnic groups since 2010.

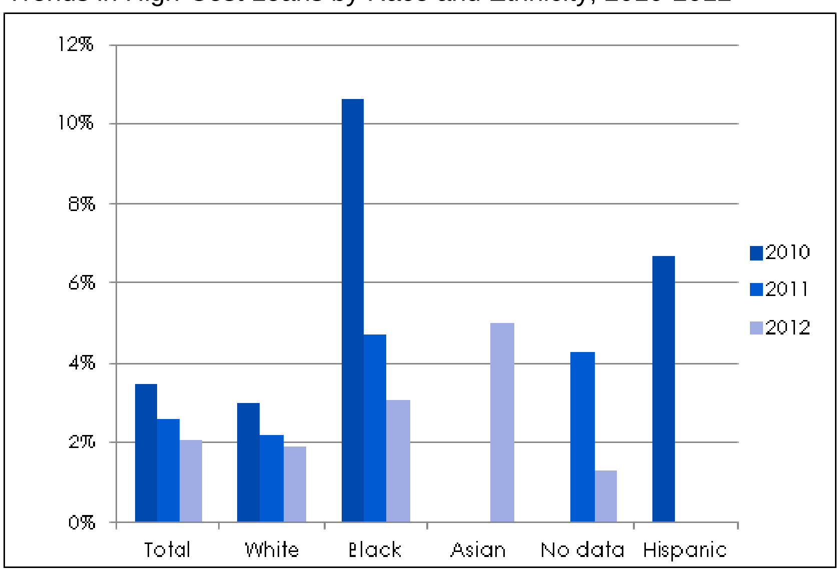
Map 5-3 depicts the distribution of high-cost loans by census tract across the City and highlights areas with high-cost rates of greater than 5%. High-cost loans were concentrated in the southeastern census tracts of Lynchburg. The majority of these census tracts were located in the identified RCAPs. Other census tracts with higher rates of high-cost loans were adjacent to the RCAPs.

Figure 5-7
High-Cost Loans by Race and Ethnicity, 2010-2012

		Total	White	Black	Asian**	Other**	No data	Hispanic*
Lower-Income	Total Originations	1,269	1,006	179	13	1	70	18
	High-Cost	38	28	8	1	0	1	0
	% High-Cost	**3.0%**	**2.8%**	**4.5%**	**7.7%**	**0.0%**	**1.4%**	**0.0%**
Upper-Income	Total Originations	2,268	2,044	147	31	10	36	25
	High-Cost	41	34	4	0	0	3	0
	% High-Cost	**1.8%**	**1.7%**	**2.7%**	**0.0%**	**0.0%**	**8.3%**	**0.0%**
Total	Total Originations	3,537	3,050	326	44	11	106	43
	High-Cost	79	62	12	1	0	4	0
	% High-Cost	**2.2%**	**2.0%**	**3.7%**	**2.3%**	**0.0%**	**3.8%**	**0.0%**

Note: Total also includes 365 loans for which no income data was reported.
* Hispanic ethnicity is counted independently of race.
**Small sample size may make analysis unreliable.
Source: Federal Financial Institutions Examination Council, 2010 to 2012

Figure 5-8
Trends in High-Cost Loans by Race and Ethnicity, 2010-2012



Due to small sample size the analysis for Asians and Hispanics may be unreliable.

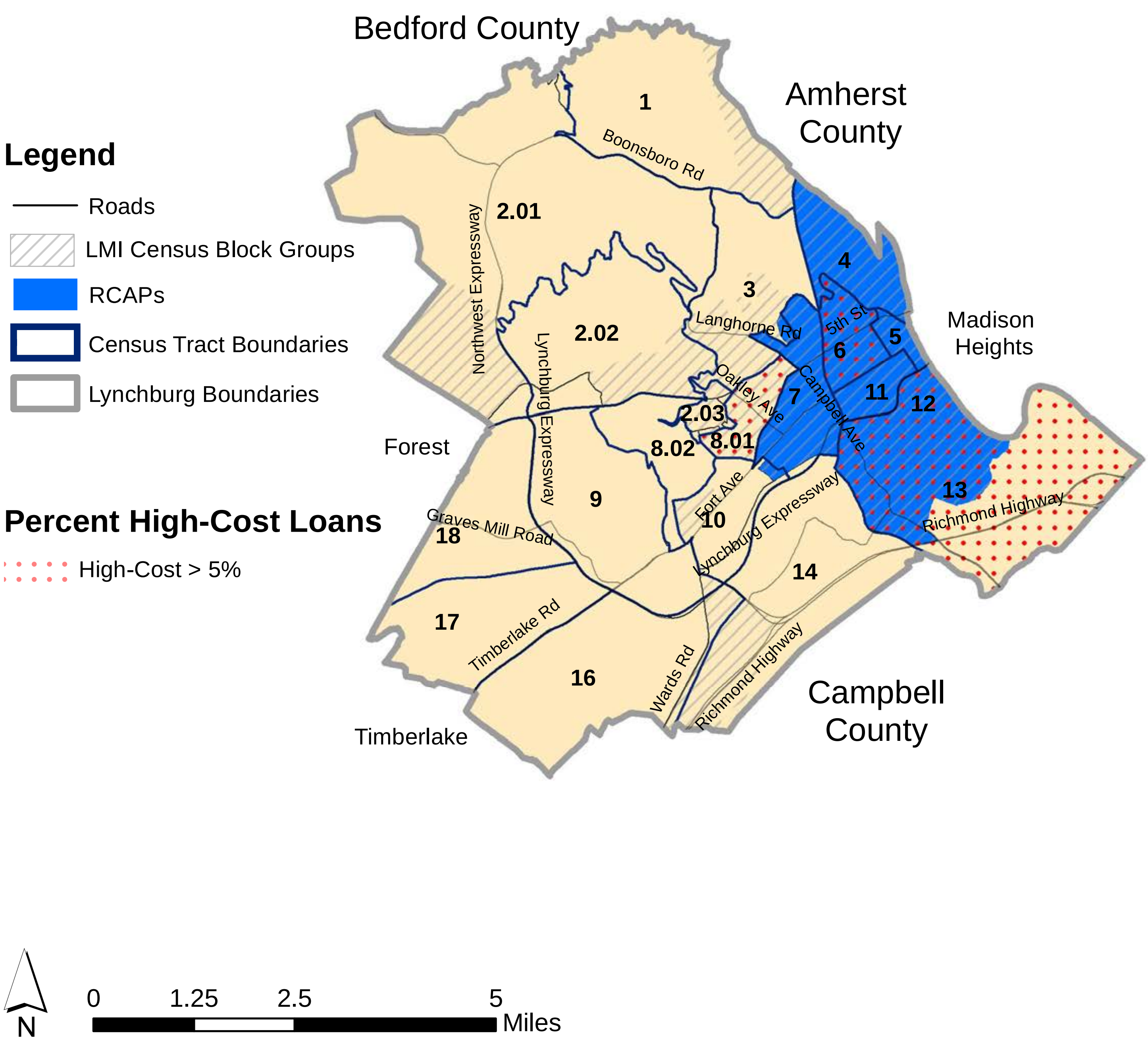
All of the City's high-cost loan originations occurred in the southeastern area of Lynchburg.

Black households, regardless of income level, were more likely than any other racial or ethnic group to receive high-cost mortgages. This was further substantiated as the majority of high-cost loans were made in census tracts identified as RCAPs.

Map 5-3: High-Cost Loans by Census Tract, 2010-2012

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: Federal Financial Institutions Examination Council, 2010-2012



Annual Trends in High-Cost Loans

The number of high-cost originations decreased from 3.5% of all loans to 2.1% between 2010 and 2012. This information is shown in Figure 5-8 and Figure 5-9.

7. Annual Trends in Mortgage Lending

Historic Lending Trends

Studying mortgage application data on an annual basis allows insight into the influence of housing market trends on the behavior of applicants and banks. Figure 5-9 illustrates this annual change.

Housing markets across the country have experienced steep declines in sales volume and mortgage applications since the recession as a result of buyer reluctance in an unstable market and stricter underwriting criteria by lenders. However, there are signs in Lynchburg that the housing market is improving. While the number of applications decreased 7.3% between 2010 and 2011, an increase of 13% occurred between 2011 and 2012.

Change in Lending by Race and Ethnicity

Trends in loan origination followed similar trends in applications between 2010 and 2012. Loan originations decreased 16.9% between 2010 and 2011 and increased 11.8% between 2011 and 2012.

Figure 5-9
High-Cost Home Purchase Loans by Race and Ethnicity, 2010-2012

	2010		2011		2012	
	#	%	#	%	#	%
Total loans						
Applied for	**2850**	**100.0%**	**2356**	**100.0%**	**2663**	**100.0%**
Black	337	11.8%	281	11.9%	323	12.1%
White	1976	69.3%	1672	71.0%	1813	68.1%
Asian	31	1.1%	17	0.7%	37	1.4%
Hispanic*	33	1.2%	33	1.4%	48	1.8%
Other race	5	0.2%	10	0.4%	12	0.5%
No information/NA	501	17.6%	376	16.0%	478	17.9%
Originated	**1413**	**49.6%**	**1174**	**49.8%**	**1313**	**49.3%**
Black	141	41.8%	107	38.1%	127	39.3%
White	1147	58.0%	986	59.0%	1079	59.5%
Asian	17	54.8%	10	58.8%	20	54.1%
Hispanic*	15	45.5%	15	45.5%	19	39.6%
Other race	3	60.0%	1	10.0%	7	58.3%
No information/NA	105	21.0%	70	18.6%	80	16.7%
Originated - High Cost	**49**	**3.5%**	**30**	**2.6%**	**27**	**2.1%**
Black	15	10.6%	5	4.7%	4	3.1%
White	34	3.0%	22	2.2%	21	1.9%
Asian	0	0.0%	0	0.0%	1	5.0%
Hispanic*	1	6.7%	0	0.0%	0	0.0%
Other race	0	0.0%	0	0.0%	0	0.0%
No information/NA	0	0.0%	3	4.3%	1	1.3%
Denied	**354**	**12.4%**	**329**	**14.0%**	**339**	**12.7%**
Black	91	27.0%	92	32.7%	94	29.1%
White	215	10.9%	187	11.2%	192	10.6%
Asian	5	16.1%	3	17.6%	8	21.6%
Hispanic*	8	24.2%	8	24.2%	8	16.7%
Other race	2	40.0%	5	50.0%	3	25.0%
No information/NA	41	8.2%	42	11.2%	42	8.8%

Note: Data is for home purchase, refinance and improvement loans for owner-occupied one-to-four family and manufactured units. Other application outcomes include approved but not accepted, withdrawn, incomplete or purchase by another institution.

* Hispanic ethnicity is counted independently of race.

**Small sample size may make analysis unreliable.

Source: Federal Financial Institutions Examination Council, 2010-2012

B. Real Estate Practices

Information for this section of the AI was derived from the Lynchburg Association of realtors. The Association serves the City of Lynchburg and the surrounding counties of Amherst, Appomattox, Bedford, and Campbell. The Association functions as the local arm of the Virginia Association of Realtors and the National Association of Realtors.

The Commonwealth of Virginia's Department of Professional and Occupational Regulations (DPOR) oversees the real estate practices in Virginia relative to real estate licensing procedures and the renewal of Realtor licenses.

State law requires that each licensed salesperson accumulate 16 classroom hours of continuing education, eight of which are in legal/ethics topics, every two years. As part of the continuing education classes, licensees are required to receive fair housing training. The Lynchburg Association of Realtors uses several real estate agents and brokers who are DPOR-certified to provide continuing fair housing education to fulfill state licensees. Information regarding fair housing is available on the Association's website. There are also optional and continuing education courses on fair housing available online through the National Association of Realtors and the Virginia Association of Realtors.

The Lynchburg Association of Realtors follows the National Association of Realtors procedures for investigating all allegations of unethical behavior, based on the Realtors Code of Ethics. No fair housing grievances have been filed with the Association in recent memory. The Association does not track the demographics of its membership.

C. Newspaper Advertising

Under federal law, no advertising with respect to the sale or rental of a dwelling may indicate any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin.

Publishers and advertisers are culpable under federal law for making, printing, or publishing advertisements that violate the Fair Housing Act on its face. Thus, they should not publish or cause to be published an advertisement that expresses a preference, limitation, or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin. The law, as found in the Fair Housing Amendments Act of 1988, describes the use of words, photographs, symbols or other approaches that are considered discriminatory.

The News & Advance

For this AI, the Thursday August 1, 2013 classified section of the News & Advance's print edition was reviewed. The newspaper also offers an online classified section and posts the "Real Estate This Week", which features rental and sales listings in the Lynchburg region. These online sections were reviewed mainly for lay-out and usability.

The classified section printed on August 1, 2013 included listings for both rental and sales housing. No questionable language was found in the real estate ads reviewed for this report.

There needs to be more consistency in the News & Advance related to the publisher's policy. The paper inserts the policy in the "Real Estate This Week" publication, but not in the print or online versions of the classified section. Below is the publisher's policy as stated in the "Real Estate This Week" publication.

"We are pledged to the letter and spirit of Virginia's and HUD's equal opportunity housing policies. Virginia's fair housing law makes it illegal to advertise any preference limitation or discrimination based on race, color, religion, national origin, sex, elderliness, familial status, or handicap. This newsletter will not knowingly accept advertising for real estate that violates fair housing law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. For more information about Virginia's Fair Housing Office call (804) 367-8530. Toll free call (888) 551-3247. For the hearing impaired call (804) 367-0975".

The publisher's policy is located only within the Real Estate This Week section of the News and Advance. It should be located in all versions of the paper's real estate ads.

Many advertisements listed the HUD fair housing and accessibility logo in their banner ads. This simple logo encourages more individuals to apply for housing, especially persons with disabilities and those who feel likely to be discriminated against. The online listings were relatively intuitive and easy to use. The two sections listing real estate ads are clearly labeled "Real Estate" and "Classified" across the main heading of the webpage. The "Classified" section displays rental and sales listings from the start of the week. The "Real Estate" publication includes weekly comprehensive listing of rental and sales homes in the region. Also included in the back of the publication is a glossary, which displays the address, price, and page number of each real estate listing.

Fair Housing Achievement

None of the sampled real estate ads reviewed in The News and Advance contained discriminatory language.

The lack of housing discrimination in ads suggests that local newspaper staff are aware of the importance of screening for potentially discriminatory advertising language.

6. Evaluation of Current Fair Housing Profile

A. Fair Housing Policies and Actions since the Previous AI

Lynchburg's last Analysis of Impediments to Fair Housing Choice was completed over 15 years ago. Since the previous AI is outdated, it is more practical to evaluate the degree to which the City has affirmatively furthered fair housing by reviewing its recent Annual Action Plan and CAPER documents.

The 2014 Annual Action Plan lists the following barriers to affordable housing and remedial actions:

- Residential development in CDBG areas remains limited to non-profits and subsidized activity. This is the result of low property values, which make the costs of repairs higher than the value of the renovated property.

  The City sometimes waives development fees for non-profits, which helps to decrease development costs.

- Many of the City's zoning districts are "suburban" in style and are not suited to Lynchburg's "traditional neighborhoods".

  The City is in the process of creating an action plan to revise its zoning ordinance standards.

Actions proposed in the 2014 Annual Action Plan to further fair housing include:

- Fair housing brochures will be available to the public through the CDBG subrecipients and to persons visiting City Hall, the public libraries, and the Community Development Department,
- City staff will participate in the Homeless and Housing Coalition, composed of service providers who prepare the Continuum of Care to address the needs of homeless persons and the special needs of persons that are not homeless but require supportive housing,
- The equal housing opportunity logo will be included on all newspaper ads placed by the Grant Administration Office,
- Provide fact sheets for bulletin boards within work areas and public common area,
- LRHA will continue to post in every building for which Section 8 occupants are located a fair housing poster. There is also a poster in each staff person's office located at 918 Commerce Street,
- A public notice will be published in the News and Advance regarding fair housing rights and telephone numbers for concerned individuals to call if they feel their fair housing rights have been violated, or they want additional information, and

- Information regarding fair housing and Fair Housing Month (April) will be posted on the City of Lynchburg web site.

B. Advocacy Organizations

Lynchburg Community Action Partnership (LYN-CAG) is a non-profit organization that models the “one-stop shop” approach to meeting the needs of low- to moderate- income individuals and families in Central Virginia. LYN-CAG is the only organization in Lynchburg that provides fair housing education. In the past, the organization has sponsored fair housing training to landlords and realtors. This training session, however, was not CDBG supported. LYN-CAG strongly recommends fair housing training for smaller landlords entering the market as they often are unaware of fair housing laws and regulations.

LYN-CAG is the only HUD certified fair housing agency in the region and a Community Housing Development Organization (CHDO). Through the HOME Program, LYN-CAG provides affordable housing rehabilitation, rental housing, first time homebuyer education, weatherization services, transitional housing, and supportive services.

There is a need for more fair housing training, especially for smaller landlords entering the rental market in Lynchburg.

There is an overall need for more fair housing training across Lynchburg, especially for smaller landlords entering the rental housing market.

7. General Fair Housing Observations

This section of the AI is a summary of general observations included in earlier sections of the report. General observations include the results of primary and secondary research that define the underlying conditions, trends, and context for fair housing planning in the City. These observations in and of themselves do not necessarily constitute impediments to fair housing choice. Rather, they establish a contextual framework for the impediments to fair housing choice that are presented in the following section of the AI.

A. Demographic and Housing Market Observations

Lynchburg's population has grown 38.4% since 1970 while Virginia grew 70.4%. Lynchburg has grown in population in every decade since 1970. The City's largest decade of growth was 23.4% between 1970 and 1980 followed by another surge in 2000.

- While the rate of Whites and Blacks remained relatively stable as percentages of the total population, the City's Asian and Hispanic populations more than doubled. Asians increased from 866 to 1,805 between 2000 and 2011, and Hispanics increased from 878 to 2,210.
- College students and young adults represent a large share of Lynchburg's population. Students comprise 29.3% and persons between the age of 18-24 comprise 21.2% of the City's overall population. Persons between the age of 18-24 comprise over 90% of the total population in areas within and around Lynchburg College and Liberty University.
- Lynchburg's Black population is becoming modestly more integrated, while the Hispanic and Asian populations are rapidly becoming more segregated. Between 2000 and 2011, the White-Black segregation decreased by 3.1 points, while White-Hispanic and White-Asian segregation increased by 20.4 points and 16.6 points, respectively.
- Lynchburg's young adult population between the ages of 18 and 24 experience poverty at a rate of 46.8%. Considering a high percentage of Lynchburg's population between 18 and 24 are college students, a high poverty rate is not unexpected. However, since this demographic group represents such a large share of the City's population, overall median household income was lower and poverty rates were higher.
- Non-family and one-person households are growing and traditional family households with children are decreasing in Lynchburg. Family-households decreased from 61.2% to 57.2% while non-family households increased from 38.8% to 42.8% between 2000 and 2011. Additionally, most family households with children decreased as a percentage of all households.
- Lynchburg's housing stock is comprised of a high percentage of rental housing. In 2011, 55.3% of Lynchburg's housing stock was owner-occupied and 68.4% were single-family units. Multi-family and single-family rental units represented 27.3% and 17.3%, respectively, of the City's occupied housing stock.

8. Impediments to Fair Housing Choice

A. Public Sector

1. The City's subsidized housing units and affordable HOME housing activities are located primarily in older neighborhoods near the Central Business District that are more likely to be impacted areas (i.e. Black concentrated areas of poverty and low-moderate-income areas).

The majority of subsidized housing projects and affordable HOME housing activities are concentrated in LMI and RCAP neighborhoods near the Central Business District.

Proposed Action Step 1: The City should seek to strike a balance between revitalizing RCAPs and LMI areas, and creating new affordable housing opportunities in other City neighborhoods. Specifically, the City should update its HOME policies and procedures to incentivize the creation of affordable housing opportunities in higher opportunity neighborhoods.

2. Members of the protected classes tend to experience higher rates of unemployment and have lower incomes, thereby encountering greater difficulty in securing affordable housing in Lynchburg.

The median household income (MHI) among Blacks and Hispanics was equivalent to approximately 59% of the MHI of Whites. The poverty rate amongst minorities was significantly higher than Whites. Consequently, minority households, especially Blacks and Hispanics, may have greater difficulty finding affordable rental units or homes to purchase.

Data on homeownership rates indicated that Black, Hispanic, and Asian households had lower homeownership rates compared to White households. Among minorities in Lynchburg, 41.6% of Blacks, 25.2% of Hispanics, and 32.9% of Asians were homeowners, compared to 62.3% of Whites.

Persons with disabilities were more likely to live in poverty than persons without disabilities. In Lynchburg, 28.3% of persons with a disability were living in poverty compared to 23.6% of persons without a disability. Persons with disabilities were also 4.7% more likely to be unemployed than persons without disabilities.

Female-headed households with children comprised 47% of all families living in poverty and were over nine times more likely to live in poverty than married couple families with children.

Persons receiving a monthly SSI check of $1,360 as their sole source of income, including persons with disabilities, can afford a monthly rent of $408. This is equivalent to 69% of the fair market rent of $595 for a one-bedroom unit in the Lynchburg MSA**.**

Proposed Action Step 1: Continue to use HOME dollars to fund homebuyer assistance programs.

Proposed Action Step 2: Fund homebuyer counseling for lower income households, particularly minority households.

3. **The City's supply of decent and affordable housing remains inadequate, and there is a growing mismatch between incomes and housing costs.**

Between 2000 and 2011, the increase in MHI exceeded the increase in median rent, but was significantly less than the increase in median housing value. This made rentals more affordable but homeownership more expensive. To further demonstrate that increases in median housing value exceeded increases in median household income, the City's median household income was insufficient to purchase a home selling for the median sales price. The maximum affordable home purchase price ($100,650) for residents earning the citywide MHI was below the 2011 median sales price ($134,900).

Lynchburg lost more than half of its units renting for less than $500 between 2000 and 2011. By comparison, the number of units renting for more than $1,000 more than tripled. This was the result of the rental supply not meeting the demand. Nationally, as housing costs rose and wages remained stagnant, people increasingly rented rather than purchased a home. In the case of Lynchburg, a shortage of rentals was increased by the City's large student population. For low-income residents, these trends translate into less affordable housing options.

Minimum-wage and single-income households cannot afford a housing unit renting for the HUD fair market rent for a two-bedroom unit in Lynchburg.

Proposed Action Step 1: Continue the City's Rental Inspection Program, which is focused in 11 older LMI neighborhoods to improve and preserve the existing affordable housing stock.

Proposed Action Step 2: Continue to use HOME dollars to fund homebuyer assistance programs.

4. **Although there was an insufficient number of housing discrimination complaints filed in the City to identify significant trends, it was possible to identify a pattern of discriminatory behavior on the basis of disability and race.**

Of the 13 complaints filed between July 2007 and 2012, 76.9% alleged discrimination on the basis of disability or race. These trends indicate a continuing need for fair housing education, outreach, testing, and enforcement of the Fair Housing Act.

Proposed Action Step 1: Contract with an experienced HUD-certified fair housing organization to perform paired testing for race and disability in rental housing. Utilize the results to file housing discrimination complaints; publicize results to deter future discriminatory behavior.

Proposed Action Step 2: Contract with an experienced HUD-certified fair housing organization to provide education and outreach on fair housing laws, rights and responsibilities.

5. There is a need for improved fair housing services across Lynchburg.

Lynchburg Community Action Partnership (LYN-CAG) provides fair housing training to landlords and realtors. LYN-CAG identified the need for additional fair housing training, in particular to smaller landlords entering the rental market.

The City's CDBG budget does not include an allocation for fair housing services. In order to provide fair housing education and outreach services, the City should allocate at least up to 1% of its yearly CDBG entitlement grant exclusively to fair housing activities, such as education, outreach, training, and enforcement.

The City requires CDBG and HOME-assisted projects of five or more units to submit the HUD- approved Affirmative Market Plan. However, additional requirements should be included to better affirm HOME-assisted housing with five or more units.

As required of all CDBG recipients the City has a Section 3 Policy. The Policy states that all CDBG-funded projects will prioritize hiring low-and very low-income Section 3 residents, and contract with businesses that hire low-and very low-income residents. The Plan should also identify ways to advertise to low-and very low-income Section 3 residents and businesses that serve this population.

Proposed Action Step 1: Delegate the City's Housing Collaborative as the centralized fair housing organization for Lynchburg. The Housing Collaborative already advises the City on how to increase owner-occupancy, rehabilitate substandard housing, support affordable housing projects, and basically functions as a one-stop shop for housing questions/issues. The Housing Collaborative also contains many of the representatives from the community needed to advise on fair housing issues. The Collaborative's function would be to oversee the provision of fair housing training and education, review proposed developments as to their effects on affordable housing and compliance with fair housing policies and procedures, and make local officials aware of any fair housing discrimination occurring in the City.

Proposed Action Step 2: The Housing Collaborative should partner with LRHA to pool fair housing resources, run fair housing training and educational meetings, and improve fair housing compliance citywide.

Proposed Action Step 3: The City should allocate at least 1% of its annual CDBG entitlement grant exclusively to fair housing activities, such as education, outreach, training, and enforcement.

Proposed Action Step 4: The City should formally designate a current employee as the Fair Housing Officer within the Community Development Department to ensure that the HUD entitlement programs are implemented in a non-discriminatory manner. This designee should serve as staff to the Housing Collaborative to advise the Collaborative on fair housing issues.

Proposed Action Step 5: The City should revise its Affirmative Marketing Plan to clarify how developments will be monitored, evaluate tenant data, and require fair housing training where needed.

Proposed Action Step 6: The City should revise its Section 3 policy to list specific ways in which policy will be advertised to eligible residents and businesses.

Proposed Action Step 7: The Housing Collaborative and the City should promote fair housing education to the general public, especially to renters, in addition to developers and landlords. To reach the general public, the City should create a fair housing link on the Community Development webpage connecting residents to fair housing resources from HUD and the Virginia Fair Housing Office, instructions on how to file a housing discrimination complaint, local fair housing resources, and documents outlining tenant/landlord fair housing rights and obligations. The Housing Collaborative should also hold informational sessions for all renters regarding tenant rights and fair housing resources available in Lynchburg.

6. Members of the protected classes are under-represented on City boards and commissions that address housing issues.

Select appointed boards and commissions with jurisdiction over housing and housing-related issues in Lynchburg do not reflect the City's growing diverse composition. Minorities represent 33.3% of the City's population, but only 26% of appointees. Females accounted for 26% of appointees, but represent 53.3% of Lynchburg's population. Also apparently absent are any persons with disabilities. The experience and perspectives of members of the protected classes would enhance the decision-making processes in the City and offer the opportunity for advancing fair housing choices in all aspects of City government.

Proposed Action Step 1: Annually, the City should schedule a recruitment period for new board and commission applicants with an emphasis on recruiting members of the protected classes. The period could last from two to four weeks during which time the need for applicants is advertised in the local newspapers, on the City website, and through other local media. Recruitment information should also be provided to local advocacy organizations that represent Blacks, persons with disabilities, women, and other members of the protected classes.

7. There is an inadequate supply of affordable and accessible housing for persons with disabilities.

According to the Lynchburg Area Center for Independent Living (LACIL) and Rush Homes, the demand for affordable accessible units greatly outweighs the supply.

Additionally, LACIL noted that effective communication between agencies providing accessibility assistance is lacking.

Proposed Action Step 1: The newly created Fair Housing Board should incorporate a disability element into its fair housing training. The Board should also work with disability advocates to sponsor workshops and other educational opportunities for community planning staff, developers, architects, builders, realtors, and other housing professionals. This would increase knowledge of various accessibility and visitability design features and cost-effective ways of incorporating such features into newly constructed or substantially rehabilitated housing units.

Proposed Action Step 2: The City should continue using HOME funds to support housing and supportive services for persons with disabilities.

8. The City's zoning ordinance could be improved from a fair housing perspective.

Lynchburg's zoning code places undue restrictions on group living facilities for persons with disabilities. Distinctions are made in the City's zoning ordinance between group homes for the mentally ill and those who are aged, infirm, or physically disabled. The former permits up to eight residents and the latter up to four. This difference is arbitrary and inconsistent with the Fair Housing Act.

The City is required by Virginia statutes to permit mobile homes by right in at least one zoning district. While the City permits mobile homes in its R-1 district, the language used may lead to confusion as to whether mobile homes are not permitted in the district.

Proposed Action Step 1: The City should amend its zoning ordinance to remove restrictions on group living facilities for persons with disabilities.

Proposed Action Step 2: The City should amend chapter 35.1 section 1-29 to more clearly state that mobile homes are permitted by right is residential district (R-1).

9. Public transit is limited to the City's most densely developed areas and is unavailable to second and third shift workers, and those working on weekends and holidays.

Public transit is concentrated in Downtown Lynchburg and areas running southwest to Lynchburg College and Liberty University. However, public transit service is not available on Sundays or after 8:30 p.m.during the week and on Saturdays. For lower income residents who live in the City's denser neighborhoods, this makes it difficult to access entry-level jobs located on the City's periphery, where limited bus service is available. Additionally, many lower-income residents cannot use public transit to travel to work since bus service is unavailable or severely limited during off-peak hours, weekends, and holidays.

Proposed Action Step 1: The City should continue collaborating with Greater Lynchburg Transit Company (GLTC) as it updates its Comprehensive Plan to promote the expansion of public transit service in non-impacted, high growth areas of the City. This could include the creation of ride-to-work public transit routes using smaller vehicles that consider the needs of second and third shift workers and those working on weekends and holidays.

Proposed Action Step 2: As part of its zoning ordinance update in 2014, the City should identify opportunities around existing areas of public transit for the development of medium-density and higher-density affordable multi-family residential uses.

B. Public Sector – Lynchburg Redevelopment and Housing Authority (LRHA)

1. Housing Choice Voucher Units are concentrated in RCAPs and LMI areas near the Central Business District.

Voucher units are concentrated in LMI and RCAP neighborhoods near the Central Business District. In addition to the Central Business District this includes the neighborhoods of Diamond Hill, Tyreeanna, Fairview Heights, Seminary Hill, Miller Park, College Hill, and Dearington.

Proposed Action Step 1: LRHA should continue to actively recruit landlords in lower poverty/high opportunity neighborhoods to participate in the Housing Choice Voucher Program.

2. Due to limited resources and hilly topography throughout Lynchburg, handicapped accessible units are limited within LRHA's public housing inventory.

The public housing and Housing Choice Voucher waiting lists indicate a strong demand for handicapped accessible units—18% of households on the public housing waiting list reported a disability and 61.8% of the households on the housing choice voucher waiting list reported a disability.

LRHA does not have a current Section 504 Needs Assessment and Transition Plan. Rather, the authority is utilizing its Green Physical Needs Assessment (GPNA) Plan as a guide for meeting its Section 504/UFAS requirements.

Proposed Action Step 1: LRHA should continue to use all available resources to retrofit public housing units to meet its minimum requirements, at the least, for handicapped accessible units and in compliance with Section 504/UFAS requirements.

3. Lynchburg Redevelopment and Housing Authority could improve its Admissions and Continued Occupancy Policy from a fair housing perspective.

LRHA should allow public housing applicants the right to refuse a unit at least once before they are removed from the waiting list.

Proposed Action Step 1: LRHA should amend its Admissions and Continued Occupancy Policy to allow applicants to refuse a unit at least once before they are removed from the waiting list. This action would expand housing choice for tenants, the majority of which are low income minorities.

C. Private Sector

1. Mortgage loan denials and high-cost lending disproportionately affect minority applicants in Lynchburg, similar to national trends.

Black and Hispanic households were severely underrepresented in loan applications compared to their share of the City's total households. While Black households represented 27.6% of all households in 2011, only 14.4% of all loan applications came from Black households. Similar trends occurred with Hispanic households. This contrasts sharply with White households, which represented 83% of all applications and comprised 66% of all households.

All minority groups had mortgage denial rates higher than Whites. An analysis of Home Mortgage Disclosure Act (HMDA) data for 2010 to 2012 revealed a higher rate of home mortgage loan denials within the City's RCAPs, areas of lower-income Black residents, than elsewhere in Lynchburg. Additionally, lower-income and upper-income minority households were denied mortgage loans at significantly higher rates than corresponding lower-income and upper-income White households. Among lower-income White households, 15.7% of applications were denied compared to 31.4% and 19.6% of upper-income Black and Asian households, respectively.

All of the City's high-cost loan originations occurred in the southeastern area of Lynchburg, which contained many Black RCAPs. Black households, regardless of income level, were more likely than any other racial or ethnic group to receive high-cost mortgages.

Proposed Action Step 1: Fund homebuyer counseling for lower income households, particularly minority households.

2. The advertising policies of the News and Advance could be improved from a fair housing perspective.

The publisher's policy is located only within the Real Estate This Week section of the News and Advance. It should be located in all versions of the paper's real estate ads.

Proposed Action Step 1: The City should inform the editors of the News and Advance that it is responsible for displaying the publisher's policy in all sections of the paper, which list rental and sales housing.

9. Fair Housing Action Plan

Actions	Responsible Entities	Benchmark	Years to be Completed	Potential Cost	Date Complete
Public Sector- City of Lynchburg					
Impediment #1: The City's subsidized housing units and affordable HOME housing activities are located primarily in older neighborhoods near the Central Business District that are more likely to be impacted areas (i.e. Black concentrated areas of poverty and low-moderate-income areas).					
The City should seek to strike a balance between revitalizing RCAPs and LMI areas, and creating new affordable housing opportunities in other City neighborhoods. Specifically, the City should update its HOME policies and procedures to incentivize the creation of affordable housing opportunities in higher opportunity neighborhoods.	City of Lynchburg-Grant Administrations Division	Updated HOME policies New affordable housing units developed outside of RCAPS			
Impediment #2: Members of the protected classes tend to experience higher rates of unemployment and have lower incomes, thereby encountering greater difficulty in securing affordable housing in Lynchburg.					
Continue to use HOME dollars to fund homebuyer assistance programs.	City of Lynchburg-Grant Administrations Division	New homebuyers assisted annually			
Fund homebuyer counseling for lower income households, particularly minority households.	City of Lynchburg-Grant Administrations Division	Classes conducted Participants			
Impediment #3: The City's supply of decent and affordable housing remains inadequate, and there is a growing mismatch between incomes and housing costs.					
Continue the City's Rental Inspection Program, which is focused in 11 older LMI neighborhoods to improve and preserve the existing affordable housing stock.	City of Lynchburg-Inspections Division	Units brought up to code annually			
Continue to use HOME dollars to fund homebuyer assistance programs.	City of Lynchburg-Grant Administrations Division	New homebuyers assisted annually			
Impediment #4: Although there was an insufficient number of housing discrimination complaints filed in the City to identify significant trends, it was possible to identify a pattern of discriminatory behavior on the basis of disability and race.					
Contract with an experienced HUD-certified fair housing organization to perform paired testing for race and disability in rental housing. Utilize the results to file housing discrimination complaints; publicize results to deter future discriminatory behavior.	City of Lynchburg-Grant Administrations Division HUD-certified fair housing organization	Paired testing completed Housing complaints filed			
Contract with an experienced HUD-certified fair housing organization to provide education and outreach on fair housing laws, rights and responsibilities.	City of Lynchburg-Grant Administration Division HUD-certified fair housing organization	Fair housing workshops provided Participants			

Actions	Responsible Entities	Benchmark	Years to be Completed	Potential Cost	Date Complete
Impediment #5: There is a need for improved fair housing services across Lynchburg.					
Delegate the City's Housing Collaborative as the centralized fair housing organization for Lynchburg. The Collaborative's function would be to oversee the provision of fair housing training and education, review proposed developments as to their effects on affordable housing and compliance with fair housing policies and procedures, and make local officials aware of any fair housing discrimination occurring in the City.	Lynchburg Housing Collaborative	Collaborative is officially designated as Fair Housing Board by City Council Fair housing programs provided Participants Development plans reviewed for fair housing impact Complaints referred to VFHO for investigation			
The Housing Collaborative should partner with LRHA to pool fair housing resources, run fair housing training and educational meetings, and improve fair housing compliance citywide.	Lynchburg Housing Collaborative LRHA	LRHA and the Collaborative partner in running fair h ousing training and educational meetings. Fair housing resources from LRHA and the Collaborative are pooled. Fair housing compliance is improved citywide			
The City should allocate at least 1% of its annual CDBG entitlement grant exclusively to fair housing activities, such as education, outreach, training, and enforcement.	City of Lynchburg-Grant Administration Division	$__ in CDBG funds allocated in 2014 $__ in CDBG funds allocated in 2015 (etc. up to 2018)			

Actions	Responsible Entities	Benchmark	Years to be Completed	Potential Cost	Date Complete
The City should formally designate a current employee as the Fair Housing Officer within the Community Development . This designee should serve as staff to the Housing Collaborative to advise the Collaborative on fair housing issues.	City of Lynchburg-Grant Administration Division and LRHA	Formal appointment of Fair Housing Officer as part of job description The Fair Housing Officer attends ___ meetings of the Housing Collaborative			
The City should revise its Affirmative Marketing Plan.	City of Lynchburg-Grant Administration Division	Amend Affirmative Marketing Plan Compliance reports in files			
The City should revise its Section 3 policy.	City of Lynchburg-Grant Administration Division	Amend Section 3 Policy HUD reports in file			
The Housing Collaborative and the City should promote fair housing education to the general public, especially to renters, in addition to developers and landlords.	Lynchburg Housing Collaborative City of Lynchburg- Grant Administration Division LRHA	Fair housing link is available and operational on the City's Community Development webpage. Fair housing workshops conducted Participants			

Actions	Responsible Entities	Benchmark	Years to be Completed	Potential Cost	Date Complete
Impediment #6: Members of the protected classes are under-represented on City boards and commissions that address housing issues.					
Annually, the City should schedule a recruitment period for new board and commission applicants with an emphasis on recruiting members of the protected classes.	City of Lynchburg City Council	Applications received from members of the projected classes Applicants appointed			
Impediment #7: There is an inadequate supply of affordable and accessible housing for persons with disabilities.					
The newly created Fair Housing Board should incorporate a disability element into its fair housing training. The Board should also work with disability advocates to sponsor workshops and other educational opportunities for community planning staff, developers, architects, builders, realtors, and other housing professionals.	City of Lynchburg-Grant Administration Division Lynchburg Housing Collaborative, LRHA	Fair housing workshops on disabilities and accessible housing conducted. Participants			
The City should continue using HOME funds to support housing and supportive services for persons with disabilities.	City of Lynchburg-Grant Administration Division	New accessible units created			
Impediment #8: The City's zoning ordinance could be improved from a fair housing perspective.					
The City should amend its zoning ordinance to remove restrictions on group living facilities for persons with disabilities.	City of Lynchburg-Planning Division	Zoning ordinance amended and group homes for persons with disabilities are regulated as single family units.			
The City should rewrite chapter 35.1 section 1-29 to more clearly state that mobile homes are permitted by right is residential district (R-1).	City of Lynchburg- Planning Division	Chapter 35.1 section 1-29 is revised in the City's zoning ordinance.			
Impediment #9: Public transit is limited to the City's most densely developed areas and is unavailable to second and third shift workers, and those working on weekends and holidays.					
The City should continue collaborating with Greater Lynchburg Transit Company (GLTC) as it updates its Comprehensive Plan to promote the expansion of public transit service in non-impacted, high growth areas of the City.	GLTC	Expanded service on weekends & holidays Expanded service to higher opportunity neighborhoods			

Actions	Responsible Entities	Benchmark	Years to be Completed	Potential Cost	Date Complete
Public Sector- Lynchburg Redevelopment and Housing Authority					
Impediment #1: Housing Choice Voucher Units are concentrated in RCAPs and LMI areas near the Central Business District.					
LRHA should continue to actively recruit landlords in lower poverty/high opportunity neighborhoods to participate in the Housing Choice Voucher Program.	LRHA	Market to landlords outside of LMI and RCAP areas to more actively participate in the Housing Choice Voucher Program			
Impediment #2: Due to limited resources and hilly topography throughout Lynchburg, handicapped accessible units are limited within LRHA's public housing inventory.					
LRHA should continue to use all available resources to retrofit public housing units to be handicapped accessible and in compliance with Section 504/UFAS requirements.	LRHA	Units made accessible for persons with mobility impairments Units made accessible for persons with sensory impairments			
Impediment #3: Lynchburg Redevelopment and Housing Authority could improve its Admissions and Continued Occupancy Policy from a fair housing perspective.					
LRHA should amend its Admissions and Continued Occupancy Policy to allow applicants to refuse a unit at least once before they are removed from the waiting list.	LRHA	Revised Admissions and Continued Occupancy Policy			
Private Sector					
Impediment #1: Mortgage loan denials and high-cost lending disproportionately affect minority applicants in Lynchburg, similar to national trends.					
Fund homebuyer counseling for lower income households, particularly minority households.	City of Lynchburg-Grant Administration Division	Classes conducted Participants			
Impediment #2: The advertising policies of the News and Advance could be improved from a fair housing perspective.					
The City should inform the editors of the News and Advance that it is responsible for displaying the publisher's policy in all sections of the paper, which list rental and sales housing.	City of Lynchburg-Grant Administration Division	Letter sent to the *News Advance* in file			

10. Signature Page

By my signature I certify that the Analysis of Impediments to Fair Housing Choice for the City of Lynchburg is in compliance with the intent and directives of the regulations of the Community Development Block Grant Program and HOME Investment Partnerships Program.

____

L. Kimball Payne III, City Manager

____

Date

APPENDIX A- LIST OF STAKEHOLDERS

Stakeholder Chart
Consultation Process for the
City of Lynchburg, VA Analysis of Impediments to Fair Housing Choice

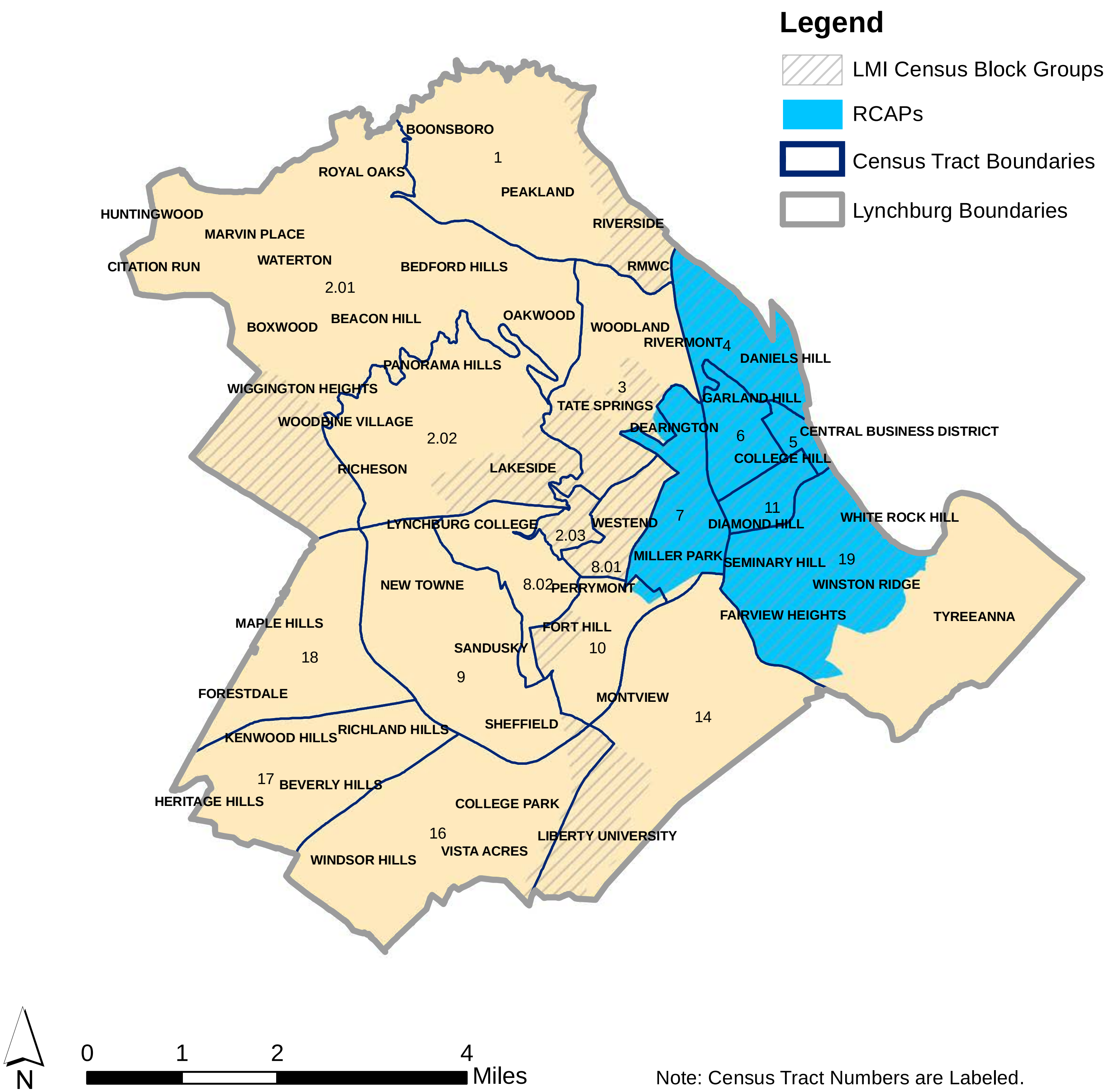
Type of Organization	Name	Title	Name of Organization
Community Development	Melva Walker	CDBG Manager	Community Development Dept.
	same as above	HOME Program Manager	
Planning & Zoning	Tom Martin	City Planner	Community Development Dept.
	Rob Fowler	Zoning Enforcement	Community Development Dept.
Public Housing Authority	Dawn Fagan	Executive Director	Lynchburg Redevelopment & Housing Authority
	Glenna Wright	Section 8 Program Manager	Lynchburg Redevelopment & Housing Authority
Public Housing Authority	Kimberly Brown	Council President	Dearington Apartments Neighborhood Council
Affordable Housing / Special Needs Housing	Denise Crews		Lynchburg Community Action Group (Lyn-CAG)
	Donna Vincent	Director	Greater Lynchburg Habitat for Humanity
	Sandy Walton	Director	Rebuilding Together Lynchburg
	Cindy Sommers	Director	Lynchburg Neighborhood Development Foundation (LNDF)
	Sarah Quarantotto	Director	Miriams House
	Lisa Dibble	Director	Gateway
	Joan Phelps	Vice President of Community Affairs	United Way
	Caroline Hudson		YWCA
Advocacy Orgs for Persons with Disabilities	Allison Wingfield	Director	Rush Lifetime Homes
	Denise Crews		Lynchburg Community Action Group (Lyn-CAG)
Fair Housing Advocacy Organizations	Denise Crews		Lynchburg Community Action Group (Lyn-CAG)
	Dawn Fagan		Lynchburg Redevelopment & Housing Auth.
Local Board of Realtors	Sandra Maschal	Executive Director	Lynchburg Board of Realtors

APPENDIX B- NEIGHBORHOOD MAP

Appendix: Lynchburg Neighborhoods

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: City of Lynchburg



Note: Census Tract Numbers are Labeled.

APPENDIX C- ZONING ORDINANCE REVIEW

QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	**R-C:** Conservation District	There is a large variety of residential districts within Lynchburg providing a variety of densities and housing types. This ranges from R-C, which requires a minimum lot size of 10 acres to R-5, permitting 29 dwelling units per acre. R-1 and R-2 districts are commonly found on the western half of the City, while R-4 and R-5 are common in near downtown and surrounding Lynchburg college. Mixed-use development is permitted in a number of districts including: TND, business districts 1-6, residential PUDs, and the 5th Street Revitalization Corridor Overlay. Mixed-use development districts can be found throughout the entire City.
	R-1: Low-Density Residential District	
	R-2: Low-Medium Density Residential District	
	R-3: Medium Density Residential District	
	R-4: Medium High Density Residential District	
	R-5: High Density Residential District	
	B 1-6: Business Districts	
	PUD: Residential Planned Unit Developments	
	TND: Traditional Neighborhood Development	
	IMF: Inclusionary Multi-Family District	
	5th Street Revitalization Corridor Overlay	
Definition of Family	1) Two (2) or more persons related by blood or marriage, occupying a dwelling, living together and maintaining a household, including not more than one (1) unrelated person. 2) Not more than three (3) unrelated persons occupying a dwelling, living together, and maintaining a household.	Unrelated individuals who can live together are limited to three. This restricts non-traditional families and unduly restricts unrelated individuals from sharing a dwelling unit to save on costs. Group homes are included in the definition of family.
Definition and Regulation of Group Home	A residential facility wherein (a) the operator is not legally related to the individuals supervised and may be licensed by the state, and wherein (b) four (4) or more individuals are provided with room, board, specialized and distinctive care, and daily supervision. For the purpose of the zoning ordinance, a facility providing care to less than four (4) persons shall not be considered a group home. The term "Group Home" would include but not be limited to such groups as: foster family homes, homes for adults, abused women, individuals with mental illness, intellectual disability, or developmental disabilities, or physically handicapped. This definition does not include pre-release or post-release individuals who have been incarcerated. However, a residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. A residential facility, in which no more than four (4) aged, infirm or physically disabled persons reside, with one or more resident counselors or other staff persons, shall be considered for all purposes residential occupancy by a single family. No conditions, more restrictive than those imposed on residences occupied by persons related by blood, marriage or adoption shall be imposed on such a facility.	Group homes with individuals who are mentally ill are limited to eight or fewer residents. Group homes with individuals who are aged, infirm or physically disabled are limited to four or fewer residents. There does not appear to be limitations on the number of individuals per group homes for all other type of group homes (with the exception of half-way homes). Limiting the number of individuals in a group home according to the above definition appears arbitrary.

Definition and Regulation of Mobile Homes	**Manufactured home:** A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. **Mobile home:** A structure or vehicle with the following characteristics: (1) It is used, designed for use or capable of being used as living quarters and contains sleeping accommodations, a flush toilet, a tub or shower bath, kitchen facilities. (2) It is transportable in one (1) or more sections, eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.	Manufactured homes are permitted by right only in R-1, the low-Density Residential District. In all other residential districts, they are a conditional use. This fulfills Virginia Statutes to permit mobile homes by right in at least one residential district. The language used permitting mobile homes by right in R-1, however, may lead to confusion as to whether mobile homes are permitted by right or excluded and thus should be modified.
Affordable Housing Options	There are two conflicting zoning codes regarding the allowance of accessory residential units. Section 35, 1-24 states that accessory residential units are only permitted for guests and domestic employees. Section 25, 1-29 states that all residential districts with the exception of the Conservation district, permit accessory units to be rented or used as additional residential. Units, however, must include a 30 foot frontage along the street or have an unobstructed easement of at least 30 feet.	Other than Section 25, 1-29, zoning tools to promote affordable housing is limited in Lynchburg. Some tools which Lynchburg can consider include: rental controls, affordable housing zones, inclusionary zoning, and the collection of development fees to be placed into an affordable housing trust fund.

Date of Ordinance: December, 1978

Amended through: October, 2006

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

City of Lynchburg, VA

January 2014

MULLIN & LONERGAN ASSOCIATES INCORPORATED

PURPOSE of the AI

- Satisfies requirements of the Housing and Community Development Act of 1974 for communities receiving CDBG and HOME funds to certify to HUD that they will ***affirmatively further fair housing***
- Communities receiving HUD funds are required to:
  - Examine / attempt to alleviate housing discrimination in their jurisdiction
  - Promote fair housing choice for all persons
  - Provide opportunities for all persons to reside in any housing
  - Promote housing that is accessible to and usable by persons with disabilities
  - Comply with non-discrimination requirements of the Fair Housing Act

All of the above can be achieved through the preparation of an AI.

Affirmatively Furthering Fair Housing

- Annual certification by HUD entitlement grantees
- Bending over backwards to make something happen that wouldn't ordinarily happen on its own
- An obligation to do more than simply refrain from discrimination
- An obligation to prevent increases in housing segregation
- FH filter on internal processes and funding decisions

AI TASKS

- Stakeholder outreach
- Relative presence of protected classes
- Language groups
- Housing and demographic trends
- Degree of segregation
- Areas of racial, ethnic and economic concentration
- Location of affordable housing resources
- Jobs and housing
- Real estate practices
- Local fair housing organizations
- Fair housing complaints
- Mortgage loan denials

REVIEW OF PUBLIC POLICIES

- ACOP and Section 8 Admin Plan
- Tenant selection
- Site selection
- Zoning
- Building codes
- Local procedures for processing FH complaints
- Public transit
- Housing for special needs populations
- Immigrants and LEP
- Composition of appointed boards and commissions
- Newspaper advertising

FAIR HOUSING GOAL:

Balance revitalization with de-concentration and desegregation

Revitalizing public housing and residential neighborhoods is a necessary and appropriate preservation strategy:

> "*Improve my neighborhood so that others will want to move in*"

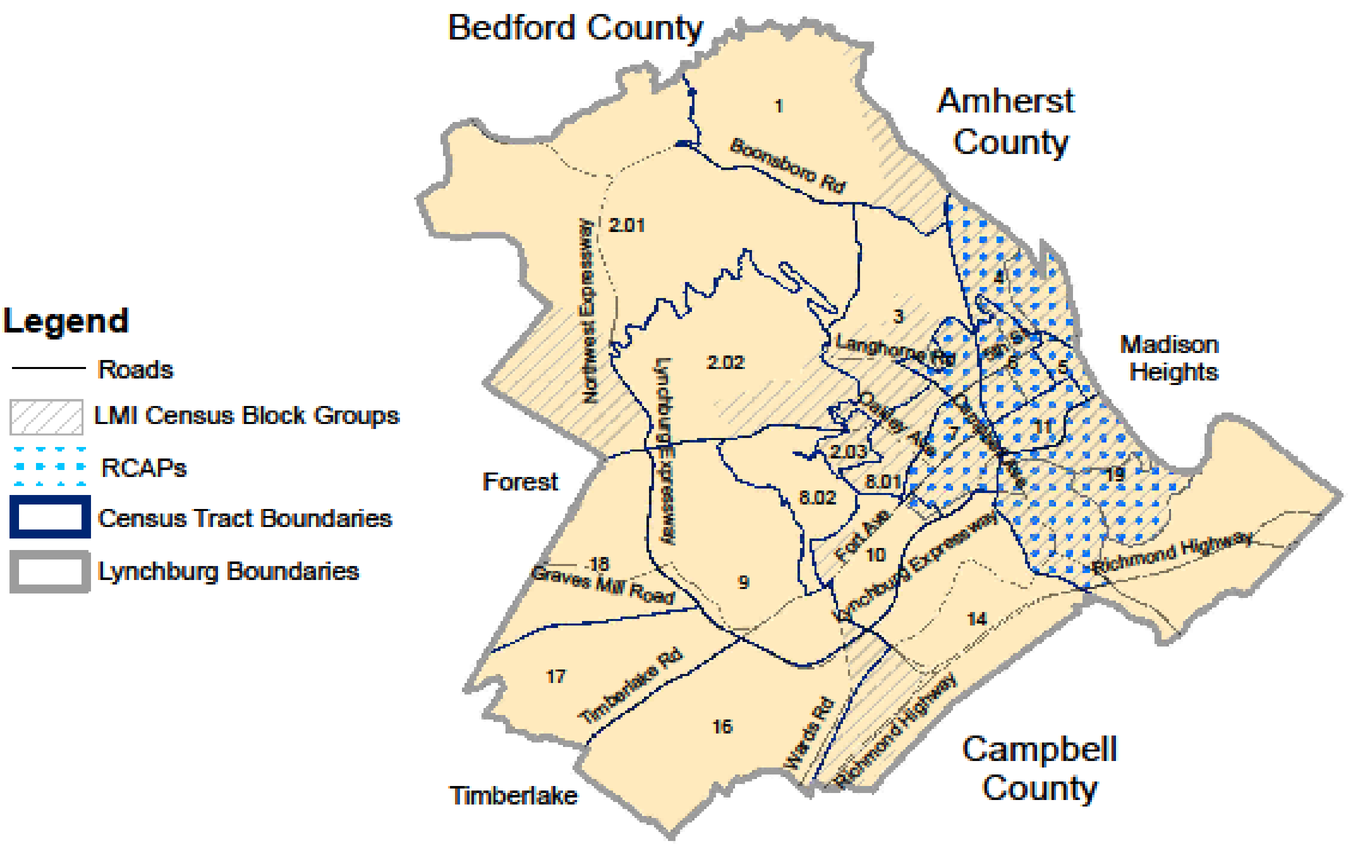
Providing affordable housing in non-impacted neighborhoods is also important:

> "*Give me a choice of living in a neighborhood that is closer to jobs, has better schools, nicer amenities and a sense of security and well-being*"

Map 2-3: Racially Concentrated Areas of Poverty, 2013

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: 2000 HUD Low and Moderate Income Summary Data (FY 2013)
2000 Census (QT-P5), ACS 2007-2011 (B02001)



Tracts where:
Blacks ≥ 39.0%
Hispanics ≥ 13.0%
Asians ≥ 12.4%

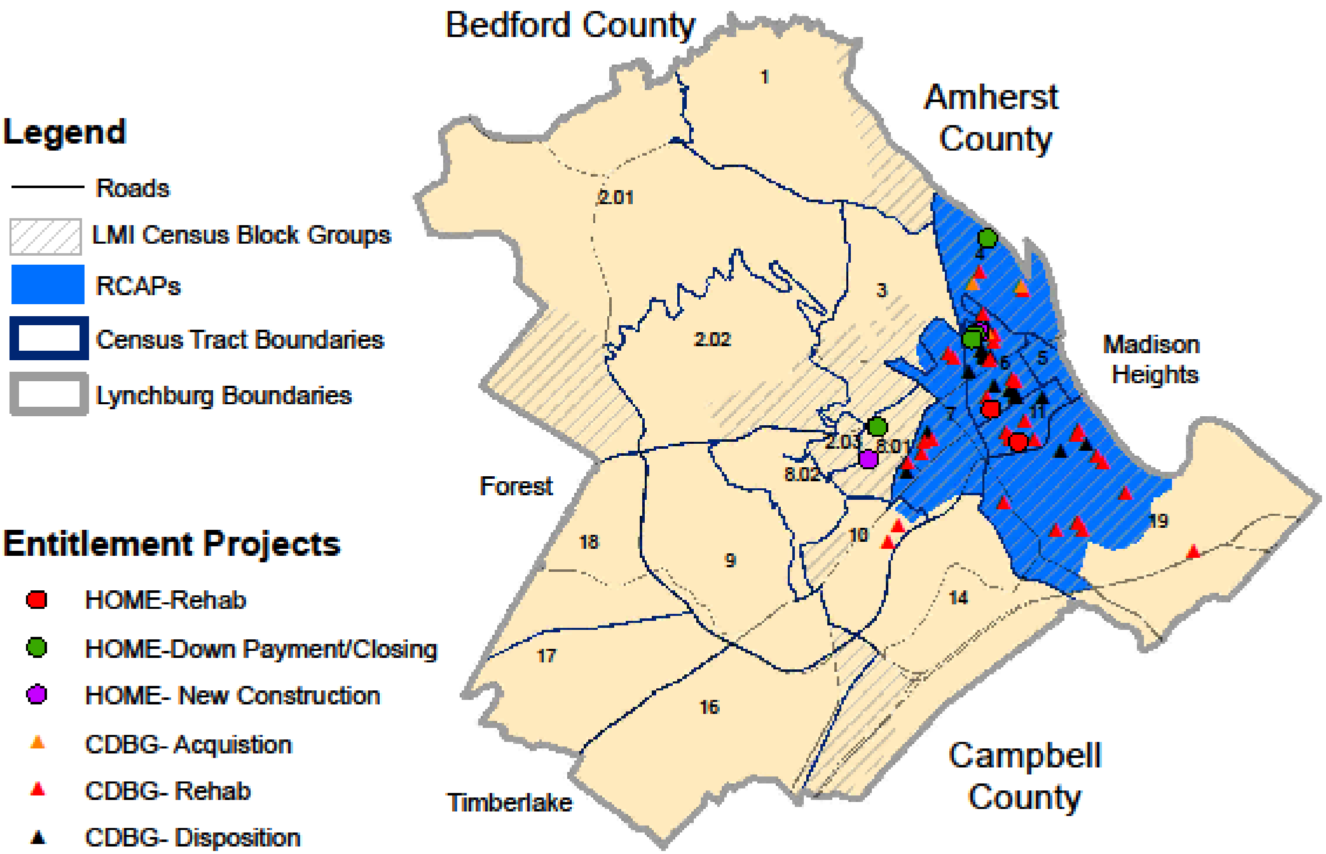
AND

Block groups where 51% or more of persons are low- and moderate-income

Map 4-1: Location of CDBG & HOME Projects, FY 2011 & FY 2012

Lynchburg Analysis of Impediments to Fair Housing Choice

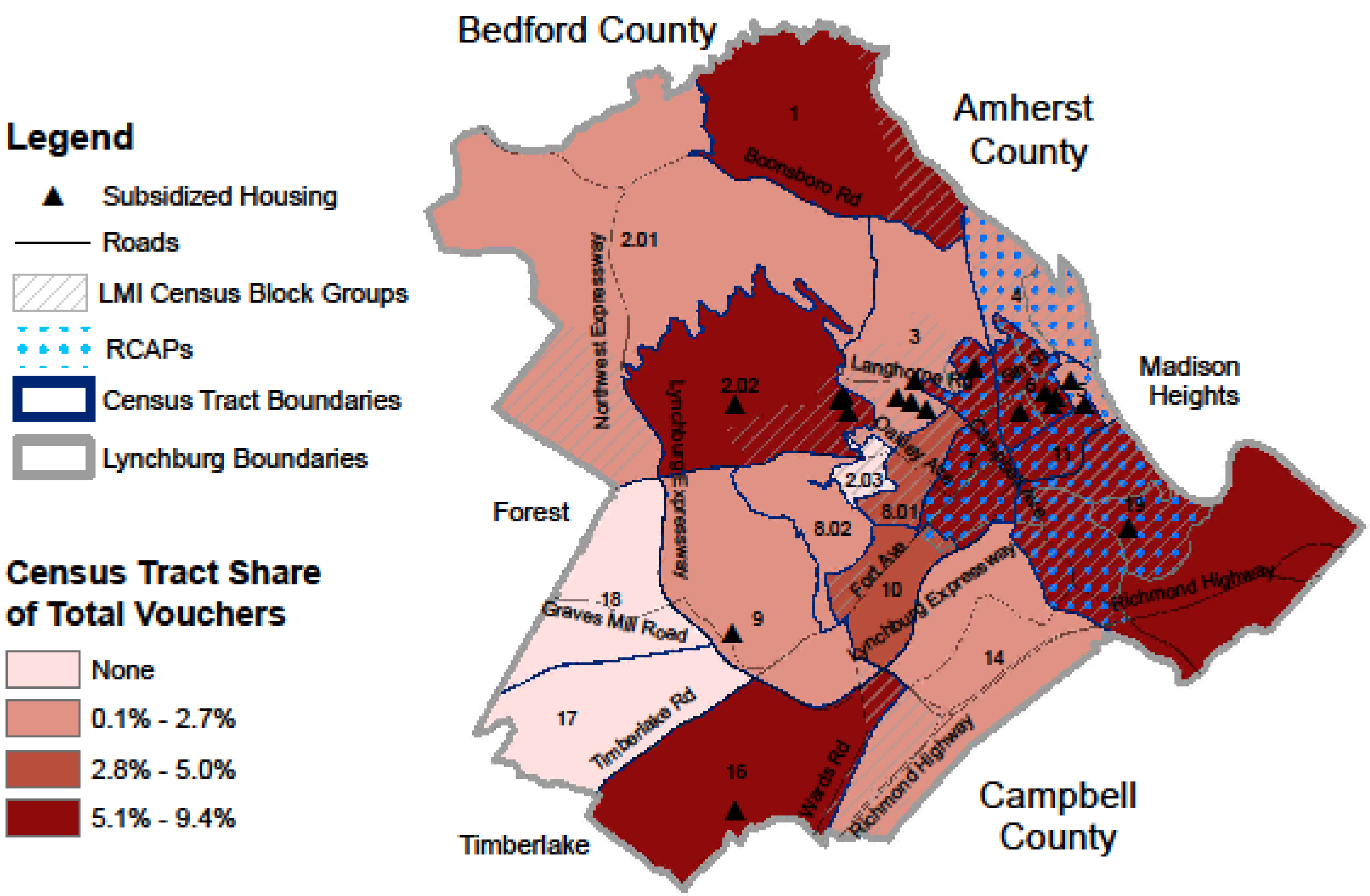
Source: City of Lynchburg



Map 4-2: Location of Voucher Units and Subsidized Housing

Lynchburg Analysis of Impediments to Fair Housing Choice

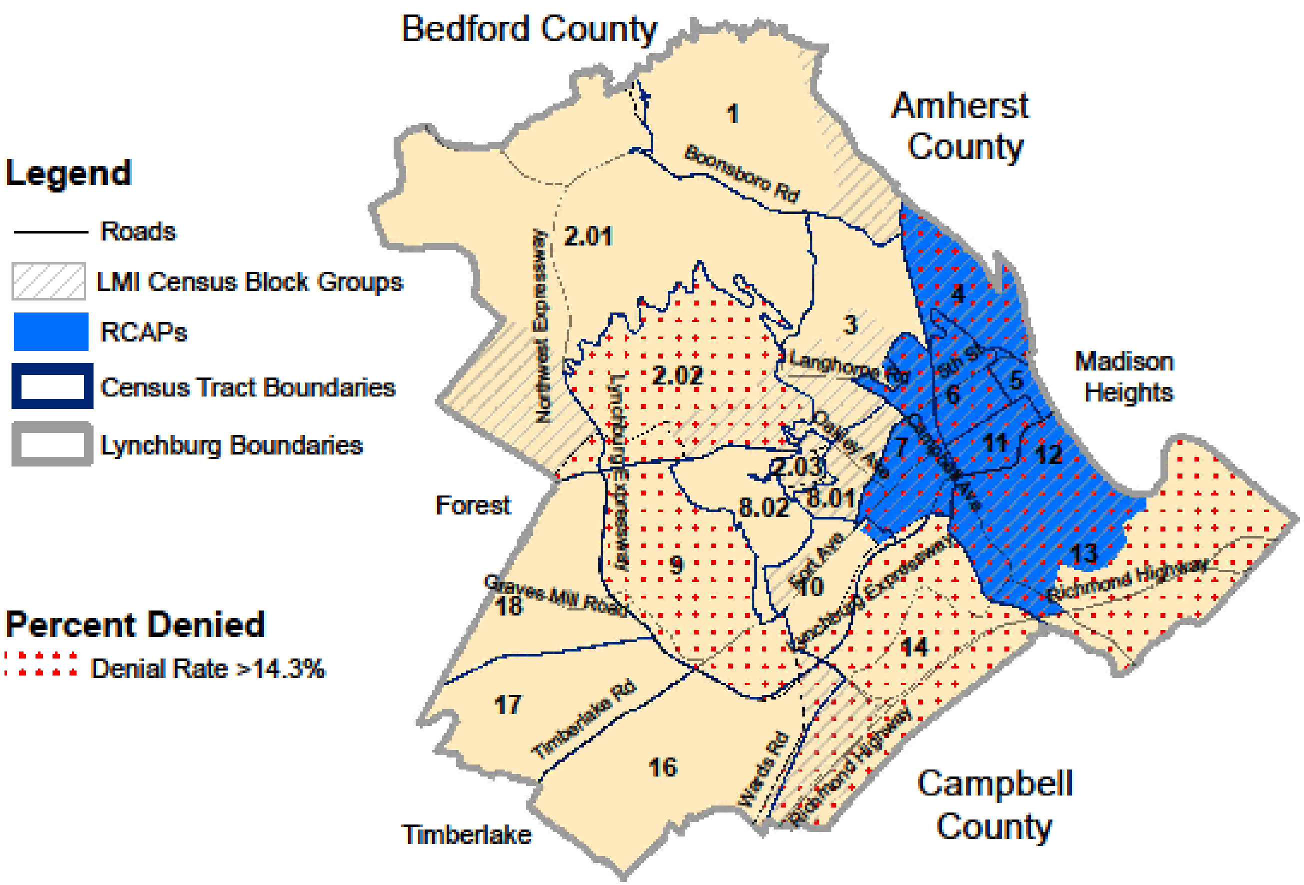
Source: Lynchburg Redevelopment & Housing Authority



Map 5-2: Mortgage Denial above 14.3% by Census Tract, 2010-2012

Lynchburg Analysis of Impediments to Fair Housing Choice

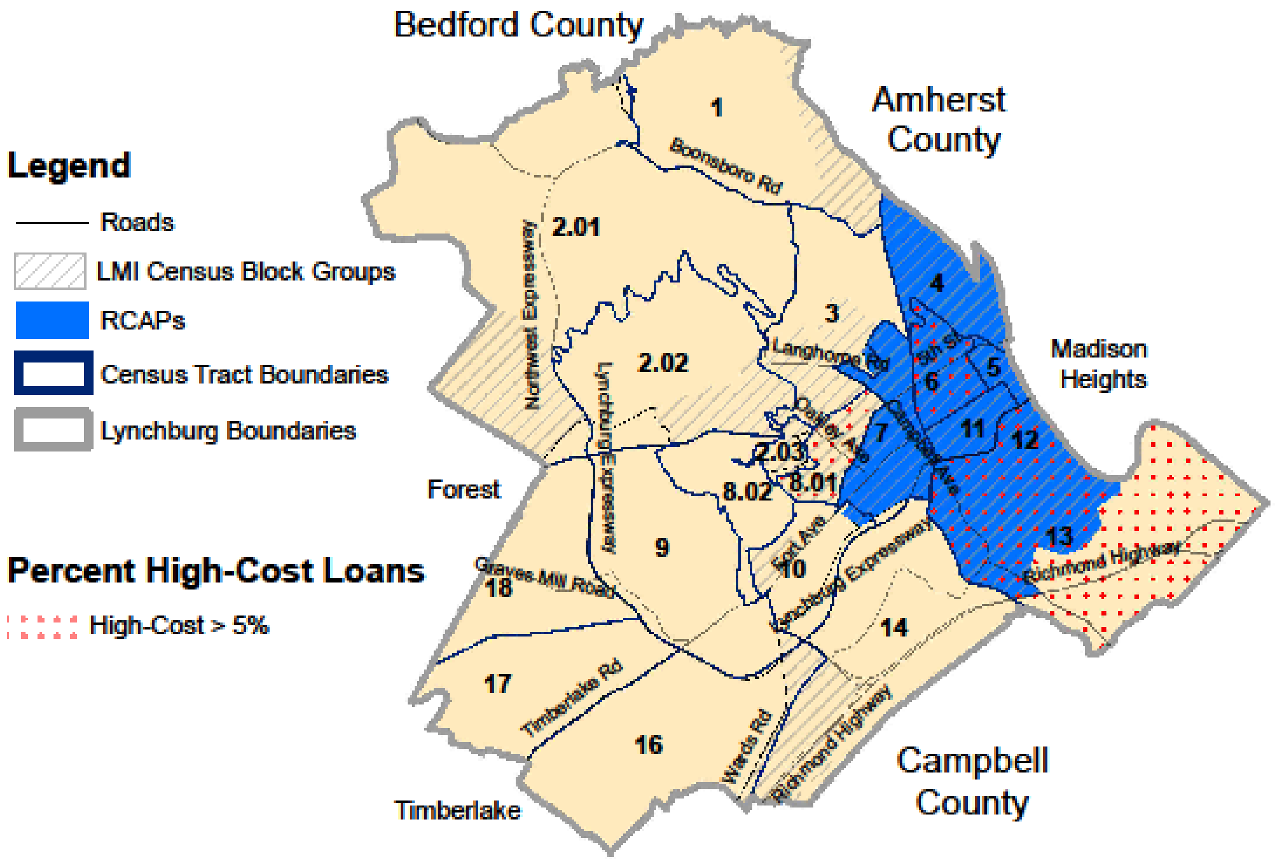
Source: Federal Financial Institutions Examination Council, 2010-2012



Map 5-3: High-Cost Loans by Census Tract, 2010-2012

Lynchburg Analysis of Impediments to Fair Housing Choice

Source: Federal Financial Institutions Examination Council, 2010-2012



FAIR HOUSING ACHIEVEMENTS

The City's 2013-2030 Draft Comprehensive Plan incorporates an array of policies that will have the effect of affirmatively furthering fair housing.

The Transportation Element of the Draft Comp Plan advocates for multi-modal options in developing areas and traditional neighborhoods, and coordinating mobility enhancements with increased density and mixed use development.

The City has an established Housing Collaborative.

None of the sampled real estate rental ads contained discriminatory language.

FAIR HOUSING ACHIEVEMENTS

The City's HOME-funded homebuyer assistance program creates opportunities for lower income households.

The City's Rental Inspection Program focuses on 11 older LMI neighborhoods to improve / preserve existing AH stock.

The City has invested HOME funds in creating accessible units for persons with disabilities.

LRHA actively recruits landlords from all areas of the City to participate in the Housing Choice Voucher program.

LRHA is using resources to retrofit units for handicapped accessibility.

IMPEDIMENTS
to FAIR HOUSING CHOICE
with RECOMMENDATIONS

The City's assisted housing is located primarily in impacted areas

- Create opportunities for AH outside of these areas

Members of the protected classes encounter greater difficulty in securing affordable housing

- Continue HOME-funded homebuyer assistance
- Fund homebuyer counseling for lower income households

IMPEDIMENTS with RECOMMENDATIONS (continued)

The City's supply of decent AH remains inadequate with a growing mismatch between income and housing costs

- Continue Rental Inspection Program
- Continue HOME-funded homebuyer assistance

Housing discrimination of the basis of disability and race has occurred

- Conduct testing in rental market
- Provide fair housing education and outreach

IMPEDIMENTS with RECOMMENDATIONS (continued)

There is a need for improved fair housing services

- Delegate Housing Collaborative as City's fair housing organization
- Partner with LRHA to pool resources and collaborate on education and outreach
- Allocate CDBG funds to fair housing activities
- Designate a Fair Housing Officer
- Revise Affirmative Marketing Plan for HOME-funded units
- Revise Section 3 Plan
- Promote fair housing on City's website, thru workshops

IMPEDIMENTS with RECOMMENDATIONS (continued)

Members of the protected classes are under-represented on boards / commissions

- Actively recruit MPC to submit applications

Inadequate supply of affordable housing accessible to persons with disabilities

- New FH board should include a disability / accessibility training element
- Continue investing HOME funds in accessible housing units

IMPEDIMENTS with RECOMMENDATIONS (continued)

The City's zoning ordinance could be improved from a FH perspective

- ❑ Amend the ordinance to remove restrictions on group homes for persons with disabilities
- ❑ Clarify mobile homes are permitted by right in R-1 districts

Public transit is limited to most densely developed areas with limited service in evenings, on weekends and holidays

- ❑ Continue collaborating with GLTC to promote expansion of service in growth areas, employment centers
- ❑ Identify appropriate areas for higher density AH development near transit routes

IMPEDIMENTS with RECOMMENDATIONS for LRHA

LRHA Housing Choice Vouchers are concentrated in impacted areas

- LRHA should continue to recruit landlords in lower poverty / higher opportunity areas

Limited resources and hilly topography restrict LRHA from making more public housing units accessible

- LRHA should continue to use available resources to retrofit units to UFAS standard

LRHA's policy document could be improved from a FH perspective

- Amend ACOP to allow applicants to refuse a public housing unit at least once

IMPEDIMENTS with RECOMMENDATIONS in PRIVATE SECTOR

Mortgage denials and high-cost lending disproportionately impact minority applicants

- Fund homebuyer counseling for lower income / minority households

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 3

CONSENT: REGULAR: WORK SESSION: **X** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Non-Emergency Ambulance Transports**

RECOMMENDATION: Authorize City staff to pursue the issuance of Certificates of Convenience and Necessity to agencies interested in providing non-emergency ambulance transports within City limits. Said agencies must meet the requirements set forth in the State Code.

SUMMARY: The Fire Department wants to stop providing non-emergency ambulance transports and concentrate its resources on emergency response.

In the fall of 1976 the Lynchburg Fire Department assumed responsibility for the provision of emergency medical services and ambulance transport when the private company that was doing these refused to continue. In the spring of 1977 the Fire Department also became the provider of non-emergency transports when this same private company went out of business.

In the ensuing years the demand for ambulance transport has increased exponentially and the LFD is still the major provider of these services. (LFD is the only provider of emergency transport service in the City of Lynchburg.)

The demand for emergency transport services continues to grow and Fire Department resources required to meet this demand are stretched to the limit on a daily basis. Providing non-emergency transport services reduces the availability of medic units to respond to the true emergencies.

In order to concentrate its resources on providing emergency ambulance response and transport, the Fire Department proposes to allow other agencies to assume the provision of non-emergency medical transports.

Centra Health has expressed an interest (letter attached) in being the sole provider of non-emergency transport in the City. Staff has two concerns that would need to be addressed. First, the City Attorney has expressed his doubts that the City has the authority to limit this service to one provider. If Centra's proposal was to be accepted the City would have to be convinced that it had the authority to do so. The second concern would be that any provider of non-emergency transport understands its responsibility to accept all such transports, not just transports of convenience. The Fire Department is concerned that, without a clear understanding, it will continue to be called for response in certain situations that are inconvenient for the regular provider due to the time of day or other circumstances.

PRIOR ACTION(S): None – except a limited certificate granted to Central Health allowing them to provide such transports between facilities owned and/or operated by Centra.

FISCAL IMPACT: Potential loss of revenue associated with non-emergency transports. In FY13 we had 92 billable transports with an average fee of approximately $350 ($32,141). To date (January 23, 2014), we have collected $13,121. This loss of revenue will be offset by the increased availability of medic units and staff to answer emergency calls, thus improving service delivery.

CONTACT(S): Fire Chief Brad Ferguson and Acting Battalion Chief Heather Childress; 434-455-6340

ATTACHMENT(S): Centra Proposal

REVIEWED BY: lkp

019K

August 22, 2013

To Whom It May Concern:

Thank you for allowing Centra Health, Inc. (Centra) the opportunity to propose an expansion to the transportation services currently provided by Centra within the City of Lynchburg.

Centra's Current Authority

The City of Lynchburg has an ordinance which restricts the operation of both emergent and non-emergent ambulance services within the City limits. A certificate of public convenience and necessity is required for an ambulance service to operate within the City. Centra's ambulance service was issued this certificate in August 1987 to provide non-emergent ambulance services within the City, but it was restricted to only providing patient transports "between its owned and leased facilities..." Upon information and belief, Centra is the only ambulance service with a certificate. Lynchburg Fire / EMS has historically provided all non-emergent transport services to and from all non-Centra facilities within the City limits.

A Summary of Historic Discussions with the City about the Expansion of Centra's Services

On March 2, 2009, Deputy Chief Walt Bailey (now retired) met with Allan Belcher and EW Tibbs and advised that Lynchburg City Fire / EMS department intended to phase out of providing non-emergent ambulance services because such services required the use of up to three emergency vehicles, limiting the City's ability to respond to 911 (emergency) calls. Mr. Bailey advised this would need to occur over a period of time to minimize the impact of the resulting loss of revenue to the City. On March 17, 2009, Centra requested specific information from the City, including the total number of non-emergent transports per year for the past three years, volumes for each hospital and nursing home the City was handling, the transport volume by time and day of week, transport destinations, and payer mix. Mr. Bailey subsequently provided this data.

On April 30, 2009, Deputy Chief Bailey met with Allan Belcher and Centra's case management department to develop a plan to transition from the (Centra) case managers calling the City for non-emergent transports to calling Centra transport instead. At that time, both the City and Centra agreed that the City would become a back-up transport resource for Centra in the event Centra's ambulance service became overwhelmed with non-emergent transport volume. From 2009 through 2012, Centra recognized a progressive increase in non-emergent transports that had otherwise been handled by the City. However, the City has continued to handle the majority of non-emergency transports that originate at non-Centra facilities, and even a small percentage of transports from Centra facilities.

Following a brief in-person conversation, Allan sent a letter dated May 9, 2012 to Lynchburg Fire Department (LFD) Chief Brad Ferguson requesting that the City consider amending Centra's existing certificate to allow Centra to provide all non-emergent transports and to have the ability to contract with nursing facilities within the City limits. In addition, Centra requested the ability to subcontract transport services to other entities (e.g., Delta Response Team) in the event the transport volume exceeded Centra's capabilities. A draft of an amended certificate was subsequently circulated among Allan Belcher and Jason Campbell, Battalion Chief.

On August 7, 2012, Jason Campbell sent Allan an e-mail advising that the City Attorney and LFD were "...in the final stages of making the necessary revisions to the Chapter 5 of the City Code..." He added, "It is our desire to ensure the City Council's acceptance of the proposed revisions before moving forward with Centra's request for amendments to its certificate." Jason included non-emergent transportation statistics for a one year period, and later provided data detailing the City's current payer mix. During a subsequent telephone conversation, Allan advised Jason that he would need to receive approval from Centra management in order to hire more employees to handle the additional transport volume. Based on the data provided by LFD and his communications with the City, Allan worked with Centra finance to develop a proforma, met with Centra's labor management committee, and ultimately received approval to hire an additional 6 employees to handle the transport volume previously handled by the City. Centra also purchased an additional ambulance to ensure it could manage the anticipated increased transport volume.

Centra's Proposal for Expansion of its Authority

Centra is in the ideal position to assist the City in providing efficient, non-emergent transportation to the City's residents. We have a proven track-record of excellent, safe patient transport. Our fleet of transport vehicles, as well as our team of transportation employees, is appropriate to handle the anticipated volume of transports based on close review of the City's data, and our relationships with other transportation providers are well-established. In the event of an increase in volume, Centra is appropriately positioned to negotiate and sub-contract with other trusted providers to meet the City's transportation demands. Centra also has long-standing relationships with many of the medical facilities in the City, a number of which have approached Centra about assisting with their non-emergent transport needs in recent months.

Centra requests that LFD and the City Council vote to approve the following measures:

- Authorize Centra Health to be the only non-emergent ambulance transportation provider within the Lynchburg City limits.
- Authorize Centra Health to provide non-emergent ambulance transports to and from all patient care facilities and medical practices within the City limits of Lynchburg.
- Authorize Centra Health to negotiate non-emergent ambulance service agreements with all patient care facilities within the City limits of Lynchburg for their non-emergent patient transports.
- In the event of excessive transport volume, authorize Centra Health to sub-contract with other ambulance service providers for non-emergent services. These secondary transport provider(s) must be licensed by the Virginia Office of Emergency Medical Services and comply with all local, state and federal regulations and protocols. This would in no way permit any secondary ambulance transportation provider to independently operate an

ambulance service within the City of Lynchburg. The City of Lynchburg is in no way responsible for any cost associated with these services.

- In the event Lynchburg City's emergency medical services has a need for assistance with emergency response, Centra's transport service would welcome the opportunity to provide mutual aid response within the City of Lynchburg. This would in no way permit Centra to independently operate emergency ambulance services within the City of Lynchburg.
- Centra may operate these transportation services through Centra Transport, LLC, an affiliate of Centra Health, or any other Centra subsidiary.

Please let us know if Centra can answer any questions, or provide additional information to assist the City in making its determination. We welcome the opportunity to talk with the City Attorney, the City Manager, City Council and others about our proposal.

Sincerely,

Allan Belcher
Director, Ambassador Services

cc: Holly B. Trent, Associate General Counsel

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 4

CONSENT: REGULAR: WORK SESSION: X CLOSED SESSION: (Confidential)

ACTION: INFORMATION: X

ITEM TITLE: **Medicare Eligible Retiree Medical Coverage Follow-Up**

RECOMMENDATION: N/A

SUMMARY: Council discussed employee and retiree medical coverage at previous work sessions and requested follow-up information regarding options for Medicare eligible retirees. The attached information provides the basis for further discussion.

PRIOR ACTION(S): October 22, 2013 Work Session

FISCAL IMPACT: Dependent upon decisions

CONTACT(S): Margaret Schmitt, 455-4208
James Lowe, 455-4205

ATTACHMENT(S): Medicare Retiree Medical Options

REVIEWED BY: lkp

016K


Medicare Retiree Medical Coverage

January 28, 2014

Medicare Eligible Retiree Medical Coverage

- Current Policy
  - Hired after 1996
  - Hired before 1996
- Options
  - Hired after 1996
  - Hired before 1996

Post 1996 Retirees

- Current Policy
  - If 15 years service and retires directly
    - Access to City’s plan, fully funded by retiree
    - No City contribution
    - No “stop” date for access
- Options
  - Continue current policy
  - End access when retiree becomes Medicare eligible

Pre-1996 Retirees

- Current Policy
  - Fully funded City coverage until Medicare eligible
  - Upon Medicare eligibility,
    - Medicare coverage becomes primary and City coverage coordinates with Medicare
    - No longer eligible for pharmacy coverage and receives $420 annual stipend in lieu of Rx
    - May choose to waive City medical coverage in exchange for $684 (total) annual stipend

Current Facts

- ~ 254 >65 members participating in the City's group plan
- ~ 100 >65 members have waived medical coverage (and receive stipend)
- If in City's plan, > 65 member actual cost averages $131.48 per month
- If not in City's plan, >65 member cost is $57 per month

Options

- No access to City Plan and no City contribution
- Maintain current policy
- No access to City Plan and City provides an annual stipend directly to Retiree in lieu of coverage

Options Continued

- City “carves out” Medicare eligible retirees and enrolls them in a City sponsored Medicare Advantage Plan
  - Fully funded by the City, or
  - Fully funded by the Retiree, or
  - Share cost between City & Retiree

Options Continued

- No access to City plan and City funds an Health Reimbursement Account (HRA) that Retiree uses to obtain coverage on Medicare exchanges
  - Set annual amount funded by City
  - Retiree is reimbursed for premiums/expenses
  - Allowed to roll-over if not used
  - Contracted service provider assists Retiree in making best choices for individual circumstance and resources available

Timetable

- If no change, no communication needed
- If changes made, depending upon the complexity of the change, up to one year may be needed to implement

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 9

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Presentation on the Blue Ridge Regional Jail**

RECOMMENDATION: No action required.

SUMMARY: Tim Trent and Matt Marsteller, Administrator and Assistant Administrator, respectively, of the Blue Ridge Regional Jail, will attend Council's meeting to make a brief presentation on the activities of the jail system. Mr. Trent is fairly new in his position as the regional jail's administrator and he is reaching out to the governing bodies of the member localities to provide an introduction and update.

Attached is an information sheet that Mr. Trent will refer to.

PRIOR ACTION(S): None

FISCAL IMPACT: The City of Lynchburg is responsible for approximately 40% of the regional jail's annual budget.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Information Sheet

REVIEWED BY: lkp

014K

BLUE RIDGE REGIONAL JAIIL AUTHORITY

INFORMATION SHEET

Date: January 28, 2014

Lynchburg City Counsel

- Tim Trent – Administrator
- Matt Marsteller – Assistant Administrator

- **BRRJA**
  - Created in 1994
  - Member jurisdictions were facing overcrowding issues in outdated jails
  - Financially reasonable to form the Authority. 50% reimbursement on jail construction from the state
  - Member Jurisdictions:
    - City of Lynchburg
    - Bedford County
    - Campbell County
    - Halifax County
    - Amherst County
    - Appomattox County
  - Facilities:
    - Amherst County Adult Detention Center
    - Bedford Adult Detention Center
    - Campbell County Adult Detention Center
    - Halifax County Adult Detention Center
    - Lynchburg Adult Detention Center
  - Currently average approximately 1100 inmates consisting of:
    - Pre-trial inmates
    - Local responsible inmates serving a sentence ($\leq$ 12 months)
    - Inmates waiting to be transferred to the Virginia Department of Corrections ($\geq$ 1 year)
    - Federal inmates
    - Inmates for outside jurisdictions
  - Staff of approximately 410 employees
    - Number one asset
    - Constantly searching for good staff
    - Majority live in the jurisdictions represented by the Authority
  - Recent Projects:
    - Construction of **Amherst County Adult Detention Center**
      - Cost: $47,115,776
      - Reimbursement from the state: $24,418,043**
    - Construction of Dorms at **Halifax County Adult Detention Center** (Originally Value Engineered out):
      - Cost: $1,951,260**
      - Included in reimbursement**

- Construction of roof at **Campbell County Adult Detention Center**
  - Original Cost: $1,920,000
  - Actual Cost; $1,709,450
  - Savings of $194,000
  - Funds left over from Bond money borrowed to construct the Amherst jail. (ACADC came in under budget)

- **BRRJA Mission Statement**
- ***The primary mission of the Authority is to support the criminal justice system by operating its centers (Amherst County Adult Detention Center, Bedford Adult Detention Center, Campbell County Adult Detention Center, Halifax County Adult Detention Center and Lynchburg Adult Detention Center) in a manner that produces a safe and secure environment for the public, staff and inmates. The Authority, by primarily using direct supervision techniques, will provide for basic inmate needs and make available programs and services that promote self- responsibility and development and have the goal of returning to the community more productive citizens.***

- **Direct Supervision**:
  - Officers are placed directly in the housing units with the inmates.
  - Interact to prevent problems.
  - Officers will be aware of tensions in the units.
  - Cuts down on fights and potentially volatile situations.

- **Basic Inmate Needs**:
  - Safety
  - Security
  - Diets
  - Medical
  - Dental
  - Programs
  - Well-being (Mental Health)

- **Programs offered**:
  - Work Release Program
  - Weekender Program/HEM
  - Inmate Worker Program
  - GED and Special Education GED
  - Alcoholics Anonymous
  - Religious Services/Bible Study
  - Celebrate Recovery
  - ServeSafe Certification Program
  - Interfaith Outreach Life Skills Program
  - Presbyterian Homes and Family Services Women’s Life Skills Program

- Re-entry Program

- Many of the programs we offer are paid for by an inmate commissary fund. The state requires that we offer commissary to the inmates. We receive a commission from the sales. The Code of Virginia requires that these funds are used for Inmate's Welfare. We pay for programs, buy games, basketballs, TV's., mattresses, inmate clothing, etc.

- We use bulk purchasing to save the Authority money.

- **Cost of Housing Inmates in Virginia:**
- Average operation **cost per day in Virginia** to house an inmate $72.99
- Average operation **cost per day in Sheriff** run Jails $85.97
- Average **Cost for Regional Jails** $60.14
- Average operation **cost per day for BRRJA** $57.45 ($20,969 per year)
- This information was obtained from the Virginia Compensation Board's Annual Jail Cost Report, 2012, as required by the Virginia General Assembly.

- Average cost per day to **feed an inmate**: $3.31
- Average cost per day for **medica**l: $4.92

Site Specific Information:

The BRRJA consists of five different facilities spread throughout a large geographical area. All our sites are regularly audited by the Department of Corrections to ensure compliance with Minimum Standards set forth by the Board of Corrections and they consistently receive 100% compliance.

The Lynchburg Adult Detention Center is our largest site while the Bedford Adult Detention Center is the smallest.

The Amherst County Adult Detention Center is our newest jail, opening in January 2012. It is a LEED certified building or a "green" building. It was designed to be energy efficient. It has a state of the art vacuum plumbing system that controls the use of water throughout the facility, significantly reducing an overuse. This jail is one of our largest, yet uses less water than our smallest jail.

Each BRRJA facility has their own transportation team that handles all transports to courts, hospitals, doctors, Department of Corrections, etc. We assist the local law enforcement when possible on transports and during drug round-ups.

BRRJA currently has ample space to house the anticipated inmate population moving forward. We do not foresee any expansions needed nor do we anticipate any new member jurisdictions being added. Below is the current listing of the rated capacities at each jail as set forth by the Virginia Department of Corrections and the actual beds at each facility.

Facility	Rated Capacity	Actual Beds	Current Inmates
Lynchburg Adult Det. Center	429	655	413
Amherst County Adult Det.	340	652	337
Halifax County Adult Det.	147	200	137
Campbell County Adult Det.	79	124	121
Bedford Adult Det. Center	55	96	80
- Totals	1050	1727	1088

Community Projects

- Coat drive last Christmas
- Water drive for Oklahoma tornado victims
- Torch Run participation
- Money and food drive for an ill officer
- Humane Society drive
- Participation in “Cop Camp” in Halifax
- MDA lockup

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Appropriation of Donation from the Friends of the Lynchburg Public Library for use towards the Construction of the Story Time Room at the Public Library**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate $256,000 with resources from a donation from the Friends of the Lynchburg Public Library to build a dedicated Story Time Room at the Lynchburg Public Library.

SUMMARY: In 2011, St. John's Episcopal Church donated $150,000 for the design and construction of a dedicated story time room at the Lynchburg Public Library. Library staff provides over 200 age-specific story times to hundreds of children from across the City each year; a dedicated Story Time Room will enhance this experience.

As part of the FY 2011 Carry Forward request presented to City Council on September 13, 2011, $10,000 is earmarked as the City's contribution towards this private-public partnership. LU Plaza Holdings, LLC, owner of the library parking lot, is providing additional community support by donating the land necessary to build and landscape this space. The Friends of the Lynchburg Public Library, which has long served as an advocate for the Library, has raised the additional $256,000 needed for this project.

PRIOR ACTION(S): October 11, 2011 Adopted resolution to accept donation of $150,000 from St. John's Episcopal Church
September 13, 2011 City Council Meeting, FY 2011 Carry Forward of $10,000

FISCAL IMPACT: $10,000 appropriated at FY 2011 Carry Forward

CONTACT(S): Marilyn K. Martin, Interim Director of Libraries, 455-6330
Bonnie Svrcek, Deputy City Manager, 455-3987

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2014 City Capital Projects Fund budget is amended and $256,000 is appropriated with resources from a donation from the Friends of the Lynchburg Public Library to build a dedicated Story Time Room at the Lynchburg Public Library.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

012K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014**			AGENDA ITEM NO.: 11
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Appropriation of Proceeds from the Sale of Property for Highway Projects**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate $131,575, with resources from the sale of property at 2400 Lakeside Drive, for the design of improvements to transportation infrastructure in the Whitehall Road/Lakeside Drive/Old Forest Road area.

SUMMARY: In 2009 the Virginia Department of Transportation (VDOT) transferred land from excess right of way at the intersection of Old Forest Road and Lakeside Drive to the City. The City consolidated this land in 2013 and the site was purchased by a developer with plans to build a shopping center, which included "The Fresh Market" specialty grocer. To accommodate the additional traffic and to improve the traffic flows in the area, the City partnered with the developer to improve Whitehall Road and coordinate the signals. These improvements created an additional site between Whitehall Road, Lakeside Drive and the new road constructed by the developer. The Developer, S.J. Collins, asked to purchase the new parcel and City Council approved the sale on September 10, 2013.

Proceeds received from the sale of property originally acquired through State transportation funds must be used on transportation projects. The project to design improvements to enhance traffic flow on Lakeside Drive has an estimated cost of $150,000 and meets the requirements for use of these funds. The design will focus on defining a footprint for intersection improvements at Lakeside Drive and the Expressway and will determine if additional property can be sold and not impact the construction of the one-way pairs previously approved by Council on July 11, 2006. The remaining design funds will come from resources not needed for the Whitehall Road improvements.

PRIOR ACTION(S):
City Council, November 13, 2012, February 12, 2013, September 10, 2013
Physical Development Committee, January 14, 2014
Finance Committee, January 28, 2014

FISCAL IMPACT: Proceeds of $131,575 from the property sale will assist with the design of the proposed improvements on Lakeside Drive.

CONTACT(S):
Lee Newland, City Engineer, 455-3947
Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2014 City Capital Projects Fund budget is amended and $131,575 is appropriated with resources from the sale of property at 2400 Lakeside Drive for the design of improvements to transportation infrastructure.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

010K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Forfeited Asset Fund Appropriation**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 Forfeited Asset Fund budget and appropriate $180,274 with resources from the 2014 Federal Asset Forfeiture program for the Crisis Intervention Team, to purchase public safety vehicles and equipment, and for additional public safety needs.

SUMMARY: Currently in FY 2014, the Police Department has received $180,274 in forfeited asset funds. These funds will be used for the Crisis Intervention Team (CIT) program, to purchase public safety vehicles and equipment, and other public safety needs. Historically, asset forfeiture funds are appropriated during Third Quarter Adjustments; due to the department's need and requirements set forth by the Office of the Attorney General (OAG), it is necessary to appropriate these funds earlier.

PRIOR ACTION(S): Finance Committee, January 28, 2014

FISCAL IMPACT: None; no local match is required.

CONTACT(S): Police Chief Parks Snead, 455-6104; Captain K.R. Edwards, Police Department, 455-6119

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2014 Forfeited Asset Fund budget is amended and $180,274 is appropriated with resources from the 2014 Federal Asset Forfeiture program for the Crisis Intervention Team, to purchase public safety vehicles and equipment, and for additional public safety needs.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

017K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Adoption of Resolution re: Additional City Street Mileage for Highway Maintenance Payments**

RECOMMENDATION: Approve the attached resolution requesting the Virginia Department of Transportation (VDOT) to increase the official record of the City's street lane mileage for reimbursement of highway maintenance funds.

SUMMARY: Each year the City submits a list of new or improved streets to VDOT for street maintenance payments. For FY 13 – 14 the City will receive $10,527,423 in maintenance payments for 805.01 lane miles. The state is reimbursing $18,684 for arterial lane miles and $10,970 for collector and local lane miles for this FY. For the past calendar year, a total of 0.52 lane miles of local streets are eligible to be added by VDOT for state reimbursement which should yield $5,704 in additional highway maintenance funds annually. The increased lane mileage is a result of new subdivision development.

PRIOR ACTION(S): None

FISCAL IMPACT: 0.52 lane miles of local streets are eligible to be added by VDOT for state reimbursement which should yield $5,704 in additional highway maintenance funds annually.

CONTACT(S):
Don DeBerry – City Traffic Engineer – 455-3935
Lee Newland – City Engineer – 455-3947
Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S):
Resolution
Form U-1 (Additions)
Maps

REVIEWED BY: lkp

RESOLUTION:

WHERAS the Virginia Department of Transportation (VDOT) requires action to increase the lane mileage for street maintenance entitlement funds from the Commonwealth; and

NOW, THEREORE BE IT RESOLVED That City Council requests the Commonwealth Transportation Board to approve the addition of lane mileage as enumerated on Form U-1.

Adopted:

Certified: ______________________________
Clerk of Council

011K

Appendix B
Form U-1 (Rev. 1-1-07)

LOCAL ASSISTANCE DIVISION
VDOT
REQUEST FOR STREET ADDITIONS AND DELETIONS
FOR STREET PAYMENTS

MUNICIPALITY City of Lynchburg

STREET NAME ROUTE NUMBER *	TERMINI FROM TO	R/W WIDTH (FEET)	PAVEMENT WIDTH (FEET)	CENTER-LANE MILES	NUMBER OF LANES	LANE MILES	FUNC. CLASS. (T&MPD USE ONLY)
Ridgeline Ln	Cornerstone St to Cornerstone St	60	19’	0.16	2	0.32	
Hunterdale Dr	Cornerstone St to Ridgeline Ln	60	26’	0.04	2	0.08	
New Connector Rd	Whitehall Rd to Lakeside Dr	Varies	36’	0.06	2	0.12	
Total:				0.26		0.52	

*Council Resolution and Map Attached

SIGNED ______________________________
RESIDENCY ADMINISTRATOR DATE

SIGNED______________________________
MUNICIPAL OFFICIAL DATE

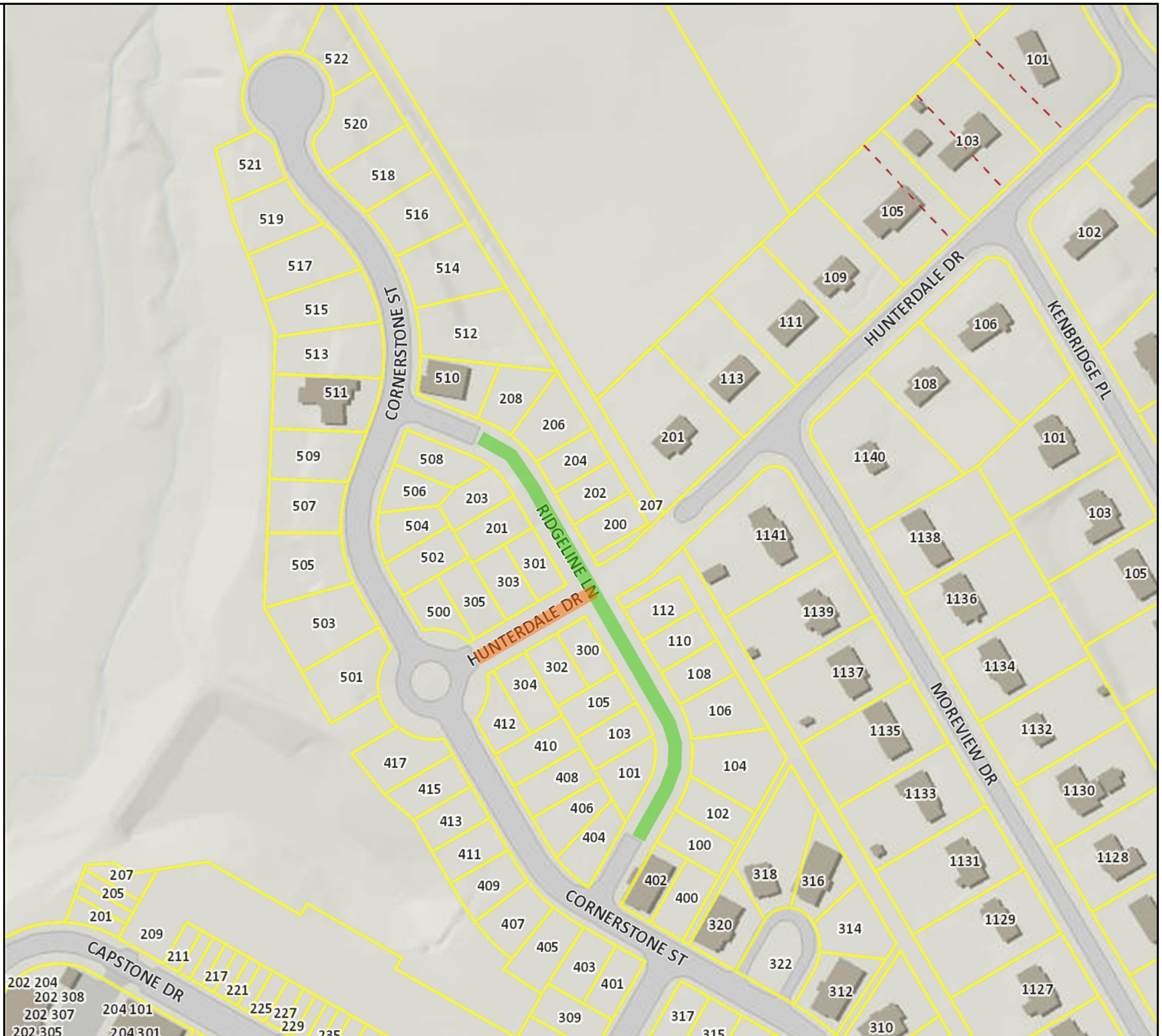
CLASSIFIED BY______________________________
T&MPD ENGINEER DATE

Submit to: Residency Administrator in triplicate

The City of Lynchburg, VA

Legend

Streets
Addresses
Legal Lot Lines
Parcels
Owner Unknown
Survey Gap



Feet
0 50 100 150 200
1:2,400 / 1"=200 Feet

Street Additions - Hunterdale Dr & Ridgeline Ln

1/14/2014

N W E S

The City of Lynchburg, VA

Legend

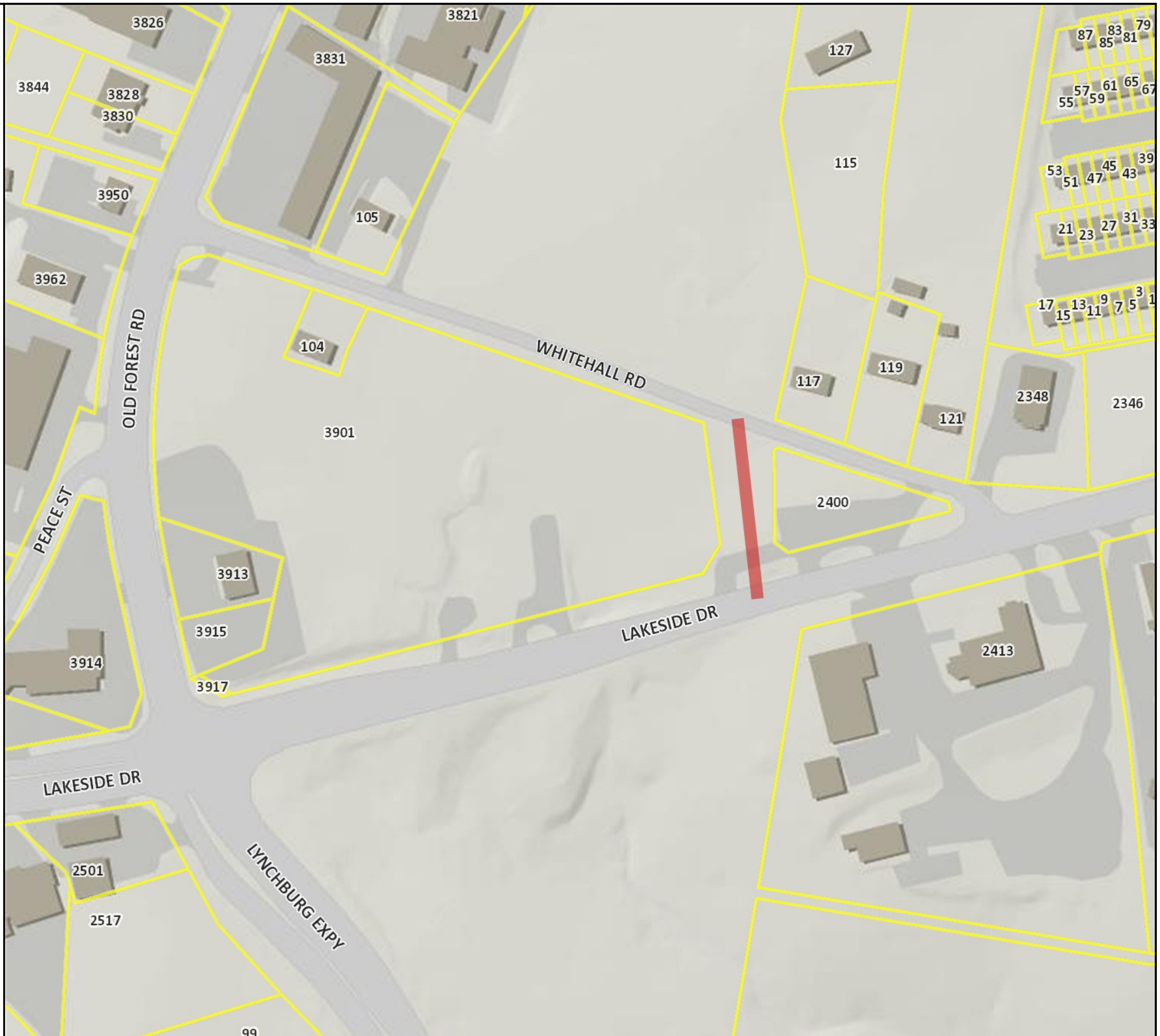
Streets

Addresses

Parcels

Owner Unknown

Survey Gap



Feet

0 50 100 150 200

1:2,400 / 1"=200 Feet

Street Additions - New Connector Rd

1/6/2014

N W E S

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 28, 2014** AGENDA ITEM NO.: 14

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Solid Waste Ordinance Revisions and Update on the Pay-by-the-Bag Program**

RECOMMENDATION: Approve changes to Solid Waste Ordinance to implement the Pay-by-the-Bag program.

SUMMARY: City staff will make a report on the implementation of the Pay-by-the-Bag program and review the changes to the Solid Waste Ordinance that are necessary.

PRIOR ACTION(S): Discussions with Council on June 12, 2012, May 22, 2012, August 14, 2012 and June 25, 2013.

FISCAL IMPACT: No significant fiscal impact.

CONTACT(S): Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S): Proposed amendments to the Solid Waste Ordinance; PowerPoint Presentation

REVIEWED BY: lkp

015K

AN ORDINANCE TO AMEND AND REENACT SECTIONS SECTION 21.2-3. DEFINITIONS, SEC. 21.2-7. SAME—APPROVED PREPAID PLASTIC TRASH BAGS, SEC. 21.2-26. COLLECTION, SEC. 21.2-28. PLACEMENT FOR COLLECTION, SEC. 21.2-31. DISPOSAL FEES, SEC. 21.2-32. ADMINISTRATION, PROHIBITION, SEC. 21.2-47.1. PAYMENT OF SERVICE FEES, AND SEC. 21.2-51. ILLEGAL POSSESSION OR USAGE OF APPROVED PREPAID PLASTIC TRASH BAGS, OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE COLLECTION OF SOLID WASTE WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections Section 21.2-3, 21.2-7, 21.2-26, 21.2-28, 21.2-31, 21.2-32, 21.2-47.1 and 21.2-51 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 21.2-3. Definitions.

Wherever used in this chapter, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations:

Agricultural waste: All solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

Apartment: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all multi-family rental units.

Ash: The fly ash or bottom ash residual waste material produced from incineration or burning of solid waste or from any fuel combustion.

Bottom ash: Ash or slag remaining in a combustion unit after combustion.

Boxes: Includes corrugated boxes, paperboard boxes, and cardboard boxes.

Brush: Any yard or debris wastes tree trimmings no larger than (3) inches in diameter and eight (8) feet in length which cannot be placed in containers in accordance with the regulations herein set forth.

Bulk waste: Items of residential waste, such as furniture, large cartons, white goods, or similar materials which cannot be placed in containers in accordance with the regulations herein set forth. Bulk waste does not include tires, household hazardous waste, construction and demolition materials.

Bundles: A number of things bound together for collection (such as brush, broken-down boxes and waste). Brush and yard waste bundles shall meet the requirements of section 21.2-4 for collection. Boxes shall be broken down and tied together. No bundle shall exceed fifty (50) pounds in weight.

Collection: Removal or transportation of solid waste, ashes, recyclable material and yard waste, from its place of storage or collection point to its place of disposal.

Commercial establishment: Any retail or wholesale, restaurant, religious, government or nonresidential establishment at which trash or garbage may be generated.

Commercial waste: All solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Compost: A stabilized organic product produced by a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment. Composted sludge shall be as defined by the Virginia Sewerage Regulations.

Condominium: An apartment house or complex in which the apartments or dwelling units are individually owned.

Construction waste: Solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction wastes include, but not limited to, lumber, wire, sheetrock, broken brick, asphalt, shingles, glass, pipes, concrete, paving materials and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Debris waste: Wastes resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

Demolition waste: Any solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.

Discard: To abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

Discarded material: A material which is:

(a) Abandoned by being:

(1) Disposed of,

(2) Burned or incinerated; or

(3) Accumulated, stored or treated (but not used, reused, or reclaimed) before or in lieu of being abandoned by being disposed of, burned or incinerated,

(b) Used, reused or reclaimed material as defined in this part, or

(c) Considered as solid waste as defined in section 3.2 of the Virginia Solid Waste Management Regulations (VR 672-72-10).

DEQ: The Virginia Department of Environmental Quality.

Disposal: The act of discharging, depositing, injecting, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

Disposal site: All land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. All solid waste disposal sites must be approved and/or permitted by the Virginia Department of Environmental Quality.

EPA: The United States Environmental Protection Agency.

Fly ash: Ash particulate collected from air pollution attenuation devices on combustion units.

Garbage: Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste: A “hazardous waste” as described by the Virginia Hazardous Waste Regulations (VR 672-10-1).

Household hazardous waste (HHW): The following are examples of what residents can bring on HHW collection days to the Region 2000 Services Authority (RSA) facility: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. The RSA website maintains the current list of the types of waste that are accepted and not accepted.

Household waste: Any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by state agencies other than DEQ's Division of Waste Management Programs.

Industrial waste: Any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agriculture chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and waste treatment. This term does not include mining waste or oil and gas waste.

Inert waste: Solid waste which is physically, chemically and biologically stable from further degradation and considered to be non-reacting. Inert wastes include rubble, concrete, bricks, and blocks.

Institutional waste: All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste. No medical waste is accepted at the city's landfill.

Landfill: A sanitary landfill, an industrial waste landfill or a construction/debris landfill.

Landfill disposal area: The area within the property boundary or permitted for actual burial.

Litter: Any waste as defined in 21.1-2 (Litter Control - Definitions) of this code.

Living units: One or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household.

Medical waste: Any solid waste identified by health care professionals in charge as capable of producing infectious disease in humans. Any solid waste is regulated medical waste if it is one of the following:

(a) discarded cultures, stocks, specimens, vaccines and associated items likely to have been contaminated by them are regulated medical wastes if they are likely to contain organisms likely to be pathogenic to healthy humans;

(b) waste consisting of human blood, human blood products and items contaminated by human blood are regulated human wastes;

(c) all pathological wastes and all wastes that are human tissues, organs, body parts, or body fluids are regulated medical wastes;

(d) used sharps (needles, syringes, etc.) likely to be contaminated with organisms that are pathogenic to healthy humans and all sharps used in patient care are regulated medical waste;

(e) any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any regulated medical waste is itself regulated medical waste; and

(f) any solid waste contaminated by or mixed with regulated medical waste is itself regulated medical waste.

Motor vehicle: Every device, which is self-propelled or designed for self-propulsion, in, upon, or by which any person or property is or may be transported or drawn upon the highway, except devices moved by human power or used exclusively upon stationary rails or tracks. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space, shall be considered a part of a motor vehicle.

Mover's trash: Solid waste generated due to person or persons moving-in to or moving-out of a residence.

Multi-family unit: A building, or any appurtenances thereof, designed for occupancy or occupied by two (2) or more families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all, but not limited to apartments, condominiums and duplexes with two (2) or more rental units. The owner(s) of a multi-family unit shall be responsible for ensuring that the residents of a multi-family unit comply with the provisions of this chapter.

Municipal solid waste: That waste which is normally composed of residential, commercial, and institutional solid waste. Medical waste is not accepted at the RSA facility.

Occupant: Any person occupying or residing on any lot, premises or parcel of land in the city and having, at the time, apparent possession or control thereof.

Owner: Any person who, alone or jointly or severally with others:

(a) Shall have all or part of legal title to any lot, premises or parcel of land in the city, not, at the time, in the actual or apparent possession or control of another, or;

(b) Shall have all or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term shall include a mortgagee in possession, or;

(c) Shall have charge, care or control of any lot, premises or parcel of land in the city, as agent or representative of the owner, or as personal representative, trustee or guardian of the estate of the owner.

Person: Any individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

Putrescible waste: Solid waste which contains organic material capable of being decomposed by micro-organisms and cause odors.

Recyclable material: Any material which retains useful properties that can be reclaimed after the production or consumption process.

Recycling center: A facility designed for the collection, separation and/or recycling of recyclable materials.

Refuse: All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Regulated medical waste: Solid wastes defined to be infectious by the Virginia Regulated Medical Waste Management Regulations (VR 672-40-01).

Residential waste: Any household waste.

RSA facility: a landfill, transfer station, recycling center or other operation managed by the Region 2000 Services Authority for the purpose of collecting and disposing of solid waste.

Rubbish: Combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term “garbage.”

Scavenging: The unauthorized or uncontrolled collection or removal of waste or recyclable materials from a solid waste management facility, waste that has been placed on the curbside for city collection or recycling center.

Semitrailer: Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Single-family residence: a residential building or structure containing only one dwelling unit, which is arranged, designed, used or intended for use by one family (as defined by the city’s zoning ordinance). The owner(s) of a single-family residence that is being occupied as rental property shall be responsible for ensuring that the occupant(s) of such single-family residence comply with the provisions of this chapter.

Site clearance materials: Any items such as boulders, rocks, tree trunks, stumps, or tree limbs.

Solid waste: Any of those materials defined as 'solid waste' in Part III of the Virginia Solid Waste Management Regulations (VR 672-20-10).

Solid waste management facility: A site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

Special wastes: Solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

Trailer court: Any lot, parcel or tract of land, together with open spaces, used, designed, maintained or held out to accommodate one (1) or more mobile homes or trailers, including all buildings, structures, tents, vehicles, accessories or appurtenances used or intended as equipment of such mobile home or trailer court. A mobile home court provides for the permanent or long-term location of mobile homes. The owner(s) of the trailer court shall be responsible for ensuring that the residents of the trailer court comply with the provisions of this chapter.

Trash: Combustible and noncombustible discarded materials, and is used interchangeably with the term rubbish.

Waste container: City approved trash cart or approved prepaid plastic trash bag. ~~Any approved watertight and covered receptacle used by any person to store solid waste or ashes for collection. This includes approved plastic bags but does not include boxes~~.

White goods: Any stoves, washers, hot water heaters and other large appliances.

Yard waste: That fraction of municipal solid waste that consists of grass clippings, leaves, brush and tree prunings arising from general landscape maintenance.

Sec. 21.2-7. Same—Approved prepaid plastic trash bags.

Approved prepaid plastic trash bags ~~Plastic bags~~ as described herein shall constitute an approved waste container, and when plastic bags are used for the disposal of solid waste, the same shall conform to the following specifications:

(a) Residents may purchase approved prepaid trash bags for use inside an approved waste container or for occasional extra refuse that does not fit in trash container. Bags can be purchased at various vendor locations approved by the city and will display the City of Lynchburg seal. Fees for approved prepaid trash bags will cover all disposal costs.

(b) ~~One to thirteen gallon bags shall not be filled to exceed twenty-five (25) pounds in weight. Fourteen (14) and up to t~~Thirty-two (32) gallon bags shall not be filled to exceed fifty (50) pounds in weight.

(c)

(d) Approved prepaid plastic trash bags ~~Plastic bags~~ containing solid waste shall be securely tied when placed outside for collection to prevent refuse from falling out.

(e) Approved prepaid plastic trash bags ~~Plastic bags~~ are for one time use only and will be collected and disposed of by city employees.

Sec. 21.2-26. Collection.

(a) The city shall collect refuse from eligible residential and small commercial establishments abutting a public street and certain multi-family units. If solid waste is placed curbside on the day of city waste collection for that property, it is assumed that property desires city waste collection services. Owners or operators of multi-family units (to include, but not limited to apartments, condominiums, duplexes and town homes) and trailer courts with two or more rental units and non-manufacturing businesses accept the fee-related responsibility for associated disposal charges and are responsible for displaying an official annual trash disposal decal~~, appropriate one-time use trash tags~~ or using approved prepaid plastic trash bags for city curbside collection. Owners of all properties not eligible or desiring of city collection shall be responsible for the proper storage and disposal of all refuse; said refuse may not be placed curbside on the day the city is scheduled to provide collection services. Those properties not eligible for city collection include, but are not limited to: properties of five (5) or more living units and manufacturing businesses and those commercial establishments and multi-family properties with four (4) or less living units that put out more than four (4) containers per collection.

(b) House trailers shall be treated as single family units only if they front on a public street and reside upon individually platted lots. House trailers which do not front on a public street and reside upon individually platted lots shall be treated as multi-family dwellings.

(c) If the waste containers put out by the occupants of a multi-family unit or trailer court do not display ~~refuse~~ ~~tags~~ ~~or~~ annual decals, or if approved prepaid plastic trash bags are not used, a duly designated officer of the city will issue violation notice(s) to the owner(s) or operator(s) of the multi-family unit or trailer court. It shall be the responsibility of the owner(s) or operator(s) to take appropriate action to make sure the occupants of the multi-family unit or trailer court place ~~refuse~~ ~~tags~~ ~~or~~ annual decals on their waste containers or use approved prepaid plastic trash bags. If after giving reasonable notice to the owner(s) or occupant(s) the waste containers of a multi-family unit or trailer court still do not display ~~appropriate refuse~~ ~~tags~~ ~~or~~ annual decals, or use approved prepaid trash bags, the city may discontinue refuse collection from such multi-family unit or trailer court until the owner(s) or operator(s) satisfies ~~one of~~ the following:

(1) Pay all applicable service fee(s) ~~service charges~~ ~~and a re-instatement fee~~ or

~~(2) Show proof of purchase of an annual trash disposal decal to resume refuse collection service to avoid future service fee(s) for the violating address or~~

~~(3)~~ (2) Owner(s) or Operator(s) shall ~~M~~make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by the multi-family unit or trailer court.

(d) If waste containers put out by the occupants of a single-family residence that is being occupied as rental property do not display ~~refuse~~ ~~tags~~ ~~or~~ annual decals or ~~use~~ if approved prepaid plastic trash bags are not used , a duly designated officer of the city will issue violation notice(s) to the owner(s) or occupant(s) of the single-family residence. It shall be the responsibility of the owner(s) to take appropriate action to make sure the occupants of the single-family residence place ~~refuse~~ ~~tags~~ ~~or~~ annual decals on their waste containers or use approved prepaid plastic trash bags. If after giving reasonable notice(s) to the owner(s) or occupant(s) the waste containers still do not display ~~refuse~~ ~~tags~~ ~~or~~ annual decals, and approved prepaid plastic trash bags ~~or~~ are not used, the city may discontinue refuse collection from such single-family residence and the owner(s) resident satisfies ~~one of~~ the following:

(1) Pay all applicable service fee(s) ~~service charges~~ ~~and a re-instatement fee~~ or

~~(2) Show proof of purchase of an annual trash disposal decal to resume refuse collection service to avoid future service fee(s) for the violating address or~~

~~(3)~~ (2) Owner(s) or Operator(s) shall ~~M~~make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by such single-family residence.

(e) If the waste containers put out by the occupants of a multi-family unit, trailer court, or single-family residence being occupied as rental property do not display ~~refuse~~ ~~tags~~ , annual decals or ~~used~~ if approved prepaid trash bags are not used, in order to prevent the waste in the containers from being scattered upon public or private property, the city, at its option, may remove the waste and bill the owner of the multi-family unit, trailer court or single family residence a service fee ~~service charge(s)~~. In the event the owner of the multi-family unit, trailer court or single-family residence fails to pay the service fee ~~service charges~~, the city may discontinue refuse collection from such multi-family unit, trailer court or single-family residence and the owner(s), operator(s) or residents shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by such multi-family unit, trailer court, single-family residence.

(f) When refuse from commercial establishments exceeds four (4) containers per collection the operator of such business is required to remove and dispose of such excess at the expense of the operator.

(g) When refuse from a multi-family property with four (4) or less living units exceeds four (4) containers per collection the owner or managing agent of such property is required to remove and dispose of such excess at their expense and is not eligible for city trash collection service.

(h) Whenever a person places refuse or other waste material for collection by the city without complying with all the provisions of this article, in addition to or in lieu of prosecution of such person for a Class I misdemeanor violation, the city may also do one of the following:

(1) The city may collect the refuse or material notwithstanding the fact that its placement or packaging does not comply with the provisions of this article. In such cases, the city shall after reasonable notice discontinue refuse collection service and assess a service fee ~~service charge~~ against the owner of the property in front of which such waste material was placed. Such service fee ~~service charge~~(s) shall be in accordance with the following to resume city collection services:

A service fee(s) ~~service charge(s)~~ ~~for each re-instatement~~ as determined appropriate by the City Manager ~~of~~ or his designee.

This service fee ~~service charge~~ shall be billed to the owner or manager of the violating property. ~~Each charge~~ Fees authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

(2) The city may choose not to collect the refuse or material after reasonable notice. In such case, the city shall affix a violation to the rejected container(s), refuse or material explaining the reason for the rejection. A similar notice may be issued to the property owner of the property in front of which such uncollected refuse or material was placed. The latter notice may be verbal or written and shall be provided as soon as is feasible after the rejection.

Where the city has not collected refuse or other material from curbside or elsewhere because such refuse or other materials was not placed or prepared in accordance with this article, the persons responsible for such placement shall remove that refuse or other material as soon as practical after the city has refused collection, and in any event, by the end of the designated collection day.

Sec. 21.2-28. Placement for collection.

(a) Bundles or approved waste containers containing solid waste which are to be collected by the city shall be placed at the edge of the street no earlier than 6:00 p.m. of the previous day and not later than 7:00 a.m. on the appropriate collection day. Approved waste containers shall be removed from the streets as soon as possible, but not later than 7:00 p.m. of that same day.

(b) Containers for solid waste set out for collection and disposal by the city shall be placed so as not to hinder, block, retard or endanger those using the streets, alleys, sidewalks or walkways of the city and so as to be reasonably accessible to the employees of the city.

(c) In any prosecution charging the failure to display an ~~refuse tag~~ annual decal on a waste container or use an approved prepaid plastic trash bag, proof that a waste container was placed in front of a residence in violation of this chapter with proof that the defendant was at the time of the violation the occupant of the residence shall constitute in evidence a permissible inference ~~prima facie presumption~~ that the occupant of the residence was the person who committed the violation.

(d) In any prosecution charging the failure to display an ~~refuse tag~~annual decal on a waste container or use an approved prepaid plastic trash bag, proof that an examination of the waste container in question revealed material that identifies the generator of the solid waste, shall constitute in evidence a permissible inference ~~prima facie presumption~~ that the generator of the waste was the person who committed the violation

Sec. 21.2-31. Disposal fees.

(a) Refuse collected pursuant to section 21.2-26 of this code must be contained within (i) ~~a~~ an approved prepaid plastic trash bag displaying the official city logo, or (ii) ~~an approved container with an appropriate official city tag on the handle of the approved container or on top of the refuse in the approved container, (iii)~~ an approved container displaying a valid city decal. ~~, or (iv) a bundle meeting the specifications in this chapter displaying an appropriate official city tag. Official city refuse tags~~ Approved prepaid plastic trash bags shall be available for purchase at those locations designated by the city manager or his designee. A list of the currently designated locations for the purchase of ~~tags~~ , ~~decals~~ ~~or~~ approved prepaid plastic trash bags will be available for review at the city Collections Division or Public Works Department during regular business hours. Decals will be sold at the Collections Division windows of city hall during regular business hours and through the mail pursuant to a system approved by the city manager or his designee..

(b) ~~tags~~ Approved prepaid plastic trash bags shall cover the cost of the disposaland the cost of the bag and shall be determined by the city manager or his designee. ~~for approved containers with a volume up to thirty-two (32) gallons or for bundles not to exceed fifty (50) pounds shall cost ninety-five cents ($0.95)~~ ~~six dollars and twenty-five cents ($6.25)~~ ~~per tag~~ package of 5. ~~Tags for trash carts with a volume of sixty-four (64) gallons shall cost one dollar and ninety ($1.90) per tag.~~

(c) Annual decals for once per week pickup for reusable trash carts with a volume of up to thirty-two (32) gallons shall cost forty dollars ($40.00) each. Annual decals for once per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost eighty dollars ($80.00) each. Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

Period	Percentage of Full Price
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container. In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half (½) of a month shall be counted as a full month and a period of less than one-half (½) of a month shall not be counted.

(d) ~~Prepaid~~ Approved prepaid plastic trash bags with a volume up to thirty-two (32) gallons include the costs of disposal of waste material.

(e) In certain areas designated by the city manager or his designee for twice per week pickup, annual decals for twice per week pickup for reusable trash carts with a volume of up to thirty-two (32) gallons shall cost eighty dollars ($80.00) each. In those same areas, annual decals for twice per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost one hundred sixty dollars ($160.00). Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

Period	Percentage of Full Price
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%

May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half (½) of a month shall be counted as a full month and a period of less than one-half (½) of a month shall not be counted. Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.

~~P(g)~~ (f) The owner or operator of any location designated to sell ~~refuse~~ ~~tags~~ ~~,~~ approved prepaid plastic trash bags ~~or annual decals~~ shall be compensated for accounting and remitting the fee levied for the purchase of the ~~tags~~ ~~or~~ approved prepaid plastic trash bags. Such compensation shall be a deduction of three percent (3%) of the amount of the fee from the sale of such ~~tags~~ ~~,~~ approved prepaid plastic trash bags ~~or decals~~. The deduction shall be accounted for in the accounting report submitted to the city with the fees from the sale of the ~~tags~~ ~~,~~ ~~or~~ approved prepaid plastic trash bags provided that the amount due is not delinquent at the time of payment. The city manager or his designee shall establish criteria for the designation of locations and the accounting and payment procedures by the owners and operators of the designated locations. The fees collected from the sale of ~~tags~~ ~~,~~ approved prepaid plastic trash bags ~~and decals~~ are public funds and shall be held in trust for the city by the person collecting the same. It shall be a criminal offense for the person holding such fees to use them for any purpose whatsoever.

~~(h)~~(g) Beginning October 1, 2012, the city manager or his designee shall have the authority to issue sixty four (64) gallon annual decals at no cost to disadvantaged citizens or families and to elderly or permanently and totally disabled citizens who qualify for the tax relief, who own and occupy an existing dwelling as of July 1, 2012, pursuant to Section 36-175 of the city code upon criteria to be developed by the city manager or his designee. Disadvantaged citizens or families and elderly or permanently and totally disabled citizens who live in multi-family dwellings and trailer courts that do utilize the city's refuse collection services shall not be entitled to a free annual decal ~~or refuse tags~~.

~~(i)~~(h) Except as allowed in this chapter, no refunds in whole or in part shall be allowed for ~~tags~~ ~~or~~ approved prepaid plastic trash bags which are unused, lost, destroyed or stolen. Except as allowed in this chapter, no refuse disposal fees shall be discounted, waived or suspended.

~~(j)~~(i) In the event any annual decal issued under this chapter shall be lost, stolen or destroyed, the person to whom the decal was issued may make application to the collections division or public works department and obtain a duplicate decal upon furnishing information of such fact, by affidavit or other evidence that is satisfactory to the director of finance/director of human services. Any person providing false or intentionally misleading information to the collections division/social services division under this section shall be guilty of a class 3 misdemeanor and the collections division/social services division shall revoke any duplicate decal issued as a result of such false or intentionally misleading information.

~~(k)~~(j) The city manager or his designee shall have the authority to provide for refuse collection and disposal on a limited basis at no cost for city sponsored specific community clean-up or litter reduction efforts. The city manager or his designee shall use color-coded plastic bags or approved containers, or other special arrangements which are necessary or appropriate for the administration of such cleanup or litter reduction efforts.

~~(l)~~(k) The city manager or his designee shall have the authority to adjust or suspend fees due to natural disasters such as fires, floods and severe storms pursuant to criteria to be developed by the city manager or his designee.

Sec. 21.2-32. Administration, prohibition.

(a) The city manager or his designee shall be responsible for overseeing and employing reasonable discretion in the design, implementation and administration of the variable fee-based disposal system. Any interpretation of sections 21.2-26 through 21.2-32 shall be the responsibility of the city manager or his designee.

(b) The city manager or his designee shall have the authority to designate one or more persons to perform all or part of his duties and exercise his rights granted under this chapter.

(c) It shall be unlawful for any person to steal, copy, or counterfeit an approved prepaid plastic trash bag or to steal, copy, counterfeit, alter, or deface any official decal issued pursuant to section 21.2-31 of this chapter

Sec. 21.2-47.1. Payment of ~~civil fines~~ service fees.

For ~~any offense charging a~~ failure to display an official ~~refuse tag~~ ~~or~~ annual decal on a waste container or for failure to use an approved prepaid trash bag, the person ~~charged with the~~ in violation shall be assessed a ~~$25.00~~ service fee established by the City Manager. ~~may avoid a court hearing by paying the civil fines listed below to the city official designated by the city manager to receive such fines.~~

~~(a) for a first offense a fine of $25.00;~~

~~(b) for the second offense a fine of $50.00; and~~

~~(c) for a third and all subsequent offenses a fine of $100.00~~

Sec. 21.2-51. Illegal possession or usage of ~~refuse tags or~~ approved prepaid plastic trash bags.

(a) It shall be unlawful for any person to possess, sell or use ~~a refuse tag,~~ an approved prepaid plastic trash bag or annual decal that the person did not purchase at face value, receive from a person who purchased the ~~refuse tag,~~ approved prepaid plastic trash bag or annual decal at face value or receive from an authorized city agency.

(b) It shall be unlawful for the owner or the operator of any business, other than a business that has been properly designated to sell ~~refuse tags~~, approved prepaid plastic trash bags or annual decals as provided in Section 21-2.31 of this chapter, to possess ~~refuse tags~~, approved prepaid plastic trash bags or annual decals or to sell ~~refuse tags~~ approved prepaid plastic trash bags or annual decals to any person.

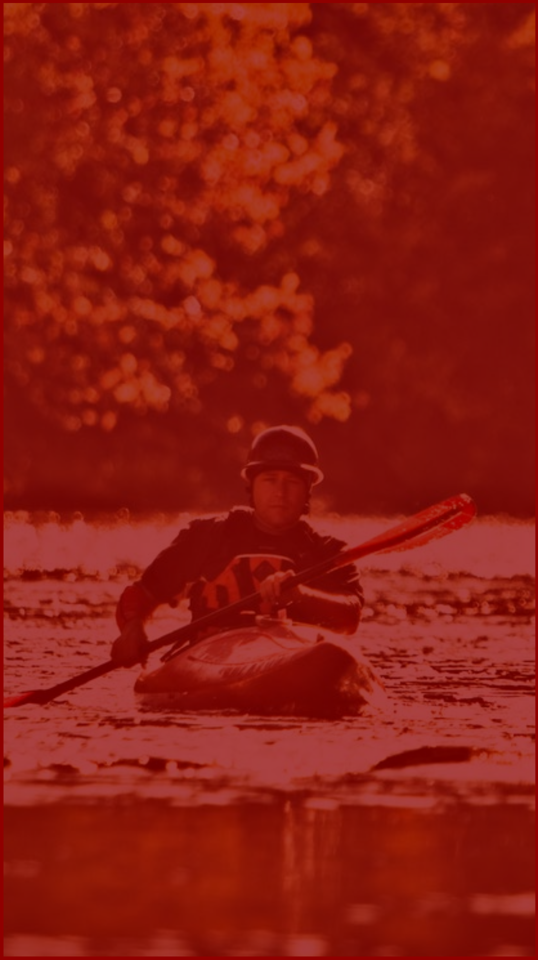
(c) It shall be unlawful for the owner or operator of any business that has been properly designated to sell ~~refuse tags~~, approved prepaid plastic trash bags or annual decals as provided in Section 21.2-31 of this chapter, to possess or to sell any ~~refuse tag,~~ approved prepaid plastic trash bag or annual decal that was not issued to the business by the city.

(d) Any person violating any of the provisions of this section shall be guilty of a class 1 misdemeanor. Each incident of possession, sale or use of a ~~refuse tag~~ approved prepaid plastic trash bags in violation of this section shall constitute a separate offense and shall be punishable as a class 1 misdemeanor.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: ________________________________ Clerk of Council



Pay By The Bag Program

Gaynelle Hart, Director of Public Works

Pay As You Throw System

- Advantages of a Pay As You Throw System
  - Reduce waste stream
  - Reduce tipping fees
  - Encourage recycling
  - Citizens control house expenses

Current System

- Decal
  - 32 gallon/$40.00
  - 64 gallon/$80.00
- Tags
  - 32 gallon/$0.95
  - 64 gallon/$1.90

Current System Challenges

- Citizen compliance
- Requires court action
- Lack of available resources dedicated to enforcement

Program Revision Team

- Public Works

  Gaynelle Hart, Russ Blankenstein, Beverly Herndon, Staci Reynolds

- Finance

  Donna Witt, Rhonda Allbeck, Susan Hargis, La'Shonna Wright, Roxanne Grubbs

- Communication & Marketing

  Joann Martin, LuAnn Hunt, Sandra Inscoe

Goals for Program Changes

- Revenue Neutral
- Equitable
- Consistent Enforcement
- Trash Removal from Neighborhoods

Revised Program

- Retain Two Size Decals
- Eliminate Trash Tags
- Implement Pre-paid Trash Bags
- Implement Service Fee

Revised Program Continued

- Pre-paid 32 gallon bags with the city logo
- Sold in rolls of five at $6.25/roll (includes the price of the bag & disposal fee)
- Bags widely available at retail stores
- Contract with Waste Zero, Inc.
  - Produce bags with city logo
  - Contact retailers to set up accounts
  - Distribute bags to the retail stores
  - Collect sales & deposit in city account

Examples of Trash Preparation

Revised Program Continued

- Enforcement
  - Refuse collectors write violations
  - Charge service fee ($25.00)
  - Follow normal collection process

Implementation & Transition

- Public Education
  - Public Meetings
  - Media
  - Social Media
  - Door Hangers
  - Mailers

Implementation & Transition Cont.

- Target Implementation Date – April 7, 2014
- Overlap tags & bags
- Service fee implementation

Council Action

- Approve changes to the Solid Waste Ordinance
  - Pre-Paid Trash Bag
  - Service Fee
  - Elimination of Trash Tags

Questions?