September 27, 2022

THE CITY OF LYNCHBURG COUNCIL MEETING

CITY COUNCIL AGENDA

City Council Meeting - 7:30 p.m.
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

IV. Invocation Councilmember Faraldi

V. Consent Agenda

A) Consideration of adopting Resolution #R-22-053 approving the FY 2022 Fourth Quarter Adjustments.

VI. Public Hearing

8) Consideration of adopting Resolution #R-22-___ approving the submission of the Program Year 2021 (FY 2022) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD).

9) Consideration of adopting Ordinance #O-22-___ approving a franchise agreement with AC Capital, LLC for the use of the City's public rights-of-way for the construction, installation, use, and maintenance of certain encroachments in the public rights-of-way of the City at Court Street and 12th Street.

VII. Public Comment

**Public Comment Addendum will be posted separately after the citizen sign-up deadline of Friday at noon preceding the Council meeting.*

VIII. General Business

10) **Second Reading:** Consideration of adopting Resolution #R-22-054 approving FY 2023 First Quarter Adjustments.

11) Consideration of a closed meeting to perform an annual evaluation of the City Manager and to further discuss the evaluation of the City Attorney, pursuant to Section 2.2-3711(A)(1) of Code of Virginia, 1950, as amended.

FINANCE COMMITTEE AGENDA

Tuesday, September 27, 2022
11:30 a.m. – Council Chamber

GENERAL BUSINESS

11:30 a.m.

1. Approval of the Draft Finance Committee Meeting Notes from July 26, 2022.

    Contact: Rhonda Allbeck for Donna Witt, Chief Financial Officer 455-3968

11:35 a.m.

2. Report on the General Fund Reserve for Contingencies.

    Contact: Rhonda Allbeck for Donna Witt, Chief Financial Officer 455-3968

11:40 a.m.

3. Approve the submittal of a grant application to the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) for $54,162 with resources of $27,081 from the RSAF grant and $27,081 from the FY 2023 General Fund Fire Department budget to purchase one (1) Lifepak 15 monitor/defibrillator and one (1) Lucas 3 chest compression system for the Fire Department.

    Contact: Greg Wormser, Fire Chief 455-6340

11:45 p.m.

4. Elimination of Business License Tax for Businesses with Gross Receipts Less than $50,000.

    Contact: Mitchell W. Nuckles, Commissioner of the Revenue 455-3870

11:50 p.m.

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

    Contact: Rhonda Allbeck for Donna Witt, Chief Financial Officer 455-3968

11:55 a.m.

6. Estimated FY 2022 Unassigned General Fund Balance.

    Contact: Rhonda Allbeck for Donna Witt, Chief Financial Officer 455-3968

12:00 p.m.

7. Roll Call

The next Finance Committee meeting is Tuesday, October 25, 2022 at 11:30 a.m.

Agenda Item #: 1

FINANCE COMMITTEE NOTES -- DRAFT
Tuesday, July 26, 2022

GENERAL BUSINESS

Meeting commenced at 11:30 a.m. in Council Chamber.

ATTENDEES
Committee Members: *Council Member Jeff S. Helgeson, Chair; Council Member Randy Nelson; Council Member Beau Wright; Mayor MaryJane Dolan, Ex-Officio.*
Others: *Wynter C. Benda, City Manager; Donna Witt, Chief Financial Officer*

1. Approval of the Draft Finance Committee Meeting Notes from May 24, 2022.

   Notes were approved with one correction. Under the Children's Services Act (CSA) Quarterly Report, "Non-Sum Sufficient" included a typo when presented as "Non-Sun-Sufficient".

2. Report on the General Fund Reserve for Contingencies.

   Donna Witt reported, with the new fiscal year, there were no new items presented, leaving a current balance of $1,200,000 including $50,000 for the City Manager's Discretionary Funding.

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

   Donna Witt reported for the five revenues reported they are $7.1 million above budget through May, continuing the pattern of exceeding projections due to a strong economy and inflation. In answer to questions regarding expenditures, Donna reported there are still many vacancies but some of the savings will be offset with additional fuel and chemical costs. A discussion was held by the Committee regarding ways to give back to citizens. City Manager Wynter Benda reported a discussion with the City Attorney regarding ways to return surplus funds under State Code 15.2-2511.1. Council Member Nelson suggested looking at lowering the Meals Tax rate since many citizens in poverty have to eat outside their homes. Chairman Helgeson made the point most citizens may not be able to deduct real estate taxes on their federal taxes making it more of a burden. Council Member Wright made the point to review revenue impact in the next months with federal interest rates increasing, which might lead to less spending by citizens thereby reducing revenues. City Manager Benda let the Committee members know of a retreat being planned for October 7, 2022 and his plan for including an economist to look at the federal, state and local economy. Chairman Helgeson requested the macro economy be included in the presentation as well.

4. Roll Call.
   There were no roll call items.

Meeting adjourned at 11:54 a.m.

FY 2023 GENERAL FUND RESERVE FOR CONTINGENCIES

	Reserve for Contingencies	City Manager's Discretionary Funding
BEGINNING BALANCE, JULY 1, 2022	$1,150,000	$50,000
Carryforward to FY 2023 Reserve for Contingencies - FY 2023 Adopted Budget	0	0
BALANCE	**$1,150,000**	**$50,000**
APPROPRIATIONS (Second Reading)		
TOTAL APPROPRIATIONS	**$0**	**$0**
REMAINING BALANCE	**$1,150,000**	**$50,000**
ITEMS INTRODUCED		
TOTAL INTRODUCED ITEMS	**$0**	**$0**
REMAINING BALANCE	**$1,150,000**	**$50,000**
PENDING ITEMS		
TOTAL PENDING ITEMS	**$0**	**$0**
ENDING BALANCE, JUNE 30, 2023	**$1,150,000**	**$50,000**

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **September 27, 2022** AGENDA ITEM #: **3**

REGULAR: **X** WORK SESSION: CLOSED SESSION (Confidential):
ACTION: **X** INFORMATION:

ITEM TITLE: Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) to purchase (1) Lifepak 15 monitor/defibrillator and (1) Lucas 3 chest compression system for medic units.

RECOMMENDATION: Approve the submittal of a grant application to the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) for $54,162 with resources of $27,081 from the RSAF grant and $27,081 from the FY 2023 General Fund Fire Department budget to purchase one (1) Lifepak 15 monitor/defibrillator and one (1) Lucas 3 chest compression system for the Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services.

The Fire Department will apply for RSAF grant funds for one (1) Lifepak 15 monitor/defibrillator and one (1) Lucas 3 chest compression system. The current service call volume requires LFD to reinstate a fifth reserve medic unit. The Lifepak 15 monitor/defibrillator and Lucas 3 chest compression systems are required for the fifth medic unit.

The Fire Department plans to apply for the grant under a 50/50 match. With a total cost of $54,162, the maximum required local match is $27,081. Grants will be awarded in January 2023; therefore, if awarded, the match will be funded from the FY 2023 General Fund Fire Department budget.

PRIOR ACTION(S): None

FISCAL IMPACT: $27,081 in matching funds will be provided from the Fire Department's FY 2023 budget; no additional appropriation is required. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S):
Greg Wormser, Fire Chief, 455-6340
Robert Lipscomb, Deputy Fire Chief, 455-6352
Annette Pettyjohn, Fire Administrative Manager, 455-6368

ATTACHMENT(S): None

REVIEWED BY:

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 27, 2022**			AGENDA ITEM #: **4**
CONSENT: ACTION:	REGULAR: INFORMATION: **X**	WORK SESSION: **X**	CLOSED SESSION: (Confidential)

ITEM TITLE: Elimination of Business License Tax for Businesses with Gross Receipts Less than $50,000.

RECOMMENDATION: Hear a presentation on information related to the elimination of Business License tax for businesses with gross receipts less than $50,000 for the preceding calendar year.

SUMMARY: In response to a request made by Council Member Helgeson, the Commissioner of the Revenue and City Staff will provide information related to the elimination of Business License tax for businesses with gross receipts less than $50,000 for the preceding calendar year.

Currently, any business or profession whose gross receipts, wholesale, purchases, or commission sales for the preceding calendar year are between $10,001 and $50,000 pay an annual license tax of $30. Any business or profession whose gross receipts, wholesale, purchases, or commission sales for the preceding calendar year are $10,000 or less is not subject to the business and professional licensing requirements.

A total of 510 businesses reported gross receipts in the range of $10,001 - $50,000 for calendar year 2021, with gross receipts totaling $15,384,958. The 2022 Business License Tax due from these businesses totaled $15,417, and the Business Personal Property (BPP) totaled $19,833, for total revenues of $35,250 from this range. Revising the current ordinance to eliminate Business License Tax for this group would reduce revenues by approximately $35,250.

PRIOR ACTION(S):
September 27, 2022 Finance Committee and City Council Work Session

FISCAL IMPACT: Reduce Business License Tax revenue by $35,250, based on current number of businesses in the $10,001 – 50,000 range.

CONTACT(S): Mitchell W. Nuckles, Commissioner of the Revenue, 455-3870
Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S):
- Business License Information Sheet

REVIEWED BY:

2022 BUSINES LICENSE STATISTICS

FEE RANGE	# OF BUS. LICENSE	TOTAL GROSS RECEIPTS	TOTAL BL TAX	TOTAL BPP TAX	TOTAL REVENUE	% TO TOTAL
$10,001 - $50,000	510	$15,384,958	$15,417.09	$19,833.22	$35,250.31	0.28%

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **September 27, 2022** AGENDA ITEM #: **5**

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

ITEM TITLE: Revenue Update

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

SUMMARY: Five of the City's major revenue sources are taxes collected on a monthly basis: Local Sales and Use Tax, Consumer Utility Tax – Electric, Meals Tax, Lodging Tax, and Amusement Tax. Since the last Finance Committee meeting, revenue information through June 2022 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): Rhonda Allbeck, for Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S): Comparison of Collections Budget to Actual FY 2022

REVIEWED BY:

Comparison of Collections
Budget to Actual FY 2021 - FY 2022

SALES & USE TAX
ADOPTED FY 2022 BUDGET - $17,500,000

	Actual FY 2019	Actual FY 2020	Actual FY 2021	Adopted FY 2022	Actual FY 2022	Actual FY 2022 to Adopted FY 2022	Actual FY 2022 to Actual FY 2021
JULY	$1,361,089	$1,306,001	$1,503,837	$1,413,787	$1,595,391	$181,604	$91,554
AUGUST	1,287,868	1,400,949	1,396,989	1,313,336	1,567,107	253,771	$170,118
SEPTEMBER	1,305,048	1,423,548	1,531,422	1,439,719	1,702,723	263,004	$171,301
OCTOBER	1,304,503	1,418,032	1,498,945	1,409,187	1,727,124	317,937	$228,179
NOVEMBER	1,370,625	1,413,245	1,516,545	1,425,733	1,705,132	279,399	$188,587
DECEMBER	1,597,108	1,706,366	1,908,243	1,793,976	2,128,639	334,663	$220,396
JANUARY	1,144,052	1,277,127	1,321,858	1,242,704	1,623,094	380,390	$301,236
FEBRUARY	1,180,302	1,233,105	1,283,097	1,206,264	1,496,509	290,245	$213,412
MARCH	1,412,888	1,295,372	1,808,603	1,700,302	1,942,133	241,831	$133,530
APRIL	1,313,440	1,266,401	1,666,552	1,566,758	1,828,313	261,555	$161,761
MAY	1,427,324	1,327,343	1,640,801	1,542,549	1,715,663	173,114	$74,862
JUNE	1,271,948	1,485,941	1,537,768	1,445,685	1,715,383	269,698	$177,615
TOTAL	**$15,976,195**	**$16,553,430**	**$18,614,660**	**$17,500,000**	**$20,747,211**	**$3,247,211**	**$2,132,551**

CONSUMER UTILITY TAX - ELECTRIC
ADOPTED FY 2022 BUDGET - $3,500,000

	Actual FY 2019	Actual FY 2020	Actual FY 2021	Adopted FY 2022	Actual FY 2022	Actual FY 2022 to Adopted FY 2022	Actual FY 2022 to Actual FY 2021
JULY	$343,448	$323,666	$329,721	$316,099	$320,905	$4,806	($8,816)
AUGUST	332,393	335,376	331,969	318,254	340,374	22,120	$8,405
SEPTEMBER	324,940	322,201	313,877	300,910	321,494	20,584	$7,617
OCTOBER	318,779	294,402	260,312	249,558	285,740	36,182	$25,428
NOVEMBER	282,758	269,899	248,561	238,292	265,895	27,603	$17,334
DECEMBER	346,515	329,023	309,832	297,032	331,167	34,135	$21,335
JANUARY	344,673	335,735	362,641	347,659	336,155	(11,504)	($26,486)
FEBRUARY	369,067	308,797	354,521	339,875	361,163	21,288	$6,642
MARCH	309,674	299,490	317,734	304,607	296,578	(8,029)	($21,156)
APRIL	301,879	252,299	274,591	263,247	270,831	7,584	($3,760)
MAY	272,818	242,573	263,295	252,417	269,733	17,316	$6,438
JUNE	304,873	277,880	283,774	272,050	292,120	20,070	$8,346
TOTAL	**$3,851,817**	**$3,591,341**	**$3,650,828**	**$3,500,000**	**$3,692,155**	**$192,155**	**$41,327**

MEALS TAX
ADOPTED FY 2022 BUDGET - $14,700,000

	Actual Collected FY 2019 [2]	Actual Collected FY 2020 [2]	Actual Collected FY 2021 [2]	Adopted FY 2022	Actual Assessed FY 2022	Actual Assessed FY 2022 to Adopted FY 2022	Actual Collected FY 2022 [2]	Actual Collected FY 2022 to Adopted FY 2022	Actual Collected FY 2022 to Assessed FY 2022
JULY [1]	$1,157,381	$1,167,412	$1,090,332	$1,052,346	$1,413,796	$361,450	$1,381,486	$329,140	($32,310)
AUGUST	1,208,215	1,327,301	1,186,360	1,140,916	1,488,707	$347,791	1,506,141	$365,225	17,434
SEPTEMBER	1,301,166	1,348,242	1,203,439	1,177,862	1,476,642	$298,780	1,457,339	$279,477	(19,303)
OCTOBER	1,321,368	1,327,690	1,283,797	1,241,809	1,572,095	$330,286	1,537,383	$295,574	(34,712)
NOVEMBER	1,178,554	1,270,798	1,109,005	1,152,630	1,459,285	$306,655	1,452,953	$300,323	(6,332)
DECEMBER	1,265,209	1,303,873	1,124,410	1,082,368	1,535,918	$453,550	1,560,912	$478,544	24,994
JANUARY	1,146,583	1,229,966	1,044,041	1,114,670	1,281,225	$166,555	1,277,126	$162,456	(4,099)
FEBRUARY	1,197,647	1,097,969	1,242,188	1,092,035	1,477,865	$385,830	1,494,478	$402,443	16,613
MARCH	1,372,343	935,569	1,527,017	1,444,385	1,626,612	$182,227	1,608,939	$164,554	(17,673)
APRIL	1,325,531	802,509	1,386,990	1,422,232	1,640,018	$217,786	1,603,883	$181,651	(36,135)
MAY [1]	1,413,059	883,043	1,527,359	1,441,986	1,620,532	$178,546	1,664,649	$222,663	44,117
JUNE [1]	1,224,814	1,013,966	1,339,741	1,336,761	1,471,931	$135,170	1,461,570	$124,809	(10,361)
TOTAL	**$15,111,870**	**$13,708,338**	**$15,064,679**	**$14,700,000**	**$18,064,626**	**$3,364,626**	**$18,006,859**	**$3,306,859**	**($57,767)**

LODGING TAX
ADOPTED FY 2022 BUDGET - $2,600,000

	Actual Collected FY 2019 [2]	Actual Collected FY 2020 [2]	Actual Collected FY 2021 [2]	Adopted FY 2022	Actual Assessed FY 2022	Actual Assessed FY 2022 to Adopted FY 2022	Actual Collected FY 2022 [2]	Actual Collected FY 2022 to Adopted FY 2022	Actual Collected FY 2022 to Assessed FY 2022
JULY [1]	$291,530	$235,865	$155,637	$203,296	$246,185	$42,889	$242,273	$38,977	($3,912)
AUGUST	266,637	359,491	213,511	240,709	344,128	103,419	333,446	92,737	(10,682)
SEPTEMBER	242,417	257,054	257,411	222,656	268,391	45,735	263,845	41,189	(4,546)
OCTOBER	293,555	295,030	226,390	255,799	338,177	82,378	317,407	61,608	(20,770)
NOVEMBER	203,731	221,028	160,421	192,526	225,650	33,124	194,097	1,571	(31,553)
DECEMBER	145,951	144,469	112,888	123,967	182,108	58,141	193,575	69,608	11,467
JANUARY	197,294	203,671	108,941	152,823	186,381	33,558	173,332	20,509	(13,049)
FEBRUARY	194,605	174,980	199,008	195,346	251,299	55,953	276,290	80,944	24,991
MARCH	261,044	170,886	190,764	215,567	241,615	26,048	233,321	17,754	(8,294)
APRIL	218,347	60,603	222,417	251,280	258,270	6,990	242,337	(8,943)	(15,933)
MAY [1]	280,530	97,386	260,290	294,032	319,644	25,612	370,919	76,887	51,275
JUNE [1]	251,856	125,893	223,035	251,999	256,367	4,368	255,990	3,991	(377)
TOTAL	**$2,847,497**	**$2,346,356**	**$2,330,713**	**$2,600,000**	**$3,118,215**	**$518,215**	**$3,096,832**	**$496,832**	**($21,383)**

AMUSEMENT TAX
ADOPTED FY 2022 BUDGET - $420,000

	Actual Collected FY 2019 [2]	Actual Collected FY 2020 [2]	Actual Collected FY 2021 [2]	Adopted FY 2022	Actual Assessed FY 2022	Actual Assessed FY 2022 to Adopted FY 2022	Actual Collected FY 2022 [2]	Actual Collected FY 2022 to Adopted FY 2022	Actual Collected FY 2022 to Assessed FY 2022
JULY [1]	$72,761	$90,398	$13,970	$19,173	$59,531	$40,358	$59,351	$40,178	($180)
AUGUST	51,694	56,722	19,248	25,161	54,181	29,020	55,160	29,999	979
SEPTEMBER	54,943	62,500	19,538	27,469	45,763	18,294	45,639	18,170	(124)
OCTOBER	67,036	69,849	18,752	26,011	56,571	30,560	55,688	29,677	(883)
NOVEMBER	73,743	78,870	17,830	26,748	53,819	27,071	54,292	27,544	473
DECEMBER	74,641	87,576	15,570	22,913	92,078	69,165	91,535	68,622	(543)
JANUARY	80,790	76,124	19,575	33,402	46,648	13,246	46,525	13,123	(123)
FEBRUARY	57,393	61,618	27,526	32,340	59,501	27,161	59,372	27,032	(129)
MARCH	79,134	32,690	32,509	45,385	75,730	30,345	74,242	28,857	(1,488)
APRIL	84,351	1,332	38,973	51,989	76,326	24,337	72,760	20,771	(3,566)
MAY [1]	58,317	979	34,658	48,287	69,681	21,394	70,409	22,122	728
JUNE [1]	66,002	5,772	44,000	61,122	72,758	11,636	71,626	10,504	(1,132)
TOTAL	**$820,805**	**$624,430**	**$302,149**	**$420,000**	**$762,587**	**$342,587**	**$756,599**	**$336,599**	**($5,988)**

[1] Due to year end accounting activities, a portion of revenues associated with May and June were posted in June and July.
[2] "Actual Collected" includes all revenue received per month regardless of whether the payment is current or delinquent.

Office of the City Manager
City of Lynchburg | 900 Church Street | Lynchburg, VA | 24503

To: Jeff Helgeson, Randy Nelson, Vice Mayor Beau Wright
CC: Mayor MaryJane Dolan, Chris Faraldi, Treney Tweedy, Sterling Wilder, Donna Witt, Carrie Dungan
From: Wynter C. Benda, City Manager
Date: September 22, 2022
About: Fiscal Year 2022 Adopted Budget to Estimated Actual

This memorandum seeks to provide clarification on recent discussions related to Fiscal Year (FY) 2022 year-end numbers. Although discussions regarding a "surplus" have previously been tied to the Unassigned General Fund Balance (UGFB), the focus should be on expenditures and revenues compared to budget.

General Fund	Actual FY21 (A)	Adopted FY22 (B)	Estimated FY22 (C)	Adopted FY23 (D)	Revised Beginning FB FY23 (E)
Beginning Unassigned Fund Balance	$34,579,844	$30,197,436	$49,771,343	$40,955,797	$66,565,011
Revenues and Use of Fund Balance	210,084,561	196,949,073	215,332,240	206,525,769	206,525,769
Expenditures, Reserves, and Transfers	194,893,062	204,023,769	198,538,572	223,116,195	223,116,195
Ending Unassigned Fund Balance	$49,771,343	$23,122,740	$66,565,011	$24,365,371	$49,974,585

As you can see in the chart above, the ending FY22 UGFB in Column C is estimated to be $66.6 million, compared to an adopted budget amount of $23.1 million in Column B. Once we plug in this estimated UGFB as the estimated FY23 beginning fund balance in Column E, the ending FY23 UGFB will be at least $50 million, compared to the adopted budget general fund financial summary of $24.4 million as shown in Column D. The UGFB will continue to fluctuate as revenues and expenditures vary from adopted to actual budget. This is why the conversation needs to focus on revenues and expenditures compared to budget instead of UGFB.

Actual FY22 revenues are estimated to be $16.5 million more than the adopted budget, and expenditures are estimated to be about $6.4 million below the adopted budget. This results in $23 million of additional money in the general fund. These additional revenues are a result of conservative budgeting during the COVID-19 pandemic, a robust economy, and unprecedented inflation. Expenditures are lower than projected primarily because extensive vacancies throughout the organization result in about $4.2 million in personnel savings, which is higher than it has ever been.

Staff will break these numbers down further in the coming weeks, but I wanted to provide preliminary information for these conversations.

FY 2022 Analysis of Unassigned General Fund Balance (UGFB) as of September 15, 2022 *(not final audited numbers)*

FY 2022 Adopted Budget Ending Fund Balance	$23,122,740	Estimated based on FY 2020 Ending Unassigned Fund Balance
FY 2022 Actual Ending Fund Balance (Estimated)	66,565,011	
	($43,442,271)	Variance
Additional Beginning Fund Balance Above FY 2022 Adopted	19,573,907	
Revenues Above Budget	16,542,093	
Expenditures Below Budget (Savings)	6,417,005	
	($909,266)	Miscellaneous Revenues and Expenditures

RESOLUTION: #R-22-053

BE IT RESOLVED That the FY 2022 Adopted Budget is amended and funds are appropriated to reflect the Fourth Quarter Adjustments in the General, City/Federal/State Aid, and Children's Services Act (CSA) Funds are amended as reflected in Attachment A.

And, BE IT RESOLVED that the funds shall be used as identified in Attachment A.

Introduced: September 13, 2022 Adopted: September 27, 2022

Certified: Alicia L. Finney
Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 27, 2022** AGENDA ITEM #: **8**

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

ITEM TITLE: PUBLIC HEARING AND APPROVAL OF THE *2021 (FY 2022) CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)* FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM

RECOMMENDATION: Hold a public hearing to receive comments regarding the Program Year 2021 (PY 2021) Fiscal Year 2022 (FY 2022) Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Program and adopt a resolution approving the CAPER for submission to the U.S. Department of Housing and Urban Development.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2021 (FY 2022) Annual Action Plan. This CAPER is for the period of July 1, 2021 through June 30, 2022. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program.

A public notice was published in *The News and Advance* on Saturday, September 10, 2022.

PRIOR ACTION(S):

January 12, 2021: City Council annual review and approval of the Community Development Block Grant (CDBG) and HOME Program Housing and Non-housing Goals for the Program Year 2021 (FY 2022) Annual Action Plan.

May 11, 2021: City Council approval of the Program Year 2021 (FY 2022) Annual Action Plan

FISCAL IMPACT: N/A

CONTACT(S): Melva Walker, Grants Manager, 455-3916;
Tom Martin, Acting Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Draft Program Year 2021 (FY 2022) Consolidated Annual Performance and Evaluation (CAPER) Report
- PowerPoint Presentation – Program Year 2021 (FY 2022) Annual Action Plan CDBG and HOME Program CAPER Accomplishments

REVIEWED BY: MMB WCB

RESOLUTION:

BE IT RESOLVED that City Council approves the submission of the Program Year 2021 (FY 2022) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD).

Adopted:

Certified: ______________________________
Clerk of Council

DRAFT

CAPER

Consolidated Annual Performance and Evaluation Report

Program Year 2021 • Fiscal Year 2022

July 1, 2021 - June 30, 2022

Executive Summary

The City receives formula grants from the U.S. Department of Housing and Urban Development("HUD") for housing and community development activities, specifically the Community Development Block Grant (CDBG) and HOME Program. Federal law requires that the CDBG and HOME Program grant funds primarily benefit low-and moderate-income persons in accordance with the following HUD goals:

Provide a suitable living environment
This includes improving the safety and livability of neighborhoods; increasing access to quality facilities and services; reducing the isolation of income groups within areas by de-concentrating housing opportunities and revitalizing deteriorating neighborhoods; restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons; and conserving energy resources.

Provide decent housing
Included within this broad goal are the following: assist homeless persons in obtaining affordable housing; retain the affordable housing stock; increase the availability of permanent housing that is affordable to low- and moderate-income Americans without discrimination; and increase supportive housing that includes structural features and services to enable persons with special needs to live with dignity.

Expand economic opportunities
These goals encompass creating jobs accessible to low- and very low-income persons; providing access to credit for community development that promotes long-term economic and social viability; and empowering low-income persons in federally assisted and public housing to achieve self- sufficiency.

The City of Lynchburg is required by law every five years to prepare a Consolidated Plan to receive federal funds from HUD. The Consolidated Plan combines in one report important information about Lynchburg's demographics and economic activity as well as detailed information on the housing and job needs of its residents. The Plan also includes comments from the public received during public hearings, stakeholder meetings and in writing.

As a recipient of federal funds from HUD, the City of Lynchburg is required to publish an annual performance report, Consolidated Annual Performance and Evaluation Report (CAPER), detailing activities that took place during the most recent program year. The purpose of this report is to measure Lynchburg's success in meeting the priority needs, goals, and strategies described in Lynchburg's 2020-2024 Five-Year Consolidated Plan.

This report covers the Fiscal Year (FY) 2022/Program Year (PY) 2021 Annual Action Plan and is for the period from July 1, 2021 through June 30, 2022. * The CAPER is presented in a format that is prescribed by HUD. Data and narratives are entered into a federal database system called the Integrated Disbursement and Information System (IDIS) and the CAPER report is then downloaded into a Word format. The CAPER template in IDIS has a series of prescribed questions that align with the CDBG and HOME Program Consolidated Plan program regulations. The report you are reviewing is the result of that data entry process and is the prescribed and recommended format by HUD.

Citizen Participation

HUD requires the City to provide the public an opportunity for input. The City will provide this opportunity to comment on the CAPER at a public hearing scheduled before City Council on September 27, 2022 at 7:30 p.m. in the City Council Chambers at City Hall, 900 Church Street, Lynchburg, Virginia. Due to the COVID-19 emergency, copies of the CAPER will not be placed at the public libraries. However, a copy of the draft CAPERs available for public review at the following locations:

- Grants Administration Office, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504; and
- City website at http://www.lynchburgva.gov/grants-administration.

For More Information

Contact the Grants Administration Office with any questions about this report or the funded programs/activities.

Melva Walker, Grants Manager
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City Hall
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900 Church Street
Lynchburg, VA 24504
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***Fiscal Year (FY) 2022 and/or Program Year (PY) 2021 refer to the City's fiscal year and HUD's program year of July 1, 2021 through June 30, 2022. Fiscal Year (FY) 2021 and/or Program Year (PY) 2020 refer to the City's fiscal year and HUD's program year of July 1, 2020 through June 30, 2021. Fiscal Year (FY) 2020 and/or Program Year (PY) 2019 refer to the City's fiscal year and HUD's program year of July 1, 2019 through June 30, 2020. These references are made throughout the CAPER for Program Years (PY) 2021, 2020, and 2019.**

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The primary objective of the CDBG and HOME Program is to continue to develop viable urban communities through decent housing, suitable living environments and expanded economic opportunities for low- and moderate-income persons; the City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

Within the City of Lynchburg's Five-Year Consolidated Plan and Program Year (PY) 2020 Annual Action Plan, the City committed to the overarching goal of undertaking activities that would result in substantial public benefit through the revitalization of depressed areas and in assistance to low and moderate-income residents. These are the central City neighborhoods that surround the downtown business district and are the six contiguous census tracts that comprise the CDBG target area: Census Tracts 4, 5, 6, 7, 11, and 19. Population, demographics, and surveys of the target areas show that these neighborhoods have the highest degree of housing need and are where many of the City's very low and low-to- moderate-income persons reside.

CDBG and HOME funds were allocated City-wide providing persons and/or households with assistance who met the eligibility criteria of the applicable program. These funds were allocated to projects and activities classified as housing (homeownership, rental and rehabilitation), public facilities improvements (infrastructure), public housing, and public services (community and homeless service organizations). The project accomplishments, as well as an analysis of expenditures, are provided throughout the Consolidated Annual Performance and Evaluation Report (CAPER).

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Table 1-Accomplishments-Program Year & Strategic Plan to Date

GOAL	CATEGORY	SOURCE/AMOUNT FUNDING TOTALS FOR THE 2020-2024 CONSOLIDATED PLAN	INDICATOR	UNIT OF MEASURE	EXPECTED 2020-2024	EXPECTED PROGRAM YEAR 2021	ACTUAL PROGRAM YEAR 2021
Improve the City's Infrastructure	Non-Housing Community Development	CDBG: $417,665.25	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons assisted	535	0	3,085
Improve the City's Public facilities	Non-Housing Community Development	CDBG: $110,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Households assisted	120	1,365	3,550
Increase permanent affordable housing (rental market)	Affordable Housing	HOME: $413,140.11	Rental units constructed	Household Housing Unit	48	31	0
Increase the Number of Owner-Occupied Units	Affordable Housing	HOME: $413,140.11	Homeowner Housing Added	Household Housing Unit	11	9	0
Increase the Number of Owner-Occupied Units	Affordable Housing		Direct Financial Assistance	Households Assisted	15	7	1
Rehabilitation of Substandard Housing Units	Affordable Housing		Housing Rehabilitation	Household Housing Unit	0	0	3
Promote Public Service Activities	Non-homeless Special Needs	CDBG: $42,229.75	Public service activities other than Low/Moderate Income Housing Benefit	Persons assisted	1,050	1,000	2,471
Promote Public Service Activities	Homeless	CDBG: $65,000	Homelessness Prevention	Persons assisted	900	1,000	3,939

***See Narrative regarding accomplishments on pages 5 through 9 and goals not achieved.**

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

This section of the CAPER examines the similarities and differences in the proposed and actual accomplishments of the goals identified in Table 1 within the 2020-2024 Consolidated Plan for the Community Development Block Grant (CDBG) and HOME Program. These goals helped to form the priorities identified in the City's Fiscal Year (FY) 2022 Consolidated Annual Action Plan and the strategies to be used or implemented in order to achieve the stated goals. To provide this comparison, City staff has narrated the actual achievements for each program/activity in which funds were expended during the Program Year (PY) 2021/Fiscal Year (FY) 2022, which is the second reporting period of the 2020-2024 Consolidated Plan.

The Goals within the 2020-2024 Consolidated Plan and 2020 Annual Action Plan included: increasing the number of owner-occupied housing units; rehabilitation of substandard housing units; improve the City's Infrastructure; improve the City's public facilities; increase permanent affordable housing in the rental market; providing homeless services; and promoting public service activities. Below is an assessment of the use of funds for PY 2021 and the projects underway or completed from prior years' allocations.

Planning and Administration: There was $131,500 in CDBG funds allocated for Planning and Administration for PY 2021, and $107,755 was expended with PY 2021 and prior year funding for the administration of the CDBG program. Within the HOME Program, there was $33,000 allocated for administration and $24,670 was expended with PY 2021 and prior year funding. Staff continues to utilize these funds for administration and oversight of the CDBG and HOME Programs.

There was $23,000 in CDBG funds allocated to the Dearington Neighborhood Plan in PY 2019. The funding will provide City staff the opportunity to develop a neighborhood plan to address vacant housing and vacant lots, historic landfills, park programming and development, infrastructure needs, and other neighborhood needs as identified in the planning process. This funding will be leveraged with other City funding and grants to complete a comprehensive neighborhood plan. A draft Plan has been completed and a total of $16,898.66 has been expended for this activity, with $600 expended in PY 2021.

Lynchburg Redevelopment and Housing Authority (LRHA) was allocated CDBG funds in PY 2016 for administration and delivery costs. These funds are utilized to provide project oversight and administration for the various CDBG-funded projects/activities at LRHA. In Program Year 2021, LRHA incurred direct costs associated with the Rental Rehabilitation Program. Of the $21,710.00 total expended for this activity, $7,505.04 was expended in Program Year 2021 for administration and delivery costs for the Rental Rehabilitation Program. This activity is complete.

LRHA maintains a CDBG Property Inventory that includes properties acquired with the use of CDBG funds. During PY 2021 there were none disposed and there are two (2) properties remaining on the CDBG Property Inventory. LRHA staff continues to monitor the disposition of these properties.

Improve the City's Infrastructure: The City has committed CDBG and Capital Improvement funds to a variety of public infrastructure projects in the targeted neighborhood areas and is recognizing considerable private development interest as a result.

In PY 2021, the Tinbridge Hill Neighborhood Pedestrian Improvements- Phase 2 project received $417,665.25 in CDBG funds. Construction has been completed for the installation of the waterline with associated appurtenances along sections of Taylor Street, Monroe Street, Polk Street, Jackson Street, Third Street, and Fourth Street. New sidewalk and handicapped ramps were constructed along sections of Fourth Street and Monroe Street, complete with segmented block walls. There was $186,987 of CDBG funds expended for this project during PY 2021. The City expended $1,307,407 of Capital Improvements Project funds, within the Water Resources Department, in conjunction with the CDBG funds to complete this phase of the project. The design for the Overlook and Trail Improvements for this project is underway and there has been $65,404 expended in this program year for the design.

The City is in the process of completing the Downtown Utilities and Streetscape Project. In 2015, the average age of water lines in downtown Lynchburg was over 100 years. Water line breaks were occurring with increasing frequency. Consequently, the City Department of Water Resources began a program to systematically replace all water lines in a 50-block area of downtown. As water lines are replaced, the City is also evaluating the need for sanitary sewer and storm sewer replacements, and, where necessary, replacing those lines as well. In addition, since the utility replacement causes significant disruption to the downtown community, the City is also replacing sidewalks, rebuilding roadways, and adding streetscape features to improve the overall character of the downtown area. Wherever possible, the replacement of private utility lines such as electric power, telephone, cable, and fiber optic is also being coordinated with the public infrastructure upgrades.

To date, 13 city blocks have been completed at a design cost of $2.56 million and a construction cost of $14.8 million. An additional five (5) city blocks are under construction with design costs to date of $1.11 million and a construction budget of $8.87 million. The next phase of construction is planned to be an additional five (5) city blocks, which is scheduled to begin construction in late 2023, with a design budget of $1.12 million and a construction budget of $11.2 million.

Improve the City's Public Facilities: The City has committed CDBG funds to improving and enhancing public facilities in the neighborhoods.

In PY 2020, there was $110,000 allocated for the Biggers Park Improvement & Blackwater Creek Trail Connection project. This project is located in the Garland Hill Neighborhood, and had accomplishments including the addition of a handicapped-accessible entrance from Clay Street, a new wayfinding park sign on Fifth Street, basketball team seating, passive seating, horseshoe pits, obstacle course type playground for school age children, and adult fitness equipment. Additionally, multiple pine trees were removed for the safety of the park’s basketball players. At the end of PY 2021, all construction has been completed and $107,689 of CDBG funds were expended for this project.

In PY 2021, there was $512,607 allocated for the Jefferson Park Revitalization Improvements project. During this program year, the design for Phase I of the park improvements has been completed. Phase I focuses on the southeast side of the park, the part that is most accessible to the neighborhood, and includes improvements that will have an immediate impact. Design has included a new basketball court, stair improvements to the old amphitheater, a small loop trail in the park, an Americans with Disabilities Act (ADA) accessible trail into the pack, neighborhood “patio” with a pavilion on the former tennis court, park lighting, and the required stormwater management. Additionally, implementing the design was kickstarted with the installation of the new basketball court with a community-chosen mural on the surface. Improvements under this grant will continue in Program Year 2022 as design is finalized and the remainder of the project goes to bid. During PY 2021, there has been $143,597 expended for this project.

Increase permanent affordable housing in the rental market: The City recognizes the need to increase the availability of affordable housing for renters, especially housing that meets the varied needs of the City’s lower-income population. The City continues to support and partner with housing and public service providers to meet the needs of low-to-moderate income persons, homeless persons and families, and persons with disabilities or other special needs.

Rush Homes received $95,000 of PY 2018, $70,000 of PY 2019, $413,140.11 of PY 2020, and $150,000 of PY 2021 of HOME Program funds for its Community Housing Development Organization (CHDO) rental housing project. The Florida Terrace project will be a 31-apartment unit rental development. Plans are to provide housing for persons with and without disabilities, but all tenants will be low income. At least 25% of tenants will have a disability. There will be a set aside of seven (7) units for Permanent Supportive Housing (people who are exiting homelessness who also have disabilities). At the end of PY 2021, the pre-development phase was almost to completion. The project will be completed in PY 2022.

Increase the number of owner-occupied units: To the degree that predominance of rental units in a neighborhood is seen as destabilizing, the City wants to provide incentives for qualified persons and low- and moderate-income to consider the benefits of homeownership, especially if it is more cost-effective than renting and if it builds wealth for the individual household. Several programs are supported by the City that incorporates these elements.

Funding for the Greater Lynchburg Habitat for Humanity’s (GLHFH) Knott Street Development project will help subsidize the development costs for nine (9) parcels and homes, all of which will be sold to income-eligible families. There was $270,000 allocated of PY 2020 and $150,000 of PY 2021 HOME Program funds for this project. The planning and development for this project are still in the works to include the costs for building the streets, sidewalks, waterline and sewer connections, clearing of trees and other required appurtenances. At the end of PY 2021, the infrastructure contract has been issued and development of lots is underway. There was $212,198 expended during PY 2021 for this project.

The City increased the number of owner-occupied units by one (1) during PY 2021. The City's partnership with GLHFH provided Homebuyer Homeownership for one (1) unit through its Down Payment Assistance project to eligible clients for the purchase of a home constructed at 3022 Hillview Street. In PYs 2019 and 2020, there were $203,140.11 in HOME Program funds allocated to GLHFH. During this reporting period, GLHFH expended $18,360 for down payment assistance to the homebuyer.

Rehabilitate substandard housing units: To achieve the objective of making all housing units safe, decent, and affordable it is necessary to extend assistance to private property owners, particularly low and moderate-income homeowners. This goal also provides the opportunity for the homeowners to have their homes rehabilitated and retain ownership. The City is accomplishing this goal by investing in existing housing stock through renovations and rehabilitation of properties in the target neighborhoods. As a direct result of these improvements, the neighborhoods retain and attract residents thereby positively affecting the stability of the neighborhood and increasing property values. Specific housing characteristics of the target area support the need for rehabilitation and revitalization.

Lynchburg Redevelopment and Housing Authority (LRHA) received $93,759.75 in PY 2018 CDBG funds for the Vacant Housing Revitalization and Rehabilitation Project. LRHA plans to acquire and rehabilitate or demolish blighted properties that have vacant structures on them. LRHA plans to use some of the properties to rehabilitate the existing structures and then rent the properties as affordable housing. LRHA and the City's Department of Community Development are evaluating properties that can be redeveloped with these funds. There were no funds expended during PY 2021.

During this reporting period, three (3) rental units were rehabilitated by private landlords through the Rental Rehabilitation Program at LRHA. The properties are located at 1601 Bedford Avenue, 61 Jackson Street, and 2113 Tulip Street. In Program Year 2021, $10,000.00, $9,532.42, and $10,000.00, respectively, of CDBG funds were expended for the rental rehabilitation activities. The landlords successfully rehabilitated the units at a total cost of $61,116, and all units are now occupied by eligible, low-to-moderate income households.

Promote Public Service Activities: The Affordable Housing Resource Center (AHRC) is staffed with a Housing Navigator to provide a centralized access point to all affordable housing resources and programs available in the City. The project is a collaboration of the Lynchburg Housing Collaborative partners, the Central Virginia Continuum of Care (CVCoC), the City of Lynchburg, and the Lynchburg Redevelopment and Housing Authority (LRHA). It is designed as a "one stop shop" for accessing housing resources.

During this reporting period, the Housing Navigator has provided the public and local organizations with information regarding housing, local resources for housing, and how to apply for numerous services and programs. The AHRC debuted a new web-based software program that simplified the affordable housing world in searching, applying, managing and reporting on available housing in the Lynchburg area. During this program year, staff has assisted approximately 2,445 persons through visits to the AHRC, telephone calls, and email. This project was allocated $45,341.80, $16,289.75, and $25,000.00 in CDBG funds for Program

Years 2019, 2020, and 2021, respectively. During this reporting period, the AHRC expended $440.46 of funds allocated in PY 2019, completing this activity. Additionally, the AHRC expended $16,289.75 of funds allocated in PY 2020, completing this activity. Finally, the AHRC has expended $19,876.14 of funds allocated in PY 2021.

The Scoutreach program is a partnership between the Boy Scouts of America and Lynchburg Parks and Recreation Department. This program provides programming at the City Neighborhood Centers to offer an opportunity for school-age youth to broaden their experiences inside and beyond the neighborhood setting. The Scouting groups operated at two centers: Yoder and Fairview Heights. The Scoutreach program was allocated $25,940 of PY 2020 CDBG funds. In PY 2021, 26 youth have been served and $17,676.25 has been expended.

Provide Homeless Services: The City supports efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing. Through the Coordinated Homeless Intake and Assessment (CHIA) Coordinator, a uniform intake tool has been developed to quickly assess individual and family needs and assure they are diverted from the homeless response system or expeditiously placed in the most appropriate housing program. CHIA diverts households from homelessness, understands the clients' needs and eligibility for existing programs, and identifies the needs through the consistent use of a uniform assessment tool. In PY 2021, Miriam's House became the recipient for the CHIA program funds and hired a full-time Coordinated Entry Specialist (CES) to operate the CHIA hotline during business hours. CHIA assisted 3,939 people and expended $64,621.98 during Program Year 2021. This activity has greatly enhanced the coordination of housing and services for the homeless.

Community Development Block Grant
Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV)
Program Funds and Coronavirus Aid, Relief and Economic Security Act (CARES ACT)
(CDBG-CV) Round 3
Program Funds

In Program Year (PY) 2019 (Fiscal Years [FYs] 2020 and 2021) the City received special allocations of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Lynchburg's allocation totaled $809,630. The first round of funding was $420,487 and Round 3 funding was in the amount of $389,143.

Utilizing the CDBG application process and the guidelines from HUD for eligible projects/activities, City staff solicited and accepted applications for the CDBG-CV funds. These projects/activities will benefit the citizens of Lynchburg that have been or will be affected by COVID-19.

In accordance with the CDBG Citizen Participation Plan's "In the Event of an Emergency" section, the public comment period was reduced to five (5) days and public hearings were conducted on May 26, 2020 and April 13, 2021. City Council resolutions were approved on June 9, 2020 and April 27, 2021.

For receipt of these funds, in accordance with HUD regulations; the City submitted two "Substantial Amendments" to its FY 2020 and 2021 (PY 2019) CDBG Annual Action Plans to HUD. These Amendments included the projects/activities that were approved by City Council and would prevent, prepare for, and respond to the Coronavirus (COVID-19).

Below are summaries of these project/activities for local nonprofits and City departments and the program accomplishments for Program Year 2021 for Rounds 1 and 3 of the CDBG-CV funds.

Community Development Block Grant
Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV)
Program Funds ($420,487)

City Administration (Grants Administration) - $22,745
Funding was allocated for personnel and operating costs associated with managing and monitoring the CDBG-CV projects.

PY 2021 Accomplishments
There has been $9,229 expended during this reporting period for personnel and operating costs for the oversight and administration of the CDBG-CV projects.

Summer Lunch & Play Program (City-Department of Parks and Recreation) - $20,000

The Summer Lunch & Play Program supports families by providing nutritious meals and recreational activities for youth, from the neighborhood center grounds, during the summer recess. The free program is offered in partnership with non-profit organizations and Lynchburg City Schools, the sponsor of the USDA Summer Food Service Program.

Due to the coronavirus, the Summer Lunch & Play Program model was modified – with the guidance of federal and state public health authorities – in an effort to keep citizens safe through physical distancing, restrictions on gathering, and enhanced cleaning. Throughout the weeks of summer recess, the Summer Lunch & Play Program at Neighborhood Centers continued to follow the Governor of Virginia's Forward Virginia Blueprint, which identifies progressive response phases: I, II, and III.

In response to the coronavirus the Parks and Recreation Department administered the Summer Lunch & Play Program in a new way. The "Lunch" component began early, on March 30, 2020 and remained carry-out, rather than congregant, through the end of July 2020. The Department added the "Play" component, as a carry-out component, for six weeks in June/July 2020. This "recreation-to-go" model, keeps kids healthy and active during the lazy days of summer by providing them with unitized play things, to support at-home recreational activity, until such time as the youth may safely gather at the centers again.

The free Summer Lunch and Play Program addressed social equity as well as health and wellness for low- to moderate-income families and children during this public health emergency.

PY 2021 Accomplishments

This activity was completed in Program Year 2020.

Community First-Rent & Utilities Assistance (Miriam's House) - $75,000

Miriam's House provides short term rental assistance to households who became homeless as a result of COVID-19. These funds are administered through the organization's Community First program which already provides rental assistance and supportive services to homeless families with children and youth-headed households. The project infrastructure including trained staff, a robust landlord network and financial controls are all in place to quickly provide this crucial assistance to households made vulnerable as a result of COVID-19. It is anticipated that much like the recession in 2008 that the current economic recession due to COVID-19 will result in an increase in households experiencing homelessness. This new project allows homeless households who lost their housing due to the economic impact of COVID-19, to get back on their feet by linking them with affordable rental housing and providing supportive services.

Current households enrolled in Community First are connected to rental housing in less than 30 days of when their homeless episode began which ensures continuity of employment, health care services, educational services and other stabilizing supports.

PY 2021 Accomplishments

Miriam's House assisted two (2) homeless persons with rental assistance. These persons became homeless as a result of a loss of income due to COVID-19 and are now stably housed.

There was $275 expended during this reporting period to assist these households. The remaining funds of $74,171.62 were reallocated to Interfaith Outreach, a local nonprofit who is providing rental and utility assistance to persons affected by COVID-19. (See narrative below for Interfaith Outreach – Safe at Home Emergency Assistance activity.)

Safe at Home Emergency Assistance (Interfaith Outreach) - $74,171.62

Interfaith Outreach's Safe at Home Emergency Assistance will aid households with verified financial needs due to COVID-19 in the form of delinquent rent assistance payments made directly to the landlord. Loss of shelter poses an immediate threat to the health and welfare of the COVID-19 affected clients.

PY 2021 Accomplishments

During this program year, Interfaith Outreach did not expend any funds allocated for this activity; however, there will be expenses in the first quarter of Program Year 2022.

Emergency Housing and Utility Program (Lynchburg Community Action Group- $170,000

During the Covid-19 Pandemic, Lynchburg Community Action Group, Inc. (Lyn-CAG) offers up to six (6) months of services to individuals and families who are behind in rent/mortgage and/or utilities as a result of the Virus.

Lyn-CAG is one of the organizations in the area who offers emergency utility assistance. They have partnered for over 20 years with American Electric Power's (AEP) Neighbor to Neighbor program to aid clients who are facing a termination notice. When funding was available, Lyn-CAG has provided an Emergency Assistance and Crisis Intervention Program which provided clients with financial assistance through a voucher system for rental assistance, utility assistance (electric, gas, wood, and water) as well as a food pantry.

Clients who receive assistance through the CDBB-CV funds are strongly encouraged to enroll in one of the programs related to housing and housing counseling. This will help to ensure that the client will be better situated in the event another crisis arises.

PY 2021 Accomplishments

During this reporting period, Lynchburg Community Action Group (Lyn-CAG) assisted nine (9) households with rent, mortgage, and utilities as a result of various COVID-19 related barriers including loss of income or medical incidents. In PY 2021, Lyn-CAG expended $25,424.35 of the CDBG-CV funds to assist these households in remaining within their homes. With the prior year expenses and accomplishments along with PY 2021, this activity has been completed.

Safe at Home Emergency Assistance (Interfaith Outreach) - $40,000

The local unemployment rate in Lynchburg skyrocketed with the mandatory COVID-19 related closing of some businesses, organizations, schools, and childcare. With safety in mind, evictions and utility terminations was halted beginning in mid-March to present with people amassing large bills for both. Many homeowners got extensions on having to pay their mortgages which are now delinquent.

Interfaith Outreach's Safe at Home Emergency Assistance aided households with verified financial needs due to COVID-19 in the form of delinquent mortgage assistance payments, delinquent rent assistance payments, and delinquent utility payments made directly to the vendors. Loss of shelter, power, and water posted an immediate threat to the health and welfare of the Lynchburg community.

PY 2021 Accomplishments

This activity was completed in Program Year 2020.

COVID-19 Care Kits (City-Department of Emergency Services)-$52,752

The Center for Disease Control and Prevention (CDC) guidelines recommended that everyone should wear a cloth face cover when they have to go out in public. Also, if soap and water are not readily available it is recommended to use hand sanitizer that contains at least 60% alcohol. The Pandemic has proven to be a major setback for many of those already struggling to improve their lives, particularly households with young children within the urban core of the City. The youth in the City schools benefited from a COVID-19 kit that included masks, hand sanitizers, and educational materials to help reduce the spread of the COVID-19 virus. This project met an urgent need that posed a serious and immediate threat to the health or welfare of the community and other financial resources.

This project provided COVID-19 preparedness kits to City school students who participated in the Summer Food Service Program from the Parks and Recreation Department. The Summer Food Service Program was available at the neighborhood centers where at least 51% of the children were eligible for free meals from the schools. The kits included hand sanitizer, masks, and preparedness information in multiple languages.

PY 2021 Accomplishments

During this program year, the Department of Emergency Services did not expend any funds for this activity. Unless another surge of COVID-19 occurs, the remaining allocated funds ($28,959.57) will be reallocated or returned to HUD.

COVID-19 Awareness Communications Campaign (City-Department of Communications and Marketing)-$39,990

Accurate, easily obtainable, relevant information is critical even in good times. During a pandemic it can be the difference between life and death. Experts recommended that people avoid large crowds, stockpile shelf-stable foods in case they end up quarantined, stay home from work and contact a doctor if they became ill. There's a confluence of issues that indicate individuals who are on the lower end of the income scale, or are unemployed and underinsured, but there's a key problem with that advice: A lot of low-income people can't afford to follow it. Low-income jobs—line-cooks, nurse's aides, grocery store clerks, - mostly can't be done remotely, and the majority of low-income jobs don't offer paid sick days. It is also difficult for people on the lower to moderate end of the socio-economic spectrum to obtain useful information on how and where to obtain the resources they need including food, financial assistance, healthcare and other vital information. The purpose of this project was to insure easy access to important information to all sectors of the City's population but with a focus on those individuals and families in the lower to moderate social-economic spectrum.

In order to reach the intended audience, a variety of public information tools were employed. The information addressed prevention (staying closer to home when possible, wearing masks and possible resources, washing hands), financial resources, food resources, etc.

PY 2021 Accomplishments

During this program year, the Department of Communications and Marketing did not expend any funds for this activity. Unless another surge of COVID-19 occurs, the remaining allocated funds ($6,175.85) will be reallocated or returned to HUD.

Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV) Round 3 Program Funds ($389,143)

City Administration (Grants Administration) - $18,448

Funding will be utilized for personnel and operating costs associated with managing and monitoring the CDBG-CV projects.

PY 2021 Accomplishments

During this reporting period, there were no expenses for personnel and operating costs for the oversight and administration of the CDBG-CV projects from this activity. The remaining funds in CDBG-CV Round 1 Program Administration were expended for this activity (see above).

Feeding the Homebound (Meals on Wheels of Greater Lynchburg) - $46,500

In response to the coronavirus (COVID-19), Meals on Wheels of Greater Lynchburg will utilize the CDBG-CV Round 3 funds to deliver nutritionally appropriate meals to people that are quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities as a result of COVID-19. These individuals are some of the most vulnerable people in our community and the COVID-19 pandemic puts their health at even greater risk.

PY 2021 Accomplishments

During this reporting period, Meals on Wheels delivered meals to 1,735 households responding to the persons affected by Coronavirus (COVID-19). Meals on Wheels delivered meals five days a week. All of the recipients were below the national poverty line. The agency expended the $46,500 allocated for this service. The activity is complete.

Emergency Housing Assistance (Lynchburg Community Action Group- $75,000

The COVID-19 Emergency Housing Assistance Program will assist clients, whose income was impacted by the pandemic, with up to three (3) months of past due rent or mortgage payments. Through this program it is Lynchburg Community Action Group's (Lyn-CAG) goal to keep households housed, which will prevent exposure to congregate settings (shelter) where the likelihood of contracting the virus is higher. Through this program Lyn-CAG is preparing for increased needs to address the lasting impacts of the virus and unemployment. This program is a direct response to the coronavirus and efforts to alleviate its impact. As the loom of ending moratoriums and forbearance approaches the security of a home is in jeopardy. This could result in an eviction or foreclosure which places a household in danger of contracting the virus.

Lyn-CAG's Emergency Housing Assistance Program aims to prevent both evictions and foreclosures due to the pandemic.

PY 2021 Accomplishments

During this reporting period, Lynchburg Community Action Group (Lyn-CAG) assisted 21 households by providing rent, mortgage, or utility assistance to the clients affected by COVID-19. Lyn-CAG expended $16,415.45 for this activity.

Reducing Evictions through Legal Aid (Virginia Legal Aid Society) - $30,000

Virginia Legal Aid Society (VLAS) attorneys and paralegals will provide legal representation, advice, education and outreach to low-income residents of Lynchburg to help reduce the number of anticipated evictions as a result of COVID-19. In response to COVID-19, VLAS will negotiate on behalf of these clients, represent them in court or administrative proceedings, advise them on how to apply state law to help protect themselves against evictions and other potentially illegal activities by their landlords, and inform them of their rights and responsibilities through public education events.

PY 2021 Accomplishments

Virginia Legal Aid Society (VLAS) assisted 128 households (275 persons) during Program Year 2021 in which the households were directly impacted by COVID. Of these 128 households directly impacted by COVID, 15 prevented or delayed evictions, helping 32 people. Within these persons served there were 15 that were elderly (62 or older) and 38 disabled.

VLAS assisted a total of 285 households helping 646 people. Among all households, there were 37 clients aged 62 or older and 94 disabled. VLAS staff conducted 17 outreach events during the program year, reaching an estimated 460 people. VLAS staff attended several events providing information about rental assistance and the prevention of eviction as a result of COVID. These events included the local International Festival, Park View Community Mission food bank, two meetings in Lynchburg City schools to hand out brochures, and an Enough rally in the Birchwood neighborhood. In addition, staff distributed about 300 brochures which provided basic legal information that helped people through a wide range of COVID and housing-related issues, and other legal information.

During this reporting period, the agency expended the $30,000 allocated for this service. The activity is complete.

Domestic Violence Prevention (YWCA of Central Virginia) - $6,680

Funds will be used to prevent coronavirus by procuring proper HEPA air filtration/sanitization units for the Sadler House shelter. Funds requested will be used to respond to coronavirus by hiring a Youth Prevention Coordinator to support the youth entering shelter during this time, as the program has noted that youth are suffering both mentally and academically due to the pandemic compounding their domestic violence-based trauma. Further, this person would provide critical prevention education for the city's youth once schools reopen. Data has shown that COVID-19 cases surged in March 2020 with the stay-at-home orders, but the YWCA hotline calls dropped more than 50% during that time. The pandemic has exposed the support that professional and caring experts can provide not only to adult survivors, but to the survivors.

Further, the YWCA realizes that youth tend to disclose to individuals in the community who interact with them including educators. This will allow the YWCA to further respond to the complexities that COVID-19 has left in its wake outside of the virus and medical trauma, but it also has deeply impacted intimate partner violence reporting and care.

PY 2021 Accomplishments

During this reporting period, a Youth Prevention Manager was hired to support the youth entering the shelter during the Pandemic, as well as working with the youth in the City community centers and churches, as the domestic violence program has noted that the youth were suffering both mentally and academically due to the pandemic compounding their domestic violence-based trauma. This staff member provided critical prevention education for the City's youth in a variety of community settings. The Youth Prevention Manager assisted 16 youth affected by COVID within the Center during this reporting period.

The Youth Prevention Manager developed the curriculum and worked to make connections to the various community centers, churches, and other avenues to support the youth entering the shelter. The manager continues to work with connecting to various youth groups within the community to educate and provide information about the prevention program and COVD related issues. The developed curriculum is being taught to the youth in at the shelter, as well as those within several partner community agencies that service he youth to include Lynchburg Group Home and Jubilee Family Center.

Also, in an effort to continue the safety precautions for the clients that the YWCA serves in the shelter, air purifiers were purchased. The air purifiers help to generate a clear air circulation to improve air quality in the shelter and to prevent communicable disease (COVID-19) spread among the clients served.

During this reporting period, the YWCA Domestic Violence Center expended the $6,680 allocated for this service. The activity is complete.

Summer Lunch and Play Program (City-Department of Parks and Recreation) - $20,000

The CDBG-CV funds will be used to purchase supplies for both the "recreation-to-go" and the "stay-and-play" options. Examples of supplies include classic recreation items such as balls, hula hoops, jump ropes, and sidewalk chalk. These "recreation-to-go" activities would then be distributed to youth from the center grounds. New play items would be introduced throughout the Summer Lunch & Play Program.

PY 2021 Accomplishments

The Summer Lunch & Play program was offered outdoors at six neighborhood center park locations in PY 2021. A total of 720 Rec-to-Go bundles were distributed to youth at these locations during the months of July and August 2021. Recreation activity supplies and basic equipment were purchased for on-site activities at all six locations.

During this reporting period the Parks and Recreation Department expended $19,197.71 of these funds for the activity. If no further COVID-19 related activities are identified, the remaining funds ($802.29) will be reallocated or returned to HUD.

Shelter Program and Apparatus Air Purifier (City-Fire Department) - $192,615

These funds will provide a mobile location to carry out testing, diagnosis, and other services related to the COVID-19 Coronavirus. This program will include three portable self-contained shelters that will be insulated, wired, with AC/Heat, lighting, toilet kits, carry cases, generators. These shelters will be multi-use such as a portable vaccine or illness test site facilities, natural or manmade disasters, extreme heat or cold event shelters. During pandemic, illness, natural or manmade disaster events the poverty and low-income areas of the City are hit very hard due to lack of personal resources. The Apparatus Air Purifier systems will be installed in all emergency apparatus to purify the air and reduce the risk to providers and patients.

PY 2021 Accomplishments

The air purifiers have been installed and the shelters and associated equipment have been inventoried and will be used to assist COVID patients with the medical needs. During this reporting period, the Fire Department expended $190,341 of the allocated funds. Once the final air purifiers are installed the activity will be complete.

CR-10- Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME
White	3,343	0
Black or African American	2,703	1
Asian	6	0
American Indian or American Native	17	0
Native Hawaiian or other Pacific Islander	6	0
Total	**6,075**	**1**
Hispanic	305	0
Not Hispanic (includes multiracial not reported above)	6,408	1

Table 1- Table of assistance to racial and ethnic populations by source of funds

Narrative

The Table above provides a total racial and ethnic summary of the number of **households** served with the CDBG and HOME Program funds.

CDBG funds assisted a total of 6,408 households. Through its Coordinated Homeless Intake and Access (CHIA) program, Miriam's House assisted 2,051 white households, 1,529 black or African American households, six (6) Asian households, 17 American Indian or American Native households, six (6) Native Hawaiian or other Pacific Islander households, and 175 Hispanic households. Additionally, CHIA assisted the following multiple race categories: 106 American Indian or American Native and white households; 15 Asian and white households; 164 black or African American and white households; and 45 American Indian or American Native and black or African American households. Through its Affordable Housing Resource Center (AHRC) program, Lynchburg Redevelopment & Housing Authority (LRHA) assisted 1,287 white households, 1,162 black or African American households, and 126 Hispanic households. Through the private landlord housing rental rehabilitations, LRHA assisted three (3) black or African American households. Through its Scoutreach program, Boy Scouts of America assisted four (4) white households and 14 black or African American households. Additionally, Scoutreach served the following multiple race categories: two (2) black or African American and white households (3 persons); and one (1) American Indian or American Native and black or African American households (5 persons).

HOME Program funds assisted a total of one (1) household. Greater Lynchburg Habitat for Humanity (GLHFH) assisted one (1) black or African American household through the Homebuyer Down Assistance project.

CR-15- Resources and Investments 91.520(a)

Identify the resources made available

Sources of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	CDBG	729,183	769,926
HOME	HOME	413,856	417,295

Table 2-Resources Made Available

Narrative

In Program Year 2021/Fiscal Year (FY) 2022, the City received $729,183 in CDBG entitlement funds and $413,856 in HOME Program entitlement funds. Along with these entitlement funds, reprogrammed prior year funds of $22,712.47 for CDBG were allocated to eligible projects, and in reprogrammed funds of $54,568.87 for the HOME Program. The total amount of CDBG and HOME funds the City allocated for projects and activities in PY 2021 was $1,220,320.34. This represented a total of $751,895.47 in CDBG and $468,424.87 in HOME Program dollars.

In Program Year 2021, approximately 99.29% ($656,301) of the CDBG funds were expended on activities that benefited Low-to-Moderate (LMI) persons within the City. With this amount the City was above the minimum threshold of 70% set in Section 24 Code of Federal Regulations (CFR) 570.901(a).

There was 18.88% ($108,355.33) of Lynchburg's CDBG allocation and prior years' funding expended on Planning and Administration, which was under the maximum of 20% allowed according to Section 24 CFR 570.206(g).

There was 1.94% ($123,781.34) of Lynchburg's CDBG allocation and prior years' funding expended for Public Service activities; therefore, the City was under the maximum of 15% mandated by Section 24 CFR 570.201(e).

In FY 2022, there was $769,926 of CDBG funds and $417,295 of HOME Program funds expensed for projects and activities. Narratives for the various projects and activities during PY 2021 have been included in Goals and Outcomes Section of the CAPER (see pages 5-9).

In Program Year 2021/Fiscal Year (FY) 2022, there was $537,864 of Coronavirus Aid, Relief and Economic Security Act (CARES Act) (CDBG-CV) Program Funds available to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). City staff and various subrecipients expended $339,683 on activities related to COVID-19.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
CENSUS TRACTS 4,5,6,7,11 and 19 (CDBG)	70	77	Housing services, public service, rehabilitation
Citywide (HOME)	100	100	Homebuyer, rehabilitation

Table 3—Identify the geographic distribution and location of investments

Narrative
The City invested 77 % of CDBG project funds for PY 2021 (FY22) in the Census Tracts 4, 5, 6,7,11 and 19 for Jefferson Park Revitalization Improvements and Public Service activities. The City invested 20% of CDBG funds in services Citywide for the Affordable Housing Resource Center and Centralized Homeless Intake services to assist those in need of homelessness prevention. All of the HOME Program funds were allocated for housing related projects (i.e. infrastructure development and homebuyer assistance).

Leveraging
Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The utilization of CDBG, HOME Program, and other federal grant funds has had a substantial impact on the City's ability to leverage other resources to redevelop economically distressed neighborhoods and provide renewed opportunities for our residents.

The City of Lynchburg, through the Office of Economic Development & Tourism (OEDT) and the Economic Development Authority (EDA), offers various programs and incentives, to leverage public investment to address the needs of our community. The section below provides a summary of this leverage from the EDA, and local, state and federal resources:

- The City's two Enterprise Zones coupled with expanded small business financing continue to produce substantial results. In the past few years, the City has made several thousand additional acres of commercial property eligible for investment grants; in 2021, investments in commercial real estate were even more significant. Real Property Improvement Grants in grant year 2021 of $1,122,709 leveraged private commercial property investments of more than $33.6 million. In 2021, finalized commercial building permits totaled more than $29,680,592 in real property investment in the City's Enterprise Zone 2.

- The Local Redevelopment Program provides an investment overlay district that includes existing Enterprise Zone boundaries. The program is designed to support small business real property investments and expand real estate tax receipts for the City. The Program has been effective in incentivizing public-private partnerships and private investments. There has been

$150,000 awarded to support 18 local businesses through the Local Redevelopment Program, creating 93 new jobs and leveraging $13.7 million in capital investments across the City.

• The City of Lynchburg's Brownfields Program helps attract new development and business to the City. The Brownfields funds are deployed and leveraged throughout the community to maximize investments from others. The Brownfields Program has spurred public and private investment in our community, including the newly repurposed building at 403 Fifth Street. Once the site of a service center and an auto dealership, this property now boasts the headquarters for RIVERSEDGE USA, a furniture business, and a new co-working space.

• In 2021, the Economic Development Authority for the City of Lynchburg prepared and applied to United States Environmental Protection Agency (USEPA) for another round of Assessment and Planning grants, the value of which award is $500,000. In May 2022, the City was notified of the award of this grant, and an additional, formal application process has commenced. Upon completion of these efforts, EPA will award a Cooperative Agreement to the City formalizing this new grant.

• In October 2021, the Office of Economic Development & Tourism launched the LYH Jobs Portal, in partnership with Chmura and Jobs EQ. One of only a handful in the country, this jobs portal collates job postings from over 900 websites, enabling job seekers to have a 'one stop shop' for all of their job seeking needs. The portal also provides employers with an easy website to reference for job seekers, and we assist them in posting their jobs with the local Virginia Career Works and Virginia Workforce Connection.

• The City of Lynchburg Real Estate Rehabilitation Program encourages the renovation of older structures and helps to revitalize commercial neighborhoods. In 2021, 107 properties in the Enterprise Zone are currently participating in the program, resulting in just over $102,728,000 million in improvements to the City's tax base.

• Bausch & Lomb completed a 125,000 square foot addition to their existing building in 2021. The project consists of a $10,000,000 building expansion; $24,925,000 million dollars in equipment; the retention of 164 jobs; and the creation of 79 new jobs. The Virginia Economic Development Partnership also participated in this competitive project.

• Virginia Metal Treating purchased 111 Lynchpin Lane from the Economic Development Authority in 2019 and completed a new $5.7 million facility in 2021, specializing in heat treating for more customers throughout the Mid-Atlantic, doubling their employment. The company added 14 new jobs.

• WoodSpring Suites has completed a 125-room hotel project in the City at 310 Border Street. The project consists of $8.5 million capital investment in real property improvement, $850,000 in furniture, fixtures and equipment and the creation of 13 new jobs.

• River Ridge Mall celebrated their 40th anniversary in 2020. Now called River Ridge, it continues the process of undergoing a complete renovation, and has already added new stores, updated the existing facility, and has plans to complete all projects by the end of 2022.

• Flowers Bakery completed their expansion in 2020 investing $10 million for building expansion and renovation, $19 million in new machinery & tools and the creation of 15 new jobs. Now an all-organic facility, the Lynchburg operation exclusively makes Dave's Killer Bread products and distributes throughout the East Coast.

• CloudFit Software completed a $9.7 million investment in the historic Carter Glass Building on Church Street for their new corporate headquarter, creating 127 new jobs.

• Downtown revitalization continues with 12 new businesses and more than 35 jobs created in the Calendar Year 2021. Downtown continues to grow with the addition this year with the new construction of a mixed use building on Commerce Street and the complete renovation of the historic Allied Arts Building into mixed-use office, commercial and residential.

• In 2021, the City of Lynchburg completed the Main Street Renewal Project as part of the 2040 Master Plan, to improve the roads and streetscape downtown. Blocks on Church Street and Main Street have been completed with Commerce Street currently in process. The City of Lynchburg has plans to complete Riverfront Park in downtown Lynchburg as a concert, festival and park venue with an amphitheater, restrooms and a playground.

• The Water Resources Department operates the Combined Sewer Overflow (CSO) Program, the largest of all the City's capital improvement programs. This program reduces the volume and frequency of overflows from the City's combined sewer system. Thus far, the Program has spent $45 million of local funding (provided by sewer fees); $170 million in State funding from the Virginia Clean Water Revolving Loan Fund (VCWRLF) loans; $71 million in federal and state grants; and $19 million in Federal Stimulus (ARRA) funding. Based on the approved Long-Term Control Plan it is estimated that the remaining cost to complete the program is approximately $75 million. Although the Consent Special Order does not specify a completion date, Lynchburg's CSO Program could be complete as soon as December 2026. Actual completion date will be largely dependent on available funding.

• The City's Division of Social Services provides: Child Care Services, Prevention Services, Employment Services, Services to Adults, Energy Assistance Program, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Temporary Assistance for Needy Families (TANF), Virginia Initiative for Education and Work (VIEW), Protective Services to Children, and Foster Care/Adoption.

• The City's Department of Community Development operates and enforces the Virginia Maintenance Code of the Uniform Statewide Building Code (USBC), in which the Rental Inspections Program is operated. This program provides protection for citizens and neighborhoods by ensuring sub-standard living conditions are reduced in order to produce thriving, attractive, safe neighborhoods and enhance citizen's quality of life. In Program Year 2021, there were 111 rental inspections and 1,159 housing inspections conducted.

• Numerous non-profit subrecipients and community partners used resources, both public and private to complement the investments from the entitlement allocations.

The HOME program specifically requires that participating jurisdictions (PJs) provide match funds in amounts equal to no less than 25% of the total HOME funds drawn down from the jurisdiction's HOME program account for project costs. Allowable reductions are made for PJs that experience fiscal distress or major disasters in accordance with the Stafford Act.

Fiscal distress can be categorized by the following criteria:1) the family poverty rate is 125% or more of the national poverty rate; and 2) the per-capita income is less than 75% of the national average. When a PJ meets one of these distress criteria, it is determined to be in fiscal distress average and thereby receives a 50% reduction of its match requirement. If a local jurisdiction satisfies both of the distress criteria, it is determined to be in severe fiscal distress and receives a 100% reduction of its match requirement. The City does not meet the criteria to be classified as severely distressed but has been determined to be in fiscal distress and received the 50% reduction of its match requirement for PY 2021.

While the City had no match liability during this reporting period, the City accrued $132,130 in additional match credit from Greater Lynchburg Habitat for Humanity (GLHFH) through the HOME-assisted housing unit constructed by GLHFH. There was no publicly owned land or property located within the jurisdiction that was used to address the needs identified in the Plan.

The HOME Program Match Liability Report (PR33) from the Integrated Disbursement and Information System (IDIS) for PY 2021 indicates that the City began the program year with $3,915,033 in excess match carried over from prior years. As stated above, during PY 2021, the City accrued $132,130 in additional match credit from Greater Lynchburg Habitat for Humanity (GLHFH) from the construction of a HOME-assisted unit. This match was accrued through volunteer labor and construction material costs. A total of $239,946 was in HOME funds were disbursed from July 1, 2021 to June 30, 2022, of which $0 was subject to the match requirement applied to the City as a result of the fiscal distress. As depicted in the chart below, a balance of $4,047,163 in excess match is available to be carried over to PY 2022 and remains available for future years.

Fiscal Year Summary — HOME Match	
Excess match from prior Federal fiscal year	3,915,033
Match contributed during current Federal fiscal year	132,130
Total match available for current Federal fiscal year (Line 1 plus Line 2)	4,047,163
Match liability for current Federal fiscal year	0
Excess match carried over to next Federal fiscal year	4,047,163

Table 4—Fiscal Year Summary—HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or other ID	**Date of Contribution**	**Cash (non-Federal sources)**	**Foregone Taxes, Fees, Charges**	**Appraised Land/Real Property**	**Required Infrastructure**	**Site Preparation, Construction Materials, Donated Labor**	**Bond Financing**	**Total Match**
3022 Hillview St.	04/08/2022	0	0	0	0	$31,940	0	$31,940
		0	0	0	0	$100,190	0	$100,190
Total						$132,130		$132,130

Table 5—Match Contribution for the Federal Fiscal Year

HOME—Program Income

As the Table below indicates, there was no program income receipted for the HOME Program during 2021.

Program Income—Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period	**Amount received during the reporting period**	**Total amount expended during reporting period**	**Amount expended for TBRA**	**Balance on hand at end of reporting period**
$-0-	$-0-	$-0-	$-0-	$-0-

Table 6—Program Income

Minority Business Enterprise (MBE)/Women-owned Business Enterprise (WBE) Report

There were no construction contracts issued during PY 2021 within the HOME Program.

CR-20- Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely-low income, low-income, moderate-income, and middle-income persons served.

This section includes an evaluation of the City's progress in meeting its specific goals of providing affordable housing, including the number and types of families served by income level and the number of homeless, non-homeless persons assisted. HUD funding received for HOME is used to provide a range of housing for a wide variety of low-to-moderate income populations throughout the City. The CDBG program does not fund affordable housing development projects. However, the City's CDBG program did fund rental rehabilitations through Lynchburg Redevelopment and Housing Authority's (LRHA) Rental Rehabilitation Program. Projects funded with CDBG funds are mainly to serve the low and moderate- income persons in the targeted census tracts. HOME Program funds are allocated to affordable housing projects Citywide and within the targeted census tracts.

In PY 2021, Tables 10 and 11 below list the goals and actual number of persons and households served by the CDBG and HOME Program for each type of population.

	One-Year Goal	Actual
Number of Homeless persons to be assisted through CDBG activities (Coordinated Homeless Intake and Access)	1,000	3,939
Number of Non-homeless persons assisted through CDBG activities (Affordable Housing Resource Center, Scoutreach Program-Parks and Recreation Department)	1,000	2,471
Number of Special-needs persons to be provided affordable housing units (Florida Terrace Apartments)	31	0
Total	**2,031**	**6,410**

Table 10—Number of Persons Assisted

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units (Florida Terrace Apartments, Knott Street development, Down payment assistance)	49	1
Number of households supported through Rehab of Existing Units (Rental Rehabilitation)	0	3
Number of households supported through Acquisition of Existing Units	0	0
Total	**49**	**4**

Table 11—Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals

Number of homeless to be provided assistance: The Coordinated Homeless Access Intake (CHIA) CDBG project exceeded its goal to serve 1,000 persons during this reporting period. The CHIA Coordinator served 3,939 persons in diverting homelessness and providing resources. This goal was provided as an estimate in the Annual Action Plan. All persons who contacted CHIA were served. Persons presenting for assistance are provided with consistent and standard assessment tools - safety screening, diversion screening, and basic assessment of housing barriers and vulnerability.

Number of Non-Homeless persons assisted through CDBG activities: Lynchburg Redevelopment and Housing Authority (LRHA) has implemented the Affordable Housing Resource Center (AHRC) and has staffed it with a Housing Navigator to provide a centralized access point to all affordable housing resources and programs available in the City. The project is a collaboration of the Lynchburg Housing Collaborative partners, the Central Virginia Continuum of Care (CVCoC), the City of Lynchburg, and the Lynchburg Redevelopment and Housing Authority (LRHA). It is designed as a “one stop shop” for accessing housing resources.

The project met the goal of 1,000 persons to be served during this reporting period. AHRC served 2,445 persons.

Boy Scouts of America/Blue Ridge Mountains Council's Scoutreach program, through its partnership with the City's Parks and Recreation Department, offers an opportunity for school-age youth to broaden their experiences inside and beyond the neighborhood setting. The program is currently held at the City's Yoder and Fairview Heights Neighborhood Centers. During this reporting period, 26 persons (21 households) were served by Scoutreach.

Number of special-needs to be provided affordable housing units (number of persons served): There was a goal in the Amended Annual Action Plan for this reporting period to provide additional special needs affordable housing. Within the 2020-2024 Five-Year Consolidated Plan, there is an overall goal of increasing rental housing units for special needs persons by 31 housing units. (NOTE: Rush Homes had to revise the design of this new rental development housing project. Rush Homes is in the construction phase of the Florida Terrace project to develop the 31 apartment units. The plans are to provide housing for persons with and without disabilities, all with low incomes. At least 25 percent of tenants will have disabilities. There will be a set aside of seven (7) units for Permanent Supportive Housing (persons who are exiting homelessness who also have disabilities). These units are on track to be completed in Program Year 2022, with the construction groundbreaking occurring in August 2022.

Number of households supported through Rental Assistance: There is no rental assistance project within the CDBG and HOME Program.

Number of persons supported through the production of new units: This goal was not attained in PY 2021. There was one (1) household assisted through direct homebuyer assistance through Greater Lynchburg Habitat for Humanity (GLHFH). GLHFH's Knott Street development is currently in its construction phase. Funds will be used to subsidize development costs for nine (9) parcels and homes (originally 11), all of which will be sold to Habitat-qualified families.

Number of persons supported through rehabilitation of existing units: During PY 2021, there was no set goal. There were three (3) persons supported through the rehabilitation of existing units. Lynchburg Redevelopment and Housing Authority's (LRHA) Rental Rehabilitation program supported 3 households (3 persons) through rental property rehabilitations by private landlords.

Discuss how these outcomes will impact future annual action plans.
The completion of these projects/activities will assist the City in meeting the goals established in the 2020-2024 Consolidated Plan and future Annual Action Plans. City Council will continue to allocate CDBG and HOME Program funds to cooperative ventures that will assist in addressing barriers to affordable housing and meeting community public and private neighborhood and infrastructure needs.

Include the number of extremely low-income, low-income, and moderate-income households/persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-Income	3,956	0
Low-income	2,450	1
Moderate-income	2	0
Total	**6,408**	**1**

Table 12—Number of Households Served

Narrative Information

Using CDBG funds, 6,408 households were served. The Coordinated Homeless Intake and Access (CHIA) Coordinator assisted 3,939 households that were extremely low-income in assessing the household's needs and providing available information and resources to divert homelessness. LRHA assisted (2) two extremely-low-income households and one (1) low-to-moderate income household through Rental Rehabilitation projects. LRHA's Affordable Housing Resource Center (AHRC) project assisted 2,445 low-income households. Boy Scouts of America's Scoutreach project assisted 15 extremely low-income households, five (5) low-income households, and one low-to-moderate income household.

One (1) household was assisted with the use of HOME Program funds. Greater Lynchburg Habitat for Humanity (GLHFH)'s Down Payment Assistance project provided assistance to one (1) low-to-moderate income household. Rush Home's Florida Terrace project is under construction and will benefit 31 low-to-moderate income households in PY 2022. GLHFH's Knott Street development project is also in its construction phase and will assist nine (9) low-to-moderate income households in PY 2022.

A total of 6,409 households were assisted with CDBG and HOME funds. Of the households assisted, 3,956 of the households were within 0 to 30% of area median income (AMI); 2,450 were within 30 to 50% of AMI; and two (2) households were within 50 to 80% of AMI.

CR-25- Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Central Virginia Continuum of Care (CVCoC) operates a primary access point for homeless persons with satellite access points for special populations. The primary access point for the homeless response system is Coordinated Homeless Intake and Access (CHIA). The homeless hotline, CHIA, provides a phone-based assessment and referral to diversion, homeless prevention, shelter and appropriate housing interventions and services. This access point covers the entirety of the CVCoC's geographic region (Lynchburg and the surrounding counties) by providing assessment and referral through a phone-based system. All coordinated entry staff are trained on diversion strategies, addressing the needs of domestic violence victims and the coordinated entry process. Every caller in a housing crisis is provided with consistent and standard assessment tools - safety screening, diversion screening, and basic assessment of housing barriers and vulnerability.

An additional access point to the homeless response system is through Homeless Outreach and Mobile Engagement (HOME), the CVCoC's street outreach program. This program, operated through a partnership between Miriam's House and Community Access Network, provides a dedicated part-time staff person to identify and build rapport with unsheltered persons and conduct the CVCoC's standard assessments in order to ensure unsheltered clients receive access to the homeless response system and are quickly connected with housing resources.

Intake staff at CHIA and street outreach workers use the CVCoC initial assessments to review clients' needs and determine eligibility for services. Initial assessment includes an immediate safety screening, diversion and prevention screening, homelessness verification, basic assessment for shelter intake and release of information for the CVCoC's Homeless Management Information System (HMIS) and Community Case Review (case conferencing). After the initial assessment, there is a prioritization assessment for individuals experiencing literal homelessness, who have been unable to be prevented or diverted from shelter or a place not meant for human habitation. The prioritization tool and the CVCoC Housing Barrier Assessment are completed by trained assessors after initial assessment identifies a household as literally homeless. A CVCoC Coordinated Entry form is also used to identify whether the household belongs to one (or more) of the four subpopulations prioritized by the CVCoC for additional services: veterans, chronically homeless, households with children and youth (unaccompanied young people, age 24 and under).

All households belonging to a priority subpopulation are placed on the By-Name List, maintained through the Community Case Review team, for prioritization and referral to rapid re-housing and permanent supportive housing. The agency completing the assessment notifies the CVCoC Lead Agency, Miriam's House, through either faxing or emailing the Coordinated Entry Referral form for the assessed household. The CVCoC Lead maintains the By-Name List and through Community Case Review each household is matched with the appropriate housing and service intervention. Homeless households that do not belong to a priority subpopulation are provided with housing focused case management and linkages to mainstream resources to promote self-resolution directly from shelter or through street outreach.

During the COVID-19 pandemic, street outreach workers continued regular outreach visits to households experiencing unsheltered homelessness to ensure they had the supplies needed to stay safe and healthy.

Addressing the emergency shelter and transitional housing needs of homeless persons
Over the course of a year (July 1, 2021- June 30, 2022), 333 households became homeless within the Central Virginia Continuum of Care (CVCoC). This represents a 10% increase over the year prior. During the pandemic, fewer people were becoming homeless due to the additional resources awarded to the community to prevent households from becoming homeless and the eviction moratoria. Those resources have decreased resulting in a rise of homelessness in the first six months of 2022.

On March 25, 2022, the only low-barrier shelter in the area closed. Annually this shelter housed, on average, 150 homeless children, women, and men. While there were two emergency shelters in central Virginia, this shelter was the only low-barrier shelter and did not require identification, sobriety, or other requirements for entry. Due to this closure, there are now more persons in the community experiencing unsheltered homelessness as there is not shelter capacity to house them. In August 2022, the Lynchburg Department of Human Services will begin a temporary shelter to provide emergency housing through a hotel program to the most vulnerable homeless households who cannot access the other emergency shelter. This program will be a stop-gap measure while the CVCoC encourages partner agencies to respond to the active Request for Proposal for a low-barrier emergency shelter. The shelter will need to have capacity to serve approximately 10-15 individuals at a time, will need to be easily accessible, will adhere to Housing First policies, will participate in the Homeless Management Information System and coordinated entry, and will provide housing focused case management with all residents.

The Homeless and Housing Services (HHS) Committee of the CVCoC meets monthly to discuss improvements to the homeless response system, including ensuring all persons needing shelter or other homeless interventions are able to access them. This committee reviews gaps in services and specifically addresses any barriers to services. Coordinated Homeless Intake and Access (CHIA) provides a monthly report out regarding any households who were unable to be served and the reason for service denial. The HHS Committee regularly reviews eligibility guidelines for each program to ensure that there are no barriers to program admission or maintenance. The Committee identifies barriers to access that are contained in program rules and eligibility criteria and makes recommendations to the CVCoC Board regarding how those barriers can be reduced. At this time, all CVCoC-funded programs have instituted low- barrier admission policies. Funded projects removed all admission requirements related to drug testing, income, criminal history, identification, custody or family composition restrictions, treatment compliance, medication compliance, or any other barrier to access.

An additional way that the CVCoC ensures that services are offered without barriers is through regular training to front-line staff and program managers on Housing First, harm reduction, motivational interviewing, and other best practices. The Monitoring and Evaluation Committee of the CVCoC performs an annual site audit of each CVCoC- funded project to ensure adherence to the CVCoC policies and procedures, which require no barriers to project admission or maintenance.

The CVCoC provides annual training for homeless service providers on the Prohibition Against Involuntary Family Separation, Equal Access, and Prohibited Inquiries requirements. This training includes building capacity for shelter staff around creating safe spaces and providing services that promote inclusive policy standards, provide safety for shelter residents, respect diversity and protect the rights of all homeless individuals and families. The CVCoC monitors projects' nondiscrimination policies to ensure that family composition, gender identity and gender expression are included in the language. Projects are also expected to maintain confidentiality standards that protect sex assigned at birth information. Eligibility criteria are reviewed to address any exclusionary criteria such as requirement of a marriage license or restrictions regarding the ages of children. The CVCoC also provides sample documents that can be publicly posted or handed out to inform clients of their rights under the Equal Access rule. To further ensure compliance, the CVCoC has instituted regular consumer surveying which allows for program participants to report any discrimination. The CVCoC policies require all projects to have a grievance policy which they provide to all program participants at intake.

Helping low-income individuals and families avoid becoming homeless, especially extremely low- Income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

All unstably housed households assessed through Coordinated Homeless Intake and Access (CHIA) are referred to the CVCoC's targeted homeless prevention program if a diversion screen demonstrates that the household cannot be diverted from homelessness and that more intensive homeless prevention services are needed. All households referred to the targeted prevention program are screened with the CVCoC Targeted Prevention Screening Tool. The targeting screening was developed through research conducted by Veteran Affairs as well as peer reviewed research which demonstrates that specific household characteristics make a household more likely to become literally homeless. Some of these characteristics include frequent moves, history of homelessness, fleeing domestic violence, youth, youth identifying as LGBTQ, persons with disabilities and others.

Households scoring a 10 or above on this screen are served through housing focused case management and rental assistance, rental arrears and housing stabilization financial assistance. The CVCoC's Targeted Prevention Tool has been in use since late 2017 and has ensured that services are provided to those most likely to become homeless but for intervention.

The CVCoC Policies and Procedures require that systems of care and correctional institutions conduct discharge preparation in order to prevent households exiting their programs from becoming homeless. These policies ensure that the burden on discharge planning, that does not include discharges to homelessness, is on other systems of care rather than primarily on the homeless response system.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The implementation of the coordinated entry system provides a framework that assists households in moving quickly into permanent housing. Housing-focused conversations are built into initial assessment and incorporated into shelter case management from the point of intake. Momentum toward housing is maintained by setting timeframes within which housing plans are developed and prioritization assessment should be completed. Shelter case managers offer each household housing-focused case management and housing location services, including assistance with employment, benefits access, referrals to wrap-around services and affordable or subsidized housing identification. Efforts to recruit landlords and share landlord network information across the CVCoC has expedited housing attainment for all program participants.

For households that are prioritized for permanent housing interventions, there is a warm hand-off between the shelter case manager and the assigned rapid re-housing (RRH) or permanent supportive housing (PSH) case manager, who spearheads housing location alongside the referred household. This hand-off allows shelter case managers to focus on providing housing focused case management to households with lower barriers who are not prioritized for RRH or PSH. Expanding permanent housing interventions such as RRH and PSH, as the CVCoC does year over year, also ensures that households becoming homeless can be re-housed quickly. There are currently more slots available for permanent housing within our CVCoC than temporary slots such as emergency shelter. This shifting of bed availability ensures that those with the highest needs can receive the highest level of housing intervention.

The implementation of a By-Name-List of every homeless households allows the homeless response system to better understand who is homeless in real time. These households are staffed at Community Case Review in order to expedite their permanent housing placement. The CVCoC's written standards prioritize households with long episodes of homelessness (identified through the prioritization tools) for permanent housing interventions.

In 2020, the Lynchburg Redevelopment and Housing Authority (LRHA) received 79 Mainstream Vouchers. In 2021, the CVCoC received access to 25 Emergency Housing Vouchers. The CVCoC created Memorandums of Understanding with LRHA and Virginia Development and Housing Authority for the voucher programs to ensure that chronically homeless persons are prioritized for vouchers. To increase availability of PSH for chronically homeless households, Miriam's House created a new program to pair vouchers with supportive services. Central Virginia Supportive Housing launched in April 2022 to provide supportive services to chronically homeless households who have a housing voucher but do not have supportive services in place to ensure housing stability.

Once housed, in-home housing stabilization case management is provided to rapid re-housing and permanent supportive housing clients to prevent returns to homelessness. Housing stabilization case management services include tenancy skills, budgeting and financial literacy education, referrals to employment and training opportunities and coordination with long-term service providers such as mental health skill building services, home-based family strengthening programs, recovery resources or other services that will address stability needs.

Through extensive training on and implementation of Housing First strategies and housing focused case management best practices, the CVCoC has equipped homeless service providers to serve and house homeless households rapidly without predicating services on housing readiness.

CR-30- Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

In 2021, Lynchburg Redevelopment and Housing Authority (LRHA), the local public housing agency, began a Master Planning process with the residents, board, and staff for the Dearington Hills Apartments. LRHA is ready to move forward with a developer partner on determining the viability of a redevelopment of the Dearington Hills Apartments in three to four phases. LRHA anticipates this will provide over 240 additional affordable housing opportunities. LRHA will meet one-on-one with all affected families in the Dearington Hills Apartments to determine relocation needs in the fall of 2023. LRHA competed for and was awarded a Virginia Housing Revitalization grant for the Dearington Hills Apartments project.

Additionally, LRHA continues to invest in partnerships with all local and statewide agencies to assist public housing and housing choice voucher families with resident opportunities according to the 200 plus survey responses on resident services. LRHA's Resident Opportunities and Self-sufficiency (ROSS) Coordinator continues to provide outreach and match families with a wide range of needs to ensure success whether in education, training, or job placement.

Actions taken to encourage public housing resident s to become more involved in management and participate in homeownership

LRHA will address homeownership opportunities with Housing Choice Voucher (HCV) clients and Public Housing (PH) residents in the FY 2023 partnership with the HUD Housing Counseling Partner, Lynchburg Community Action Group (Lyn-CAG).

Actions taken to provide assistance to troubled PHAs

N/A- Lynchburg Redevelopment and Housing Authority is not a troubled PHA.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.91.220(j);91.320(i)

A primary barrier to affordable housing in the target area is the very low property values in the targeted census tracts. This is a large disincentive to development through renovation because the cost of repair typically exceeds the value of the renovated property. Therefore, only non-profit organizations that can access soft costs funds (i.e. finance and construction related costs) and grant funds are able to conduct rehabilitation projects in these areas. The for-profit developers are unable to conduct the extensive renovations necessary to make the houses in the target market amenable to modern housing demands. However, the City did allocate CDBG and HOME Program funds to non-profit entities to address the needs of extremely low and low-income families and persons.

Lynchburg is a City of relatively low housing costs. Therefore, average income and cost-of-living reflect these somewhat lower housing costs. Development in the CDBG target areas remain limited to non-profit and subsidized activity. This is due in part to the very low property values in these census tracts and a greater value being placed on improvements to property than to the land itself. In the target areas, this high value on improvements, or buildings, had the effect of costing more than clearing land outside of the target areas, and thereby, negating the opportunities of redevelopment. This is also a large disincentive to development through renovation because the cost of repair typically exceeds the value of the renovated property. However, recently there has been more development in the CDBG targeted census tracts. The reason has been that the supply of homes for sale everywhere is down so buyers are pushed into areas not traditional to their socio-economic status.

The usual barriers, zoning, building code, and density issues for the targeted census tracts have been interpreted to encourage appropriate development in these areas. This is especially true in the development by non-profit housing providers where the City has waived or offset utility and other fees for making the project more affordable for the very low and low-income residents.

The Lynchburg Zoning Ordinance was adopted in February 2016. The Zoning Ordinance promotes higher density development, more flexibility in the development of smaller urban lots and reduced setbacks in higher density residential zoning districts. The Ordinance also allows for more opportunities for mixed-use development, helping promote transit-oriented development in lower income neighborhoods. Finally, one major principle carried on throughout the Ordinance is greater connectivity amongst neighborhoods, especially through the requirement of sidewalks in all high-density residential zoning and commercial districts.

The Lynchburg Regional Housing Collaborative completed and distributed to the public through the Lynchburg City Council a Study “Opportunity Profile: Housing Stability in Lynchburg, VA” through a Community Impact Grant from the Virginia Housing Development Authority (VHDA). The Study stated that there is a need for additional affordable housing units and the relation of these housing needs to low-income persons/households. As a result of this Study the City

Council is focused on addressing affordable housing and is continuing to discuss with the Lynchburg Redevelopment and Housing Authority (LRHA) what an affordable housing policy would be and to discuss resources and options to create and further encourage the development of affordable housing in Lynchburg.

Affordable housing has long been a topic of discussion. Lynchburg has a long history of administering programs that are designed to assist residents with housing opportunities. Lynchburg residents have access to outcomes from housing funds administered by the City and the Lynchburg Redevelopment Housing Authority from programs like the Housing Choice Voucher Program, the Community Development Block Grant, the federal Low-Income Housing Tax Credit, and the HOME Investment Partnership Program. The City has also engaged in a variety of initiatives designed to improve the quality of the housing stock while still ensuring attainability and affordably, such as the Real Estate Rehabilitation Program and the Rental Inspection Program. Additionally, the City has partnered with a variety of public, private, and non-profit organizations that are dedicated to improving housing opportunities for people who live in Lynchburg.

In order to continue addressing barriers to affordable housing, City Council has taken the appropriate role of supporting cooperative ventures and initiates cooperation where it is needed. City Council has also exercised this coordinating role in its allocation of CDBG and HOME Program funds to nonprofit organizations and Lynchburg Redevelopment and Housing Authority for housing related projects. All of homeownership programs funded with federal dollars include an educational component for potential homebuyers about mortgage financing, credit and budgeting issues, and the responsibilities of homeownership.

Actions taken to address obstacles to meeting underserved needs. 91.220(k);91.320(j)
To assist in addressing the housing and community development needs of underserved citizens, the City of Lynchburg focused a significant amount of federal resources on new construction, homebuyer activities, and public infrastructure in the CDBG targeted areas. Several non-profit agencies were funded with CDBG and HOME Program funds to undertake new construction and homeownership activities. Financing availability continues to be one of the main obstacles in addressing underserved needs of the City's residents. With declining government program support, the private sector will have to play a key role in making up for this loss.

The City, particularly through its partnership with local non-profits, has continued to promote the involvement of private citizens, banks, corporations, and others in community development activities. As more people become involved the proper and effective coordination of this involvement will become even more challenging.

Shared responsibility also implies the open exchange of information and the combination of scarce resources. The City maintains a leadership role in this regard, while opening the process to all interested parties, including low- and moderate-income citizens.

The City continues to seek reduction in the number of households with incomes below the poverty line each year through long-term solutions such as education (including adult education and job skill training), economic development, coordinated supportive services, and Bridges to Progress support program. These areas are traditionally within the local government's sphere of influence and the City Council has placed significant emphasis and funding in these areas through the allocation of CDBG and HOME Program funds.

The City, through Lynchburg Redevelopment and Housing Authority (LRHA), developed an Affordable Housing Resource Center (AHRC), which is designed as a "one stop shop" for accessing resources and to address and solve people's housing questions and needs. The Center offers a Housing Navigator to assist citizens in navigating the vast sea of affordable housing challenges and opportunities in the City. Information, education and training programs will be offered to provide a number of learning tools to citizens to be successful in obtaining and maintaining stable housing.

Actions taken to reduce lead-based paint hazards.91.220(k);91.320(j)
In Lynchburg, approximately 85% of the homes built prior to 1978 contain some lead. Children, particularly those under the age of six, are at risk of lead poisoning if living or repeatedly being in a housing unit containing lead-based paint. Research suggests that lead poisoning has societal costs that include, medical care, special education, behavioral problems, reduced long-term educational attainment, reduced long-term income attainment, increased criminal behavior, and increased hypertension in adolescents and adults.

In accordance with applicable requirements, lead-paint assessments, treatments, and/or clearances are conducted on each structure built prior to 1978 in which CDBG and HOME Program funds are expended. City staff provides each subrecipient, through the written agreements, a copy of the lead-based paint regulations and forms that are to be completed according to the scope of work for the various activities.

To protect against this risk, on April 22, 2008, EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning April 22, 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Contractors are certified through the U. S. Environmental Protection Agency (EPA). This agency provides training programs across the State of Virginia and allows for contractors to submit their application or certification online. A list of the training programs offered and the application are found on the EPA website: EPA Lead Training Programs.

Subrecipients are required to ensure that all contractors obtain the proper certification prior to completing a renovation or repair project utilizing CDBG and HOME Program funds.

Actions taken to reduce the number of poverty-level families.91.220(k);91.320(j)
In PY 2021, Lynchburg continued to strive toward the mark of poverty reduction and increased median household income through civic engagement.

The Bridges to Progress Taskforces are: Community, Early Childhood Education, Education, Faith, Food, Housing, Health/Mental Health, Legal, Transportation, and Workforce. A steering committee of ten has a member acting as a liaison for the taskforces to provide support, encouragement, and communication between the taskforce and steering committee. The taskforces and steering committee meet independently to report their progress and challenges, and to promote the sharing of resources and the collaboration between the taskforces. A website has been created as well as a logo.

Several highlights of this past year's accomplishments by Bridges to Progress include the following:

- **Education Taskforce**: The Lynchburg Tomorrow initiative has been the focus of this Taskforce during this program year. Grassroots leaders were identified and the participants attended information sessions every other week. The leaders have met with Patrick Henry Boys School, the Lynchburg Police Chief, City Council members, the Lynchburg School Board, and Community Access Network (CAN). The Food Security report is finished and the Committee is reviewing the structure of the various food sources and the possible participating organizations.

  The BASICS application for preschoolers has an agreement with the local hospital system to engage families in a program with prenatal care. Humankind provided 48 positions for preschool students. The Scholar Identity Institute is underway at the University of Lynchburg. The program is led by a Vanderbilt professor and is a program help boys of color identify with other interests (science, technology, business, etc.) rather than with the current trend of cultural- entertainment, sports, and gangs.

- **Workforce Taskforce**: Virginia Career Works continued to provide individuals with services to obtain skills for employment. The agency provided classes with Vector Space, Parkview Mission, Bedford County Department of Social Services, and Lynchburg Detention Center. The City's Parks and Recreation Department formed a partnership with Goodwill Industries to provide basic career services to citizens at the Diamond Hill and Yoder Neighborhood Centers.

- **Transportation Taskforce**: This Taskforce has implemented the "Moveup" software application for citizens to access. Citizens may connect with this application and request transportation to medical appointments. While the service is not free, the costs ae covered by Medicaid and private insurance companies.

- **Faith Taskforce**: The Faith Taskforce finished the first 4 Success class and has scheduled another class at College Hill Neighborhood Center. The participants were provided with a resource booklet, named: Community Resource Guide, created by Interfaith Outreach Association. The Guide provides community agency contacts for all types of resources available for the public (i.e. alcohol / drug abuse program, clothing, employment/education, financial assistance, food, health care, housing / shelters, legal assistance, marital /relational issues, mental health, pregnancy, and social service programs).

Actions taken to develop institutional structure. 91.220(k);91.320(j)
To minimize gaps and to ensure coordination of the Federal CDBG and HOME Program funds, as well as the City's General Fund, these funds continue to be overseen by several City committees, commissions, and City departments. The City Council, as the governing body of the City of Lynchburg, is responsible for all policy decisions and approves all City funding recommendations. Ultimately, funding for housing and non-profit providers is coordinated through City Council.

The City and surrounding counties are a part of an initiative called Bridges of Central Virginia that uses the Bridges Out of Poverty model to help under-resourced citizens gain self-sufficiency and well as the City's implementation of the initiatives and merging of Poverty to Progress (P2P) and Bridges Out of Poverty for the formation of Bridges to Progress. It teaches how to think about changes that can be made to break down barriers that are sustaining poverty and focuses on ways to change policy/procedures on a business and local government level.

The coordinated entry system for the homeless used by the Central Virginia Continuum of Care (CVCoC) provides communication between area service providers to ensure people applying for services are not caught in gaps in program and funding limitations. Use of standard assessment tools helped align appropriate services with resources to fit personal needs. Through a network of case management, community-based support systems, financial and rent assistance, and Self-sufficiency opportunities, CDBG staff, and CVCoC service providers worked intensely with recipients and their sub-grantees to assure compliance.

City staff attended HUD trainings and webinars, and provided grant management, labor standards, environmental reviews, and project administration assistance to subrecipients to strengthen the overall performance and accomplishments for the CDBG and HOME Program.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k);91.320(j)
City staff uses its network of housing non-profit and community service organizations to deliver both Homeless and anti-poverty services. This network provides strong coordination at the local level with multiple federal, state and local housing and social service programs. These agencies provide direct service for key programs such as: child care, community and economic development, employment training, energy and weatherization assistance, food assistance, Head Start, housing, self-sufficiency programs and training, transportation, veteran's services, and senior and youth services.

A number of the non-profits and social service organizations/agencies are active participants in the Central Virginia Homeless Continuums of Care (CVCoC). This strong engagement with the CVCoC provides another avenue for developing strong partnerships with homeless and housing providers including, the public housing authority, domestic violence providers, and state, county and local social, health and education service providers.

Lynchburg Community Action Group's (Lyn-CAG) Housing Opportunities for People with Aids (HOPWA) program addresses poverty by providing decent, affordable housing to its clients, a major first step in financial stability. The HOPWA program staff provides educational counseling, needs assessment, case management, supportive services, and facilitates the support group for the HIV/AIDS clients. Staff maintains a partnership with the Infectious Disease Physicians in Lynchburg to provide the much-needed health and medical services for the HIV/AIDS clients. Lyn-CAG receives funding from the State Department of Housing and Community Development (DHCD), through its Virginia Housing Solutions Program (VHSP) to financially support this program.

Identify actions taken to overcome the effects of any impediments identified in the jurisdiction's analysis of impediments to fair housing choice. 91.520(a)

The City works to affirmatively further fair housing for Lynchburg's populations. In 2020, the City developed and finalized an Analysis of Impediments to Fair Housing Choice (AI). Based on the AI, the City developed a Fair Housing Action Plan (FHAP) that identified the impediments Lynchburg would focus on over the 2020-2024 Consolidated Plan period.

Addressing the impediments is a joint effort between the City and its housing and community organizations/agencies. Below are highlights of the impediments identified and the actions taken by the City and community partners during PY 2021 to address these impediments:

1. Impediment/Action - Barriers to housing choices for members of the protected class - The City should specify procedures, training, and monitoring process for implementing the Language Access Plan (LAP) to streamline services and better accommodate persons with limited English proficiency (LEP). This is especially important for when the LEP Spanish-speaking population reaches the safe harbor threshold.

- **Program Year 2021 Accomplishments** – City staff updated the Language Access Plan (LAP) in Program Year 2020, which included specific procedures, training, and monitoring process for the Plan to accommodate persons with limited English proficiency (LEP).

2. Impediment/Action - Location and type of affordable housing - The City and other local organizations continued to address the diverse housing needs for the City's various subpopulation, including students, low- and moderate-income households, persons with disabilities, and elderly persons.

- **Program Year 2021 Accomplishments** - There was one (1) low-to-moderate income household who purchased affordable housing units through down payment assistance with HOME Program funds. There were no new accessible housing units created during this program year; however, there are 31 units under development that will provide accessible, affordable housing for persons with disabilities and low-income households.

3. Impediment/Action – Location and type of affordable housing - LRHA should expand Section 8 HCV Program to higher opportunity areas.

- **Program Year 2021 Accomplishments** - Due to COVID-19, LRHA was not able to recruit new landlords during this program year.

4. Impediment/Action – Location and type of affordable housing - The City should collaborate with local universities to ensure students are not competing with low- and moderate-income households for housing.

- **Program Year 2021 Accomplishments** - While there were no new on-campus units added during this program year, City staff has continuous conversations with local universities regarding housing for their students and the need to create on-campus housing.

5. Impediment/Action - Location of community assets - The City should collaborate with GLTC to improve access to GLTC routes in higher opportunity areas and employment centers in the City and for individuals working unconventional hours.

- **Program Year 2021 Accomplishments** - As a component of the Fair Housing Plan, the City of Lynchburg has committed to helping GLTC increase the breadth of service options by increasing service levels and expanding system reach to increase access to community assets including employment centers and higher performing schools. GLTC is currently examining Microtransit options to replace several lower utilized fixed routes and allow for expansion of service to areas previously unable to be serviced by traditional fixed routes due to low density, low demand, or inability to navigate the road network. Increased frequency on Rt. 4 is planned for the 1st Quarter of FY 2023 which will allow for quicker and more efficient access to the commercial centers on Wards Rd and Fort Ave.

  GLTC has also been working with the Central Virginia Planning District Commission (CVPDC) to explore options for increased vanpool service to the area which will allow for commuters to access to subsidized vanpool services for commute and reverse commute employment. These services would allow residents to vanpool to work in areas inside or outside of the City of Lynchburg, allowing for better employment opportunities while allowing people to remain in their current homes or seek housing in higher opportunity areas.

  During the most current year of the plan, GLTC has not undertaken any new stop additions through the system. Currently GLTC has 892 stops throughout the system, while comparable systems have ~300 stops. As such, in the Transit Strategic Plan (TSP), the addition of new system stops was not proposed unless required due to new or substantially altered service.

  As most new single- and multi-family housing is in high opportunity areas which are either in-fill development without sufficient road access, or in green field development outside GLTC's service area, GLTC is unable to service most developments currently in construction or planned. Additionally, provisions for transit service are not made prior to the development of most properties either through the use of proffers or input from the transit agency during the design review process, so there is little room for the addition of new transit growth from these areas without significant service changes. As a component of the TSP, GLTC focused on bringing currently existing stops, benches, and shelters up to the current Americans with Disabilities Act (ADA) standards. This will require upgrades to: (1) 11 GLTC owned-shelters- additional shelters will also need to be upgraded, but are not owned by GLTC; (2) 250 stops to meet ADA accessibility requirements; and, (3) 286 stops requiring ADA accessible sidewalks improvements.

Many of these assets are located in Racially or Ethnically Contained Areas of Poverty (R/ECAP) areas and in lower income sections of the City. The completion of upgrades to ADA standards would also impact the livability scores of the affected communities while improving the access to community assets.

GLTC is also currently working on upgrading selected locations with solar lighting to improve access quality and safety for both GLTC customers and the neighborhood in which the systems are located.

6. Impediment/Action – Location of community assets - The City and local service providers should centralize public services in locations with good transit access and high concentration of members of protected classes.

- **Program Year 2021 Accomplishments**: During this program year, the public service providers who received funding and provided services as a result of the Community Development Block Grant (CDBG) CARES Act fund are located within locations serviced by public transportation.

7. Impediment/Action – Discriminatory behavior toward members of the protected class - The City should continue supporting fair housing services, such as housing counseling from Lyn-CAG and legal counseling from VLAS, to reduce rates of eviction, mortgage application denials, high-cost lending, and other discriminatory practices.

- **Program Year 2021 Accomplishments**: There were six (6) persons who attended sessions regarding fair housing and/or housing counseling through the First Time Homebuyer's club at Lynchburg Community Action Group (Lyn-CAG). These participants will complete the requirements for a first-time homebuyer in August 2022.

  Through the First Time Homebuyer's Club, clients are required to attend two sessions that address fair housing issues. One that focuses on Fair Housing laws, including those in Virginia, and the other session focuses on predatory lending. In the Fair Housing group education session, we cover the history of housing policy and laws, what is considered a housing transaction, protections, discriminatory practices (explicit and implicit), protected classes, how to file a complaint and local resources. The predatory lending session covers common predatory lending practices, how to spot predatory lending practices and how to address them if you are a victim. Throughout the 12-month program, clients receive housing education and housing counseling. During the one-on-one housing counseling sessions, counselors review the group education sessions and assist the client in addressing individual concerns.

Lyn-CAG sponsored a virtual Fair Housing Training Workshop in November 2021 in partnership with the Virginia Department of Professional Occupational Regulation (DPOR), Office of Fair Housing. The Workshop provided the opportunity for participants to learn about the fair housing laws and rights. The participants received a “Fair Housing Certification” from DPOR.

Lyn-CAG staff conducted a Fair Housing training for the homebuyer’s club members in February 2022.

Note: A detailed report providing PY 2021 accomplishments for the Analysis of Impediments to Fair Housing Choice is an attachment for the final CAPER submittal.

City staff includes the Equal Housing Opportunity Logo on all published public notices for the CDBG and HOME Program.

In April 2022, City staff published a public notice in the local newspaper for the “54th” Anniversary of the Fair Housing Act. The notice provided contact information in the event someone wanted or needed to file a housing discrimination complaint and advised of the availability of a brochure explaining the fair housing rights. (See Attachment B.)

In addition, City staff placed several social media advertisements on Facebook, Instagram, and LinkedIn including the following topics related to fair housing: Sexual Orientation and Gender Identity; Race and National Origin; Race; Sexual Harassment; and Disability. (See Attachment B.)

CR-40 – Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The Grants Administration Office is responsible for monitoring programs that receive CDBG and HOME Program funds. A subrecipient agreement is prepared for all agencies outside of the local government. This agreement contains the required HUD applicable statutory and regulatory requirements.

Monitoring of projects is done in several ways. First, subrecipients are typically reimbursed for expenses rather than provided funds in advance. The City requires receipts, time sheets, and other relevant documentation with the reimbursement request. Also, subrecipients are required to submit quarterly performance reports, which are reviewed for consistency with the City's programs and financial records.

During this reporting period, the City's Monitoring Policy was to conduct annual subrecipient on-site monitoring visits for the funded, non-profit agencies. These monitoring visits were conducted by the Grants Administration and Finance Department staff. At the on-site monitoring visits for the housing projects, a random selection of address files was reviewed for program compliance. For all other projects a visual inspection was made of the various accomplishments completed with program funds and a narrative submitted on the benefits for low and low-to-moderate-income persons. There is a monitoring checklist that is completed at the time of the review and then summarized. The financial reviews includes selection of reimbursements from the City. The reimbursements are traced through receipt and disbursement of funds. When all staff has completed their reviews the monitoring comments are compiled and a letter written to the agencies advising them of the results of the monitoring reviews and if any corrective action is needed. Technical assistance is provided as needed or requested.

In addition, the various CDBG and HOME Program activities are monitored remotely through quarterly performance reports and information provided with reimbursement requests.

The City has conducted on-site monitoring visits at the following agencies for PY 2021 CDBG, CDBG-CV, and HOME prior years' rental development funded projects:

CDBG/HOME	CDBG-CV
1. Greater Lynchburg Habitat for Humanity	1. Virginia Legal Aid Society (VLAS)
2. Miriam's House	2. YWCA of Central Virginia
3. Lynchburg Redevelopment and Housing Authority	3. Meals on Wheels of Greater Lynchburg
4. Lynchburg Community Action Group	
5. Community Housing Partners	
6. Lynchburg Covenant Fellowship	
7. Rush Homes	
8. Lynchburg Parks and Recreation Department/Boy Scouts of America (Blue Ridge Mountains Council)	

City staff reviewed written agreements, agency procedures and client records with each monitoring source. The written monitoring reports will be provided to the agencies upon completion by City staff.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City's Citizen Participation Plan (CPP) adopted by City Council on May 12, 2020 states that in order to comply with 24 CFR Part 91.105(d) and provide citizens a reasonable notice and opportunity to comment on performance reports for the submission of the Consolidated Annual Performance Report (CAPER) the following is the public process stated in the CPP that will be followed to provide the opportunity for citizen participation:

A public notice in the local newspaper will provide the 15-day public review period and City Council public hearing date by publishing a short summary of the CAPER. This summary will briefly describe the contents and purposes of the CAPER. The notice will include the locations where copies of the CAPER can be reviewed. Copies of the CAPER will be available to the public, upon request, in the Grants Administration Office as well as at the City's web site: www.lynchburgva.gov/grants-administration.

After adoption, the City will attach to the CAPER a summary of any written or oral comments received during the public review period, including the public hearings. If the City does not incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the CAPER is sent to the United States Department of Housing and Urban Development (HUD). The City will send the CAPER to HUD for review and approval.

On September 10, 2022, a public notice was published in the News and Advance stating that a draft of the proposed Program Year 2021 Consolidated Annual Performance Report (CAPER) was available for public review for a 15-day public comment period.

The draft report provided citizens with details concerning the federal funds made available to the City for furthering the objectives of the 2020-2024 Consolidated Plan. The CAPER report includes the following: resources available to the City; investment of those resources, the geographic distribution and location of investments; number of families and persons assisted (including the racial and ethnic status of persons assisted); actions taken to affirmatively further fair housing; evaluation of other actions and activities, such as infrastructure projects, indicated in the strategic plan of the Consolidated Plan and the Annual Action Plan; evaluation of the jurisdiction's progress in meeting its specific objectives of providing affordable housing, including the number and types of families served; and a summary of any written comments or views received from citizens regarding the City-funded programs and performance as well as any oral testimony at public hearings for City-funded programs and performance.

The advertisement stated that City Council would be conducting a public hearing on September 27, 2022 to receive public comments regarding the draft CAPER.

In addition to the 15-day public comment period and the public hearing held by City Council, copies of the draft CAPER were made available for public review at the following locations:

- Grants Administration Office, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504
- City website at: http://www.lynchburgva.gov/grants-administration

The draft report provided citizens with details concerning the federal funds made available to the City for furthering the objectives of the Consolidated Plan. The report also identified the total amount of funds available (including program income), the total amount of funds expended during the reporting period, and the geographic distribution of expenditure of funds within the various census tracts.

Citizen Comments- A public hearing will be held on September 27, 2022. Any comments received will be included in the CAPER prior to submittal to HUD.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There were no changes in the City's program goals and objectives during the program year. Activities were consistent with the goals specified in the 2020-2024 Consolidated Plan.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants? [BEDI grantees] Describe accomplishments and program outcomes during the last year.

The Lynchburg Economic Development Authority (EDA) received a Virginia Brownfields Assistance fund (VBAF) award of $50,000 for the former Lynchburg Foundry Warehouse site at 1800 Garnett Street. The EDA is evaluating this property for reuse as a potential expansion of its existing river front recreational area and/or continued use as commercial warehousing and light manufacturing space.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

During Program Year 2021, the rental housing inspections completed by the nonprofit recipients were as follows:

Community Housing Partners (CHP) completed six (6) inspections at the Hilltop Homes properties and at 714 Madison Street.

Rush Homes conducted 292 annual inspections of its rental housing units located at Victoria Ridge, Armstrong Place Apartments, and Old Forest Village. In addition, as clients vacate properties, inspections are conducted prior to new clients occupying the units.

Lynchburg Covenant Fellowship conducted annual inspections in both of the HOME-assisted rental units at Lynchburg High and Frank Roane Apartments.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

The City of Lynchburg requires HOME Program recipients, who develop more than five rental housing units, to submit affirmative marketing plans. The City monitors HOME rental housing projects annually to ensure that projects are following affirmative marketing policies and meet minimum housing quality standards. Those agencies that submitted affirmative marketing plans included: Rush Homes for Victoria Ridge, Armstrong Place Apartments, Old Forest Village, Lynchburg Covenant Fellowship for Lynchburg High and Frank Roane Apartments, and CHP for Hilltop Homes. Each of these plans was following HUD guidelines for affirmative marketing plans.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

There was no program income for the HOME Program in PY 2021.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

Housing Choice Voucher funds: The Lynchburg Redevelopment and Housing Authority (LRHA) administers the U.S. Department of Housing and Urban Development (HUD)Housing Choice Voucher Program (HCV)for the City of Lynchburg jurisdiction and may provide rent subsidies for up to 979 households. LRHA will receive approximately $6,852,000 in HCV funding for Calendar

Year (CY) 2022. The HCV is the Federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments.

Low-Income Housing Tax Credits (LIHTC): The federal 4% and 9% LIHTC is the principal source of funding for affordable rental housing units that are constructed or rehabilitated. They are a dollar-for-dollar credit against federal tax liability. In Program Year 2022, Rush Homes has submitted a LIHTC application for the development of Florida Terrace Apartments.

Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Program

Program Year (PY) 2021 ● Fiscal Year (FY) 2022
(July 1, 2021 – June 30, 2022)

Melva Walker, Grants Manager

Community Development/Grants Administration

September 27, 2022

FY 2022 ANNUAL ACTION PLAN – CAPER PURPOSE AND OUTLINE

- **<u>Purpose</u>**
  - **City Council public hearing - 9/27/2022 – To conduct public hearing to receive public input/comments**

- **<u>Outline</u>**
  - **Overview**
  - **Resources and Investments**
  - **Performance Accomplishments**

FY 2022 ANNUAL ACTION PLAN — CAPER OVERVIEW

- **The CAPER provides the accomplishments that have been made by the various Subrecipients and City departments for the Community Development Block Grant (CDBG); HOME Program; and Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES Act) (CDBG-CV) funds that have been expended in Program Year (PY) 2021/ Fiscal Year (FY) 2022.**

FY 2022 ANNUAL ACTION PLAN — CAPER RESOURCES AND EXPENDITURES

Source of Funds	Resources Made Available*	Amount Expended During Program Year**
CDBG	$751,895	$769,926
HOME	$468,425	$417,295
CDBG-CV	$537,864	$344,231

***Includes FY 2022 entitlement, reprogram, and program income funds for CDBG and HOME Program. CDBG-CV funds allocated in FY 2020.**

****FY 2022 expenditures as recorded in HUD's data system, Integrated Disbursement Information System (IDIS).**

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Homeownership and Rental:

- A total of $18,360 in HOME funds was expended by Greater Lynchburg Habitat for Humanity (GLHFH) by providing down payment assistance and gap financing assistance to one (1) household.

- GLHFH is under contract for the infrastructure construction of the Knott Street project. Habitat has expended $212,198. The project is expected to be completed in the first quarter of Program Year 2022 and construction of the houses for homeownership will follow.

- Rush Homes has broken ground on the 31-unit affordable housing rental project on Florida Avenue. There have been design and acquisition costs reimbursed to Rush Homes in the amount of $156,772.

- LRHA through its Rental Rehabilitation Program expended $29,532 of CDBG funds for the rehabilitation of three (3) affordable housing units by private landlords.

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Public Facilities (Neighborhood Improvements):

- **Dearington Neighborhood Plan – a draft of this Plan has been completed and is part of the City's 2013-2030 Comprehensive Plan. The draft of this plan is being prepared for public comment and review. There has been $16,899 of CDBG funds expended for this project.**

- **Jefferson Park Improvements – The work completed at the end of the program year included improvements on the kickball field and the creation of an outdoor classroom and community gathering space, and a new basketball court with a mural painted on it located at the base of the amphitheater in Jefferson Park. There were $143,597 CDBG funds expended during this program year for these improvements. This project will continue in Fiscal Year 2023.**

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Public Infrastructure (Neighborhood Improvements):

- **Tinbridge Hill Neighborhood Pedestrian Improvements – the Construction included:**
  - **the installation of a water line along sections of Taylor Street, Monroe Street, Polk Street, Jackson Street, 3rd Street, and 4th Street;**
  - **two storm sewer structures and sewer pipe were replaced along 4th Street, and two new sanitary manholes installed;**
  - **new sidewalk and handicapped ramps were constructed along sections of 4th Street and Monroe Street; and**
  - **utility trench patching, milling and pavement.**

There were $186,987 of CDBG funds expended in conjunction with Water Resources capital funds for this project. The total cost of the project was $1,682,890.

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Public Service Activities:

- **CDBG funds were expended by Lynchburg Redevelopment and Housing Authority (LRHA) for the operation of the Affordable Housing Resource Center (AHRC). Staff assisted approximately 2,500 households through visits to the AHRC, telephone calls, and emails. There was $36,606 expended during this program year on staff and operational costs for this activity.**

- **Through the Central Virginia Continuum of Care's Coordinated Homeless Intake and Access (CHIA) in this program year, there were 3,939 calls from people seeking homeless services and 318 households were referred for homeless prevention services; 209 households to emergency shelter; 92 households to domestic violence services; and 182 households to street outreach services. There was $64,622 of CDBG funds expended for this activity.**

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Public Service Activities – Coronavirus Aid, Relief and Economic Security Act (CARES) (CDBG-CV-Round 1) Program Funds and CARES Act, CDBG-CV-Round 3 Funds

- **In Program Year (PY) 2019 (Fiscal Years [FY] 2020 and 2021), the City received special allocations of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). Lynchburg's allocation totaled $809,630. The first round of funding was $420,487 and Round 3 funding was in the amount of $389,143.**

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Summary of CDBG-CV-Round 1 Accomplishments:

- Emergency Housing & Utility Program - During this reporting period Lynchburg Community Action Group (Lyn-CAG) assisted nine (9) households with rent, mortgage and utilities as a result of various COVID-19 related barriers including loss of income or medical incidents. In PY 2021 Lyn-CAG expended $25,424.35 of the CDBG-CV funds to assist these households in remaining within their homes.
- Safe at Home Emergency Assistance - Interfaith Outreach assisted a total of 73 households and expended $40,000 of the CDBG-CV funds by providing financial assistance for utility payments.
- COVID-19 Care Kits – Emergency Communications staff filled and distributed 2,383 "COVID-19 Care Kits" for Lynchburg City Schools students.
- COVID-19 Awareness Campaign - The Lynchburg Cares campaign conducted several public events and distributed information to individuals regarding the financial resources available to them if affected by COVID-19.

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Summary of CDBG-CV-Round 3 Accomplishments:

- **Feeding the Homebound (Meals on Wheels of Greater Lynchburg) -During this reporting period, Meals on Wheels delivered meals to 1,735 households responding to the persons affected by Coronavirus (COVID-19). Meals on Wheels delivered meals five days a week. All of the recipients were below the national poverty level. The agency expended the $46,500 allocated for this service. The activity is complete.**

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

<u>Summary of CDBG-CV-Round 3 Accomplishments (continued):</u>

- **Reducing Evictions through Legal Aid (Virginia Legal Aid Society) - VLAS assisted:**
  - **a total of 285 households helping 646 people. Among all households, there were 37 clients aged 62 or older and 94 disabled.**
  - **VLAS staff conducted 17 outreach events during the program year, reaching an estimated 460 people sharing information regarding COVID and the financial resources available.**
  - **In addition, staff distributed about 300 brochures which provided basic legal information that helped people through a wide range of COVID and housing-related issues, and other legal information.**

During this reporting period, the agency expended the $30,000 allocated for this service.

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Summary of CDBG-CV-Round 3 Accomplishments (continued):

- **Domestic Violence Prevention (YWCA of Central Virginia) - During this reporting period, a Youth Prevention Manager was hired to support the youth entering the shelter during the Pandemic, as well as working with the youth in the City community centers and churches as the domestic violence program has noted that the youth served were suffering both mentally and academically due to the pandemic compounding their domestic violence-based trauma. During this reporting period, the YWCA Domestic Violence Center expended the $6,680 allocated for this service.**
- **Summer Lunch and Play Program (City-Department of Parks and Recreation) - The Summer Lunch & Play program was offered outdoors at six neighborhood center park locations. A total of 720 Rec-to-Go bundles were distributed to youth. There was $19,197.71 of CDBG-CV funds expended for the activity.**

FY 2022 ANNUAL ACTION PLAN — CAPER PERFORMANCE ACCOMPLISHMENTS

Summary of CDBG-CV-Round 3 Accomplishments (continued):

- **Shelter Program and Apparatus Air Purifier (City-Fire Department) These funds provided a mobile location to carry out testing, diagnosis, and other services related to the COVID-19 Coronavirus. These shelters will be multi-use such as a portable vaccine or illness test site facilities, natural or manmade disasters, extreme heat or cold event shelters. The Apparatus Air Purifier have been installed and the shelters and associated equipment have been inventoried and will be used to assist COVID patients with the medical needs. During this reporting period, the Fire Department expended $190,341 of the allocated funds.**

FY 2022 Annual Action Plan – CAPER Public Hearing

- **Public comment period began on September 10, 2022, and ends with tonight's public hearing.**
- **City staff has not received any public comments.**
- **Discussion/questions**

RESOLUTION: #R-22-059

BE IT RESOLVED that City Council approves the submission of the Program Year 2021 (FY 2022) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD).

Adopted: September 27, 2022

Certified: Alicia L. Finney

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 27, 2022** AGENDA ITEM #: **9**

REGULAR: **X** WORK SESSION: CLOSED SESSION (Confidential):
ACTION: **X** INFORMATION:

ITEM TITLE: Encroachment Franchise Ordinance (AC Capital, LLC)

RECOMMENDATION: Review, and after a public hearing, adopt the attached franchise ordinance.

SUMMARY: AC Capital, LLC has requested a franchise from the City to allow use of the City's public rights-of-way for the construction, installation, use, and maintenance of certain enroachments in the public rights-of-way of the City at Court Street and 12th Street. In this instance, the encroachment would be for the balconies, building edge/roof overhang/canopy, and gutter/downspouts that would extend over the sidewalk from the upper stories of the building. The proposed franchise ordinance and map define the applicable encroachments. The proposed franchise, if granted, will begin October 1, 2022, and expire September 30, 2061, and unless an alternate agreement is negotiated, continue month-to-month thereafter.

City Council has accepted a bid and will now hold a public hearing on whether to adopt the proposed franchise ordinance attached. If appropriate, the City Council will adopt the attached proposed franchise ordinance.

PRIOR ACTION(S): March 9, 2021: City Council rezoned 400, 404, and 406 12th Street from B-5, General Business District to B-4, Urban Commercial District to allow the use of the buildings as apartments

August 23, 2022: Business Item Briefing (BIB)

September 27, 2022 Work Session: Where appropriate, a bid was accepted

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer; (434) 455-3982
Gaynelle L. Hart, Director of Public Works; (434) 455-3960
Matthew C. Freedman, City Attorney; (434) 455-3980

ATTACHMENT(S):
- Ordinance
- Map

REVIEWED BY: KLW

Tax Map No(s). 025-07-012

AN ORDINANCE GRANTING A NON-EXCLUSIVE LIMITED FRANCHISE TO AC CAPITAL, LLC TO PERMIT THE CONSTRUCTION, INSTALLATION, USE, AND MAINTENANCE OF CERTAIN ENCROACHMENTS IN THE PUBLIC RIGHTS-OF-WAY OF THE CITY AT COURT STREET AND 12TH STREET

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

ARTICLE I. GRANT AND PURPOSE

Subject to the provisions, conditions, and restrictions hereafter set forth in this document, referred to as this "Franchise", the **CITY OF LYNCHBURG, VIRGINIA**, a municipal corporation, hereafter the "City", herein and hereby grants a non-exclusive limited franchise, right, privilege, easement, and authority to **AC CAPITAL, LLC**, a Virginia limited liability company, hereafter the "Franchisee", to construct, install, use, work upon, and/or maintain certain canopy, balcony, roof, gutter, downspout, building, and like encroachments in the City's public rights-of-way on 12th Street and Court Street ("PROW"), hereafter collectively called the "Encroachments", in the City of Lynchburg, Virginia, as shown on a plat attached hereto to be recorded herewith, made by Accupoint Surveying & Design, dated April 6, 2022, City File No. B-2417, entitled "PLAT SHOWING BALCONY & BUILDING ENCROACHMENTS, 400 12TH STREET, FOR AC CAPITAL, LLC, CITY OF LYNCHBURG, VIRGINIA", with the Encroachments being described as follows, *to-wit*:

TAX MAP NO. 025-07-012; 400 12th Street

ENCROACHMENT NO. 1:
CANOPY ENCROACHMENT INTO 12TH STREET RIGHT-OF-WAY

Beginning at a point in the westernmost corner of Tax Map No. 025-07-012, at its intersection with the northernmost corner of Tax Map No. 025-07-004 and the southern right-of-way line of 12th Street; thence N 34º 20' 33" W 0.25 feet to a point; thence N 55º 54' 15" E 24.44 feet to a point; and thence S 55º 19' 44" W 24.44 feet to the point of beginning, containing 0.0001 acre, more or less.

ENCROACHMENT NO. 2:
BALCONY, ROOF OVERHANG, GUTTER, DOWNSPOUT AND BUILDING EDGE ENCROACHMENT INTO COURT STREET RIGHT-OF-WAY

Beginning at a point in the northernmost property corner of Tax Map No. 025-07-012, at its intersection with the western right-of-way line of Court Street and the southern right-of-way line of 12th Street; thence N 60° 27' 00" E 0.69 feet to a point; thence S 34°10' 33" E 4.75 feet to a point; thence N 55° 24' 45" E 2.33 feet to a point; thence S 35° 01' 34" E 4.91 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 15.97 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 9.91 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 15.97 feet to a point;

thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 9.78 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 15.97 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 10.24 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 8.31 feet to a point; thence S 55° 00' 39" W 2.30 feet to a point; thence N 35° 01' 34" W 49.41 feet to a point; thence S 55° 22' 44" W 0.57 feet to a point; thence N 35° 04' 16" W 100.61 feet to a point; and thence N 35° 04' 16" W 4.81 feet to the point of beginning, containing 0.0107 acre, more or less.

The sole purpose of this Franchise is to permit the Franchisee to construct, install, use, work upon, and/or maintain the Encroachments exclusively shown on the above stated plat. This Franchise shall in no way be construed to permit the Franchisee to expand or extend the Encroachments or to create additional encroachments upon the City's property or PROW in any way unless a written amendment to this Franchise is completed. The Franchisee shall not become vested with any further rights beyond what is previously described due to the existence of this Franchise or the Encroachments.

ARTICLE II. TERM

Unless this Franchise is sooner terminated in accordance with the terms described herein, this Franchise will be in effect for a term of thirty-nine (39) years, beginning on October 1, 2022, and ending September 30, 2061, at 11:59 p.m. This Franchise is intended to be a long-term arrangement, and at the expiration of the stated term, the City and the Franchisee will negotiate in good faith for a renewal of this Franchise under mutually acceptable conditions. At the end of the aforesaid term, unless a renewal of this Franchise has been negotiated, this Franchise shall continue as a month-to-month tenancy, subject to all terms and conditions contained in this Franchise. Such month-to-month tenancy shall continue until such time as the City gives the Franchisee thirty (30) days written notice of the termination of the month-to-month tenancy. In no event will this Franchise exceed a total period of forty (40) years without a formal renewal.

ARTICLE III. CONSTRUCTION, WORK, AND REPAIR

All construction, work, maintenance, repair, improvements, and changes to the Encroachments shall be the Franchisee's sole responsibility. The balcony Encroachments shall (i) be constructed at least twelve (12) feet from the ground or higher if applicable regulations require the same; (ii) be constructed according to all applicable codes and regulations; and (iii) be constructed and maintained in a manner that ensures stormwater runoff does not create a hazard to the public and is properly managed. If deemed necessary by the City upon completion of construction and for the duration of this Franchise, the City may require the Franchisee to ensure stormwater runoff does not fall from the balcony Encroachments, but down a downspout or guttering system to make effective use of the City-wide stormwater disposal system. The City shall have no duty whatsoever to inform the Franchisee of any needed maintenance, work, repair, improvements, or changes to the Encroachments. Additionally, the Franchisee, at its sole expense and where required, shall obtain all necessary permits and/or approvals from all City, state, and Federal agencies. Additionally, the Franchisee shall perform such maintenance, work, repair, improvements, and changes in accordance with all reasonable and applicable workman-like standards as well as in accordance with any applicable city, state, and Federal regulations. In the event any maintenance, work, repair, improvements, or changes are required on the

Encroachments, and such maintenance, work, repair, improvements, or changes materially interfere with the City's operations in any way, as determined in good faith by the City, then the Franchisee shall be solely responsible for the actual costs of such additional work that results from the interference by the Encroachments.

ARTICLE IV. MAINTENANCE, INSPECTION, AND REPAIR

During the term of this Franchise, the City, its agents, and its employees shall have the right, but no obligation, to enter upon the Franchisee's property and inspect the Encroachments. The City will provide the Franchisee with reasonable notice of such entry and inspections, and if the City in its sole discretion determines it appropriate, the City, its employees, or its agents may take such actions as may be reasonably necessary to protect the City's property, PROW, and/or any related facilities from damage that has resulted or may result from any condition or circumstances imposed by the Encroachments. The Franchisee shall be solely liable for the costs actually incurred in connection with the same.

ARTICLE V. DAMAGE TO PROPERTY

Unless caused by the negligence or intentional misconduct of the City, the City shall in no way be liable for any damage to or loss of any of the Franchisee's buildings, facilities, property, or the Encroachments. It is expressly agreed and understood that the Encroachments encroach or will encroach into the PROW and the City's property at the Franchisee's own risk. Further, the Franchisee shall be responsible for repairing or replacing any damages to the City's property, PROW, or the like that are caused by the acts or omissions of the Franchisee, its employees, or its agents due to the existence of the Encroachments.

ARTICLE VI. INDEMNIFICATION AND INSURANCE

INDEMNIFICATION. The Franchisee shall indemnify, hold harmless, and defend the City, its employees, officials, and agents, from and against any and all lawsuits, claims, causes of action, liabilities, demands, damages, disability, losses and expenses, of any nature whatsoever, including reasonable attorneys' fees ("Liabilities"), resulting or in any manner arising out of injuries (including death) to any person or damage to or destruction of any property suffered as a result of (i) the Franchisee's actions/inactions and/or (ii) the existence of the Encroachments in the PROW, unless such Liabilities are a result of the negligence or intentional misconduct of the City. The City shall promptly notify the Franchisee of any Liabilities subject to indemnification and defense hereunder, and shall cooperate with all reasonable requests by the Franchisee for information, documents, testimony, or other assistance appropriate to a resolution of such Liabilities. The Franchisee shall have full responsibility for and control of any action or undertaking directed at the resolution of such Liabilities.

INSURANCE. During the term of this Franchise, the Franchisee shall obtain and maintain at its sole expense, with financially reputable insurers authorized to do business in the Commonwealth of Virginia, all the following minimum insurance coverage, with the City, its employees, officials, and agents listed as additional insureds where permitted by law and policy:

(a) Workers' compensation as provided for under any worker's compensation or similar law in the jurisdiction where any work is performed with an employer's liability limit of not less than $500,000 per accident.

(b) Commercial general liability, including coverage for contractual liability and products completed operations liability, with a limit of not less than $1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage liability.

(c) "All risk" property insurance covering not less than the full replacement costs of any damage the Franchisee, its employees, representatives, agents, or guests may cause to the City's property and/or PROW.

The Franchisee shall further deliver to the City a Certificate of Insurance, satisfactory in form and content to the City, evidencing that the above insurance is in full force and effect. The insurance required herein shall require that the Franchisee give the City thirty (30) days advance written notice of any cancellation, nonrenewal, or modification of coverage and a binder or certificate verifying new coverage in accordance with the requirements herein prior to any change, cancellation, or nonrenewal date. In the event of such cancellation or nonrenewal notice, the Franchisee shall pay all premiums for the renewal or replacement of the insurance required hereunder. The Franchisee shall, at least thirty (30) days prior to the expiration of the policies, furnish the City with renewals or binders for the policies, or the City may order the required insurance and charge the cost to the Franchisee. Any and all such insurance policies shall name the City, its employees, officials, and agents as insured parties and shall include or be endorsed to include contractual liability.

The insurance required hereunder shall be primary, and any insurance or self-insurance maintained by the City shall be in excess of and shall not contribute with any insurance required of the Franchisee under this Franchise. Any deductibles or self-insured retentions applicable to the required coverage shall be paid by the Franchisee, and the City shall not be required to participate therewith. All rights of subrogation against the City are hereby waived, and such waiver of subrogation rights shall be shown on the aforesaid Certificates of Insurance.

Nothing contained in this Franchise shall limit the Franchisee's liability to the City to the limits of the insurance certified or carried.

Notwithstanding any of the other provisions of this Franchise, the Franchisee's failure to maintain the required insurance coverage throughout the term of this Franchise or the failure of the Franchisee to deliver a new and valid binder or certificate verifying such coverage is grounds for the immediate termination of this Franchise without prior notice.

The indemnification requirements described hereunder shall survive termination or expiration of this Franchise for a period of five (5) years beyond the same.

ARTICLE VII. COMPLIANCE WITH LAWS

The grant of this Franchise is subject to all ordinances, resolutions, and procedures of the City as the same now exist or may be hereafter adopted, amended, revised, or codified, in lawful exercise of any power granted to the City by the Virginia General Assembly or any other lawful body. The City agrees that, except in cases of emergency, it will give the Franchisee thirty (30) days advance written notice of all such rules and regulations adopted by the City before the Franchisee shall be required to comply therewith. In performing its responsibilities under this Franchise, the Franchisee will comply with all applicable state and Federal laws and regulations and all Federal, state and local laws, ordinances, rules, and regulations currently in force or subsequently adopted that may apply to its activities.

ARTICLE VIII. AMENDMENTS TO FRANCHISE

The City and the Franchisee may modify this Franchise from time to time; however, such modifications will be in writing and approved by the Lynchburg City Council.

ARTICLE IX. TERMINATION OF FRANCHISE

The City retains the right to withhold or withdraw any and all privileges granted under this Franchise and to terminate this Franchise at any time if the Franchisee fails to comply with any of the provisions of this Franchise. Exercise of this right by the City shall be in addition to and not in place of any other rights which the City has under the terms of this Franchise. Prior to exercising this right, the City Manager, or such other person or persons as the City Manager may from time to time designate, shall provide the Franchisee with written notice of the Franchisee's failure to comply with the terms of this Franchise or default. The Franchisee shall have thirty (30) days from the date of such notice to remedy any such default. The Franchisee may make a written request for a reasonable extension of the period in which it may remedy any such default to the City Manager, or such other person or persons as the City Manager may from time to time designate. Any such request by the Franchisee shall be in writing and must be made at least fifteen (15) days prior to the expiration of the initial thirty (30) day period stated previously. Any subsequent request shall be in writing and must be made prior to the expiration of any subsequent period.

If there are instituted by or against the Franchisee proceedings in bankruptcy or insolvency during the term of this Franchise, the City may terminate the same at any time thereafter. The exercise of this right by the City shall be in addition to and not in place of any other rights which the City has under the terms of this Franchise. Any successors, assignee or assignees, trustee, or receiver of the Franchisee resulting from proceedings in bankruptcy or under any insolvency law shall be subject to and bound by all of the provisions, terms, conditions, and limitations of this Franchise.

The City retains the right to withhold or withdraw any and all privileges under this Franchise and to terminate this Franchise at any time if there is a taking of the Franchisee's property by way of a court of competent jurisdiction. Exercise of this right by the City shall be in addition to and not in place of any other rights which the City has under the terms of this Franchise.

ARTICLE X. NOTICES

Notices to the City and the Franchisee shall be sufficient if sent to the following persons and addresses or to such other persons and addresses as the City or the Franchisee may designate in writing from time to time.

Notices to the Franchisee shall be sufficient if sent by First Class Mail, addressed to:

AC Capital, LLC
1041 Greenway Court
Lynchburg, VA 24503

Notices to the City shall be sufficient if sent by First Class Mail, addressed to:

City of Lynchburg, Virginia
ATTN: City Manager
900 Church Street – 3rd Floor
Lynchburg, VA 24504

ARTICLE XI. MISCELLANEOUS

A. SUCCESSORS. This Franchise and the rights and responsibilities of the same shall run with the title to the land and shall be binding upon and inure to the benefit of the Franchisee, successor owners, and assigns of the Franchisee's property. Neither the City nor the Franchisee may assign this Franchise or any of the rights and/or responsibilities described herein without the written consent of the other, which will not be unreasonably withheld. Notwithstanding any other part of this Franchise, the City Manager, in his discretion, shall have the authority to permit such assignments on behalf of the City without the same being approved by the Lynchburg City Council.

B. SEVERABILITY. In the event that any provision, or portion of the same, of this Franchise shall be construed to be invalid or unenforceable by a court of competent jurisdiction, then such provision or portion shall be stricken, and the remaining portions of this Franchise shall remain in full force and effect.

C. GOVERNING LAW. This Franchise shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, and any legal proceedings related to the same shall be filed in the courts of the City of Lynchburg, Virginia and in no other forum.

D. ENTIRE FRANCHISE. All provisions with respect to this Franchise are expressly contained herein. No representative or agent of the City or the Franchisee has made any representation or promise with respect to this Franchise not contained herein.

E. RESERVATION OF RIGHTS. It is distinctively understood that all privileges and uses of the City's property and PROW, except to the extent herein granted to the Franchisee, are expressly reserved by the City to use at its discretion as the City deems advisable.

F. REMEDIES NOT EXCLUSIVE. All rights and remedies described in this Franchise shall be cumulative and additional to all other rights and/or remedies available at law or in equity.

G. BINDING EFFECT. This Franchise shall be binding and inure to the benefit of the City and the Franchisee, and their respective representatives, successors, and permissible assigns. Further, upon being admitted 'of record' in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, this Franchise shall constitute a covenant which runs with the land.

H. MODIFICATION. This Franchise may be modified by the City and the Franchisee during its existence, but no modification shall be valid or enforceable unless made in writing and signed by both of the aforesaid entities. The Lynchburg City Council shall approve such modifications.

I. INDEPENDENT ENTITIES. Nothing contained in this Franchise shall be construed as or deemed to make either the City or the Franchisee the agent, partner, or joint venture of the other, except as may otherwise be provided in this Franchise. Nothing contained in this Franchise shall give the Franchisee any authority to represent the City before any court or governmental or regulatory agency without the express prior written authorization of the City. Unless otherwise provided in this Franchise, neither the City nor the Franchisee shall be responsible or held liable for the acts or omissions of the other. Further, in performing any services or engaging in any actions pursuant to this Franchise, the Franchisee is and shall be acting as an independent contractor, responsible to all parties for its acts and omissions, and the City shall not be liable for the same.

J. THIRD-PARTY RIGHTS. Nothing in this Franchise shall be deemed to create any rights to those who are not expressly made a party to this Franchise. The parties to this Franchise are the City and the Franchisee.

K. COUNTERPARTS AND SIGNATURES. This Franchise may be executed in counterparts. Each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one document. Further, this Franchise may be executed and/or sealed electronically. An electronic signature and/or seal shall be equally as enforceable as an original signature or seal.

L. HEADINGS. Marginal headings contained in this Franchise are for convenience only and shall not be considered to amplify, relate, modify, or otherwise affect any of the terms, provisions, or conditions of this Franchise.

M. COVENANT OF NON-DISCRIMINATION. The Franchisee does hereby covenant that no person on the grounds of race, sex, color, national origin, or any other basis prohibited by Federal or Virginia law shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the operation of any of the facilities, buildings, or the like which may be connected to this Franchise. The Franchisee further covenants it will not discriminate against and will make all reasonable efforts to accommodate persons with disabilities as required by the Americans with Disabilities Act.

ARTICLE XII. METHOD OF ACCEPTANCE

Any person, firm, corporation, or other entity bidding for this Franchise shall deposit with their bid a check in the amount of ONE HUNDRED AND 00/100 DOLLARS ($100.00), payable as security to the City, and shall accept this Franchise in writing before or within thirty (30) days after its adoption by the Lynchburg City Council. Upon the failure of the successful bidder to accept the same as stated, the successful bidder shall forfeit its deposit to the City. The checks of all other bidders shall be returned upon the acceptance of a successful bid. The said deposit will be returned to the successful bidder upon the Franchise being accepted.

This Ordinance shall be and become effective as a Franchise and shall constitute a contract between the City and the Franchisee once adopted by the Lynchburg City Council and executed on behalf of the Franchisee by its duly authorized representative.

(Remainder of Page Intentionally Left Blank)

ARTICLE XIII. ADOPTION OF ORDINANCE

This Ordinance was duly adopted by the Council of the City of Lynchburg, Virginia on the _______ day of ________________, 20_________, and shall be effective as of the 1st day of October, 2022.

Certified:_______________________
Clerk of Council

Approved as to Form:

____
City Attorney/Designee

ARTICLE XIV. ACCEPTANCE OF FRANCHISE

By joining in this Ordinance through signature of its duly authorized representative, the Franchisee does hereby accept the entirety of the same as of its adoption date.

AC CAPITAL, LLC

(SEAL)

By:______________________

Printed Name:____________________

Its:_____Member/Manager_____(circle one)

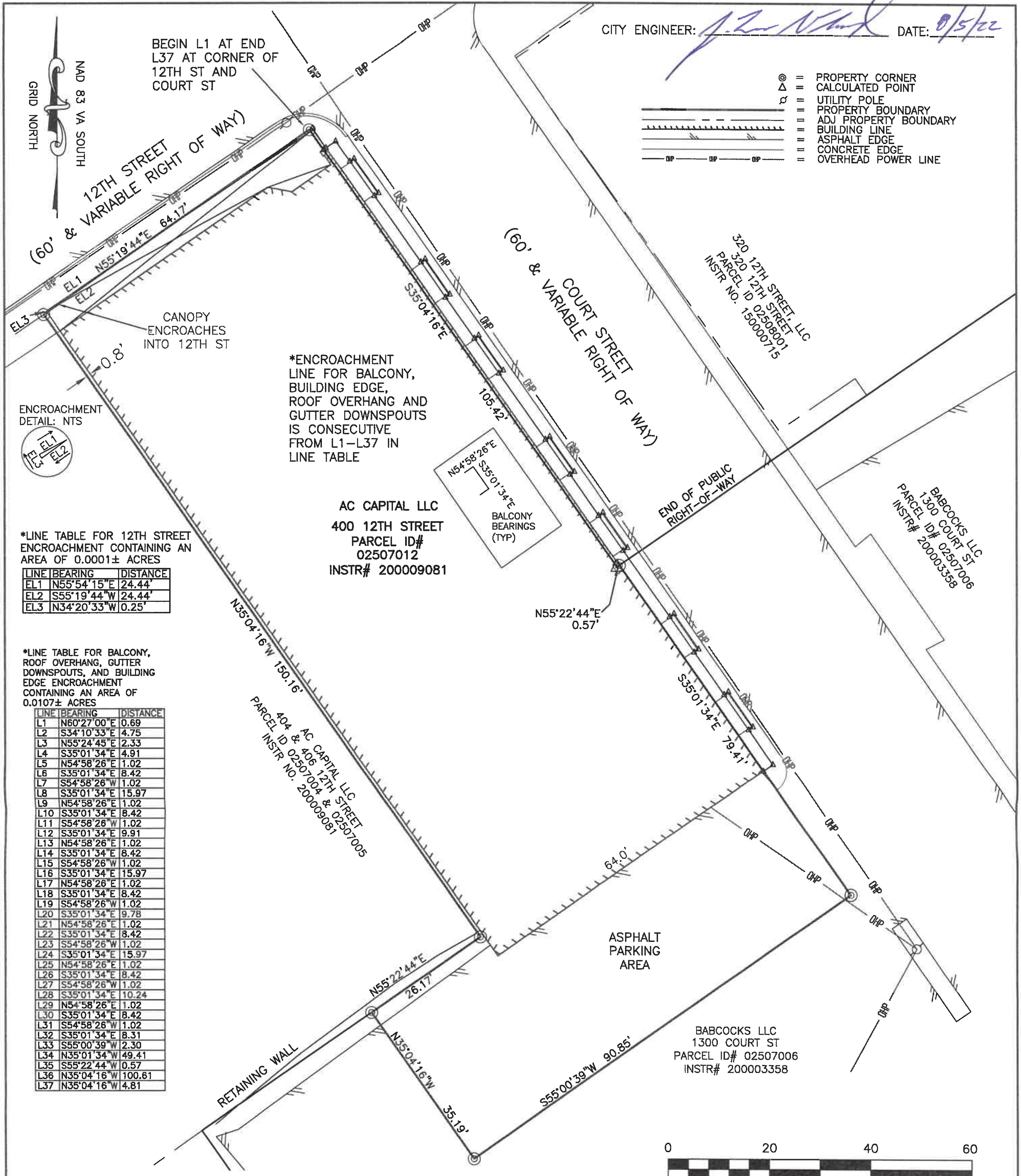
ATTEST:

By:____________________

Printed Name:____________________

Its:____________________

CITY ENGINEER: [signature] DATE: 8/5/22



*LINE TABLE FOR 12TH STREET ENCROACHMENT CONTAINING AN AREA OF 0.0001± ACRES

LINE	BEARING	DISTANCE
EL1	N55°54'15"E	24.44'
EL2	S55°19'44"W	24.44'
EL3	N34°20'33"W	0.25'

*LINE TABLE FOR BALCONY, ROOF OVERHANG, GUTTER DOWNSPOUTS, AND BUILDING EDGE ENCROACHMENT CONTAINING AN AREA OF 0.0107± ACRES

LINE	BEARING	DISTANCE
L1	N60°27'00"E	0.69
L2	S34°10'33"E	4.75
L3	N55°24'45"E	2.33
L4	S35°01'34"E	4.91
L5	N54°58'26"E	1.02
L6	S35°01'34"E	8.42
L7	S54°58'26"W	1.02
L8	S35°01'34"E	15.97
L9	N54°58'26"E	1.02
L10	S35°01'34"E	8.42
L11	S54°58'26"W	1.02
L12	S35°01'34"E	9.91
L13	N54°58'26"E	1.02
L14	S35°01'34"E	8.42
L15	S54°58'26"W	1.02
L16	S35°01'34"E	15.97
L17	N54°58'26"E	1.02
L18	S35°01'34"E	8.42
L19	S54°58'26"W	1.02
L20	S35°01'34"E	9.78
L21	N54°58'26"E	1.02
L22	S35°01'34"E	8.42
L23	S54°58'26"W	1.02
L24	S35°01'34"E	15.97
L25	N54°58'26"E	1.02
L26	S35°01'34"E	8.42
L27	S54°58'26"W	1.02
L28	S35°01'34"E	10.24
L29	N54°58'26"E	1.02
L30	S35°01'34"E	8.42
L31	S54°58'26"W	1.02
L32	S35°01'34"E	8.31
L33	S55°00'39"W	2.30
L34	N35°01'34"W	49.41
L35	S55°22'44"W	0.57
L36	N35°04'16"W	100.61
L37	N35°04'16"W	4.81

NOTES:
1. THIS EXHIBIT WAS PREPARED AT THE REQUEST OF AC CAPITAL, LLC.
2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
3. BY GRAPHIC SCALING THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP 5100930042D EFFECTIVE JUNE 3, 2008.
4. THIS EXHIBIT WAS BASED ON ARCHITECTURAL PLANS, AND NOT A CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CITY FILE NO. B-2417

COMMONWEALTH OF VIRGINIA
FRED EDWARD WILLMAN
Lic. No. 2746
04/06/2022
LAND SURVEYOR

PLAT SHOWING BALCONY & BUILDING ENCROACHMENTS 400 12TH STREET

FOR
AC CAPITAL, LLC

ACCUPOINT
SURVEYING & DESIGN
SURVEYORS • ENGINEERS • SOIL EVALUATORS
6200 FORT AVENUE, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

FILE #:	2020-392_BALCONY.dwg
DATE:	APRIL 6, 2022
SCALE:	1" = 20'
ASD JOB #:	2020-392

CITY OF LYNCHBURG, VIRGINIA

SHEET 1 OF 1

ORDINANCE: #O-22-060

Tax Map No(s). 025-07-012

AN ORDINANCE GRANTING A NON-EXCLUSIVE LIMITED FRANCHISE TO AC CAPITAL, LLC TO PERMIT THE CONSTRUCTION, INSTALLATION, USE, AND MAINTENANCE OF CERTAIN ENCROACHMENTS IN THE PUBLIC RIGHTS-OF-WAY OF THE CITY AT COURT STREET AND 12TH STREET

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

ARTICLE I. GRANT AND PURPOSE

Subject to the provisions, conditions, and restrictions hereafter set forth in this document, referred to as this "Franchise", the **CITY OF LYNCHBURG, VIRGINIA**, a municipal corporation, hereafter the "City", herein and hereby grants a non-exclusive limited franchise, right, privilege, easement, and authority to **AC CAPITAL, LLC**, a Virginia limited liability company, hereafter the "Franchisee", to construct, install, use, work upon, and/or maintain certain canopy, balcony, roof, gutter, downspout, building, and like encroachments in the City's public rights-of-way on 12th Street and Court Street ("PROW"), hereafter collectively called the "Encroachments", in the City of Lynchburg, Virginia, as shown on a plat attached hereto to be recorded herewith, made by Accupoint Surveying & Design, dated April 6, 2022, City File No. B-2417, entitled "PLAT SHOWING BALCONY & BUILDING ENCROACHMENTS, 400 12TH STREET, FOR AC CAPITAL, LLC, CITY OF LYNCHBURG, VIRGINIA", with the Encroachments being described as follows, *to-wit*:

TAX MAP NO. 025-07-012; 400 12th Street

ENCROACHMENT NO. 1: CANOPY ENCROACHMENT INTO 12TH STREET RIGHT-OF-WAY

Beginning at a point in the westernmost corner of Tax Map No. 025-07-012, at its intersection with the northernmost corner of Tax Map No. 025-07-004 and the southern right-of-way line of 12th Street; thence N 34º 20' 33" W 0.25 feet to a point; thence N 55º 54' 15" E 24.44 feet to a point; and thence S 55º 19' 44" W 24.44 feet to the point of beginning, containing 0.0001 acre, more or less.

ENCROACHMENT NO. 2: BALCONY, ROOF OVERHANG, GUTTER, DOWNSPOUT AND BUILDING EDGE ENCROACHMENT INTO COURT STREET RIGHT-OF-WAY

Beginning at a point in the northernmost property corner of Tax Map No. 025-07-012, at its intersection with the western right-of-way line of Court Street and the southern right-of-way line of 12th Street; thence N 60° 27' 00" E 0.69 feet to a point; thence S 34°10' 33" E 4.75 feet to a point; thence N 55° 24' 45" E 2.33 feet to a point; thence S 35° 01' 34" E 4.91 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 15.97 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 9.91 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 15.97 feet to a point;

thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 9.78 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 15.97 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 10.24 feet to a point; thence N 54° 58' 26" E 1.02 feet to a point; thence S 35° 01' 34" E 8.42 feet to a point; thence S 54° 58' 26" W 1.02 feet to a point; thence S 35° 01' 34" E 8.31 feet to a point; thence S 55° 00' 39" W 2.30 feet to a point; thence N 35° 01' 34" W 49.41 feet to a point; thence S 55° 22' 44" W 0.57 feet to a point; thence N 35° 04' 16" W 100.61 feet to a point; and thence N 35° 04' 16" W 4.81 feet to the point of beginning, containing 0.0107 acre, more or less.

The sole purpose of this Franchise is to permit the Franchisee to construct, install, use, work upon, and/or maintain the Encroachments exclusively shown on the above stated plat. This Franchise shall in no way be construed to permit the Franchisee to expand or extend the Encroachments or to create additional encroachments upon the City's property or PROW in any way unless a written amendment to this Franchise is completed. The Franchisee shall not become vested with any further rights beyond what is previously described due to the existence of this Franchise or the Encroachments.

ARTICLE II. TERM

Unless this Franchise is sooner terminated in accordance with the terms described herein, this Franchise will be in effect for a term of thirty-nine (39) years, beginning on October 1, 2022, and ending September 30, 2061, at 11:59 p.m. This Franchise is intended to be a long-term arrangement, and at the expiration of the stated term, the City and the Franchisee will negotiate in good faith for a renewal of this Franchise under mutually acceptable conditions. At the end of the aforesaid term, unless a renewal of this Franchise has been negotiated, this Franchise shall continue as a month-to-month tenancy, subject to all terms and conditions contained in this Franchise. Such month-to-month tenancy shall continue until such time as the City gives the Franchisee thirty (30) days written notice of the termination of the month-to-month tenancy. In no event will this Franchise exceed a total period of forty (40) years without a formal renewal.

ARTICLE III. CONSTRUCTION, WORK, AND REPAIR

All construction, work, maintenance, repair, improvements, and changes to the Encroachments shall be the Franchisee's sole responsibility. The balcony Encroachments shall (i) be constructed at least twelve (12) feet from the ground or higher if applicable regulations require the same; (ii) be constructed according to all applicable codes and regulations; and (iii) be constructed and maintained in a manner that ensures stormwater runoff does not create a hazard to the public and is properly managed. If deemed necessary by the City upon completion of construction and for the duration of this Franchise, the City may require the Franchisee to ensure stormwater runoff does not fall from the balcony Encroachments, but down a downspout or guttering system to make effective use of the City-wide stormwater disposal system. The City shall have no duty whatsoever to inform the Franchisee of any needed maintenance, work, repair, improvements, or changes to the Encroachments. Additionally, the Franchisee, at its sole expense and where required, shall obtain all necessary permits and/or approvals from all City, state, and Federal agencies. Additionally, the Franchisee shall perform such maintenance, work, repair, improvements, and changes in accordance with all reasonable and applicable workman-like standards as well as in accordance with any applicable city, state, and Federal regulations. In the event any maintenance, work, repair, improvements, or changes are required on the

Encroachments, and such maintenance, work, repair, improvements, or changes materially interfere with the City's operations in any way, as determined in good faith by the City, then the Franchisee shall be solely responsible for the actual costs of such additional work that results from the interference by the Encroachments.

ARTICLE IV. MAINTENANCE, INSPECTION AND REPAIR

During the term of this Franchise, the City, its agents, and its employees shall have the right, but no obligation, to enter upon the Franchisee's property and inspect the Encroachments. The City will provide the Franchisee with reasonable notice of such entry and inspections, and if the City in its sole discretion determines it appropriate, the City, its employees, or its agents may take such actions as may be reasonably necessary to protect the City's property, PROW, and/or any related facilities from damage that has resulted or may result from any condition or circumstances imposed by the Encroachments. The Franchisee shall be solely liable for the costs actually incurred in connection with the same.

ARTICLE V. DAMAGE TO PROPERTY

Unless caused by the negligence or intentional misconduct of the City, the City shall in no way be liable for any damage to or loss of any of the Franchisee's buildings, facilities, property, or the Encroachments. It is expressly agreed and understood that the Encroachments encroach or will encroach into the PROW and the City's property at the Franchisee's own risk. Further, the Franchisee shall be responsible for repairing or replacing any damages to the City's property, PROW, or the like that are caused by the acts or omissions of the Franchisee, its employees, or its agents due to the existence of the Encroachments.

ARTICLE VI. INDEMNIFICATION AND INSURANCE

INDEMNIFICATION. The Franchisee shall indemnify, hold harmless, and defend the City, its employees, officials, and agents, from and against any and all lawsuits, claims, causes of action, liabilities, demands, damages, disability, losses and expenses, of any nature whatsoever, including reasonable attorneys' fees ("Liabilities"), resulting or in any manner arising out of injuries (including death) to any person or damage to or destruction of any property suffered as a result of (i) the Franchisee's actions/inactions and/or (ii) the existence of the Encroachments in the PROW, unless such Liabilities are a result of the negligence or intentional misconduct of the City. The City shall promptly notify the Franchisee of any Liabilities subject to indemnification and defense hereunder, and shall cooperate with all reasonable requests by the Franchisee for information, documents, testimony, or other assistance appropriate to a resolution of such Liabilities. The Franchisee shall have full responsibility for and control of any action or undertaking directed at the resolution of such Liabilities.

INSURANCE. During the term of this Franchise, the Franchisee shall obtain and maintain at its sole expense, with financially reputable insurers authorized to do business in the Commonwealth of Virginia, all the following minimum insurance coverage, with the City, its employees, officials, and agents listed as additional insureds where permitted by law and policy:

(a) Workers' compensation as provided for under any worker's compensation or similar law in the jurisdiction where any work is performed with an employer's liability limit of not less than $500,000 per accident.

(b) Commercial general liability, including coverage for contractual liability and products completed operations liability, with a limit of not less than $1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage liability.

(c) "All risk" property insurance covering not less than the full replacement costs of any damage the Franchisee, its employees, representatives, agents, or guests may cause to the City's property and/or PROW.

The Franchisee shall further deliver to the City a Certificate of Insurance, satisfactory in form and content to the City, evidencing that the above insurance is in full force and effect. The insurance required herein shall require that the Franchisee give the City thirty (30) days advance written notice of any cancellation, nonrenewal, or modification of coverage and a binder or certificate verifying new coverage in accordance with the requirements herein prior to any change, cancellation, or nonrenewal date. In the event of such cancellation or nonrenewal notice, the Franchisee shall pay all premiums for the renewal or replacement of the insurance required hereunder. The Franchisee shall, at least thirty (30) days prior to the expiration of the policies, furnish the City with renewals or binders for the policies, or the City may order the required insurance and charge the cost to the Franchisee. Any and all such insurance policies shall name the City, its employees, officials, and agents as insured parties and shall include or be endorsed to include contractual liability.

The insurance required hereunder shall be primary, and any insurance or self-insurance maintained by the City shall be in excess of and shall not contribute with any insurance required of the Franchisee under this Franchise. Any deductibles or self-insured retentions applicable to the required coverage shall be paid by the Franchisee, and the City shall not be required to participate therewith. All rights of subrogation against the City are hereby waived, and such waiver of subrogation rights shall be shown on the aforesaid Certificates of Insurance.

Nothing contained in this Franchise shall limit the Franchisee's liability to the City to the limits of the insurance certified or carried.

Notwithstanding any of the other provisions of this Franchise, the Franchisee's failure to maintain the required insurance coverage throughout the term of this Franchise or the failure of the Franchisee to deliver a new and valid binder or certificate verifying such coverage is grounds for the immediate termination of this Franchise without prior notice.

The indemnification requirements described hereunder shall survive termination or expiration of this Franchise for a period of five (5) years beyond the same.

ARTICLE VII. COMPLIANCE WITH LAWS

The grant of this Franchise is subject to all ordinances, resolutions, and procedures of the City as the same now exist or may be hereafter adopted, amended, revised, or codified, in lawful exercise of any power granted to the City by the Virginia General Assembly or any other lawful body. The City agrees that, except in cases of emergency, it will give the Franchisee thirty (30) days advance written notice of all such rules and regulations adopted by the City before the Franchisee shall be required to comply therewith. In performing its responsibilities under this Franchise, the Franchisee will comply with all applicable state and Federal laws and regulations and all Federal, state and local laws, ordinances, rules, and regulations currently in force or subsequently adopted that may apply to its activities.

ARTICLE VIII. AMENDMENTS TO FRANCHISE

The City and the Franchisee may modify this Franchise from time to time; however, such modifications will be in writing and approved by the Lynchburg City Council.

ARTICLE IX. TERMINATION OF FRANCHISE

The City retains the right to withhold or withdraw any and all privileges granted under this Franchise and to terminate this Franchise at any time if the Franchisee fails to comply with any of the provisions of this Franchise. Exercise of this right by the City shall be in addition to and not in place of any other rights which the City has under the terms of this Franchise. Prior to exercising this right, the City Manager, or such other person or persons as the City Manager may from time to time designate, shall provide the Franchisee with written notice of the Franchisee's failure to comply with the terms of this Franchise or default. The Franchisee shall have thirty (30) days from the date of such notice to remedy any such default. The Franchisee may make a written request for a reasonable extension of the period in which it may remedy any such default to the City Manager, or such other person or persons as the City Manager may from time to time designate. Any such request by the Franchisee shall be in writing and must be made at least fifteen (15) days prior to the expiration of the initial thirty (30) day period stated previously. Any subsequent request shall be in writing and must be made prior to the expiration of any subsequent period.

If there are instituted by or against the Franchisee proceedings in bankruptcy or insolvency during the term of this Franchise, the City may terminate the same at any time thereafter. The exercise of this right by the City shall be in addition to and not in place of any other rights which the City has under the terms of this Franchise. Any successors, assignee or assignees, trustee, or receiver of the Franchisee resulting from proceedings in bankruptcy or under any insolvency law shall be subject to and bound by all of the provisions, terms, conditions, and limitations of this Franchise.

The City retains the right to withhold or withdraw any and all privileges under this Franchise and to terminate this Franchise at any time if there is a taking of the Franchisee's property by way of a court of competent jurisdiction. Exercise of this right by the City shall be in addition to and not in place of any other rights which the City has under the terms of this Franchise.

ARTICLE X. NOTICES

Notices to the City and the Franchisee shall be sufficient if sent to the following persons and addresses or to such other persons and addresses as the City or the Franchisee may designate in writing from time to time.

Notices to the Franchisee shall be sufficient if sent by First Class Mail, addressed to:

AC Capital, LLC
1041 Greenway Court
Lynchburg, VA 24503

Notices to the City shall be sufficient if sent by First Class Mail, addressed to:

City of Lynchburg, Virginia
ATTN: City Manager
900 Church Street – 3rd Floor
Lynchburg, VA 24504

ARTICLE XI. MISCELLANEOUS

A. SUCCESSORS. This Franchise and the rights and responsibilities of the same shall run with the title to the land and shall be binding upon and inure to the benefit of the Franchisee, successor owners, and assigns of the Franchisee's property. Neither the City nor the Franchisee may assign this Franchise or any of the rights and/or responsibilities described herein without the written consent of the other, which will not be unreasonably withheld. Notwithstanding any other part of this Franchise, the City Manager, in his discretion, shall have the authority to permit such assignments on behalf of the City without the same being approved by the Lynchburg City Council.

B. SEVERABILITY. In the event that any provision, or portion of the same, of this Franchise shall be construed to be invalid or unenforceable by a court of competent jurisdiction, then such provision or portion shall be stricken, and the remaining portions of this Franchise shall remain in full force and effect.

C. GOVERNING LAW. This Franchise shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, and any legal proceedings related to the same shall be filed in the courts of the City of Lynchburg, Virginia and in no other forum.

D. ENTIRE FRANCHISE. All provisions with respect to this Franchise are expressly contained herein. No representative or agent of the City or the Franchisee has made any representation or promise with respect to this Franchise not contained herein.

E. RESERVATION OF RIGHTS. It is distinctively understood that all privileges and uses of the City's property and PROW, except to the extent herein granted to the Franchisee, are expressly reserved by the City to use at its discretion as the City deems advisable.

F. REMEDIES NOT EXCLUSIVE. All rights and remedies described in this Franchise shall be cumulative and additional to all other rights and/or remedies available at law or in equity.

G. BINDING EFFECT. This Franchise shall be binding and inure to the benefit of the City and the Franchisee, and their respective representatives, successors, and permissible assigns. Further, upon being admitted 'of record' in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, this Franchise shall constitute a covenant which runs with the land.

H. MODIFICATION. This Franchise may be modified by the City and the Franchisee during its existence, but no modification shall be valid or enforceable unless made in writing and signed by both of the aforesaid entities. The Lynchburg City Council shall approve such modifications.

I. INDEPENDENT ENTITIES. Nothing contained in this Franchise shall be construed as or deemed to make either the City or the Franchisee the agent, partner, or joint venture of the other, except as may otherwise be provided in this Franchise. Nothing contained in this Franchise shall give the Franchisee any authority to represent the City before any court or governmental or regulatory agency without the express prior written authorization of the City. Unless otherwise provided in this Franchise, neither the City nor the Franchisee shall be responsible or held liable for the acts or omissions of the other. Further, in performing any services or engaging in any actions pursuant to this Franchise, the Franchisee is and shall be acting as an independent contractor, responsible to all parties for its acts and omissions, and the City shall not be liable for the same.

J. THIRD-PARTY RIGHTS. Nothing in this Franchise shall be deemed to create any rights to those who are not expressly made a party to this Franchise. The parties to this Franchise are the City and the Franchisee.

K. COUNTERPARTS AND SIGNATURES. This Franchise may be executed in counterparts. Each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one document. Further, this Franchise may be executed and/or sealed electronically. An electronic signature and/or seal shall be equally as enforceable as an original signature or seal.

L. HEADINGS. Marginal headings contained in this Franchise are for convenience only and shall not be considered to amplify, relate, modify, or otherwise affect any of the terms, provisions, or conditions of this Franchise.

M. COVENANT OF NON-DISCRIMINATION. The Franchisee does hereby covenant that no person on the grounds of race, sex, color, national origin, or any other basis prohibited by Federal or Virginia law shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the operation of any of the facilities, buildings, or the like which may be connected to this Franchise. The Franchisee further covenants it will not discriminate against and will make all reasonable efforts to accommodate persons with disabilities as required by the Americans with Disabilities Act.

ARTICLE XII. METHOD OF ACCEPTANCE

Any person, firm, corporation, or other entity bidding for this Franchise shall deposit with their bid a check in the amount of ONE HUNDRED AND 00/100 DOLLARS ($100.00), payable as security to the City, and shall accept this Franchise in writing before or within thirty (30) days after its adoption by the Lynchburg City Council. Upon the failure of the successful bidder to accept the same as stated, the successful bidder shall forfeit its deposit to the City. The checks of all other bidders shall be returned upon the acceptance of a successful bid. The said deposit will be returned to the successful bidder upon the Franchise being accepted.

This Ordinance shall be and become effective as a Franchise and shall constitute a contract between the City and the Franchisee once adopted by the Lynchburg City Council and executed on behalf of the Franchisee by its duly authorized representative.

(Remainder of Page Intentionally Left Blank)

ARTICLE XIII. ADOPTION OF ORDINANCE

This Ordinance was duly adopted by the Council of the City of Lynchburg, Virginia on the 27th day of September, 20 22, and shall be effective as of the 1st day of October, 2022.

Certified: Alicia L. Burns
Clerk of Council

Approved as to Form:

City Attorney/Designee

ARTICLE XIV. ACCEPTANCE OF FRANCHISE

By joining in this Ordinance through signature of its duly authorized representative, the Franchisee does hereby accept the entirety of the same as of its adoption date.

AC CAPITAL, LLC

(SEAL)

By: WHCook

Printed Name: William Cook

Its: Member/Manager (circle one)
Co-Member
Co-Owner WHCook

ATTEST:

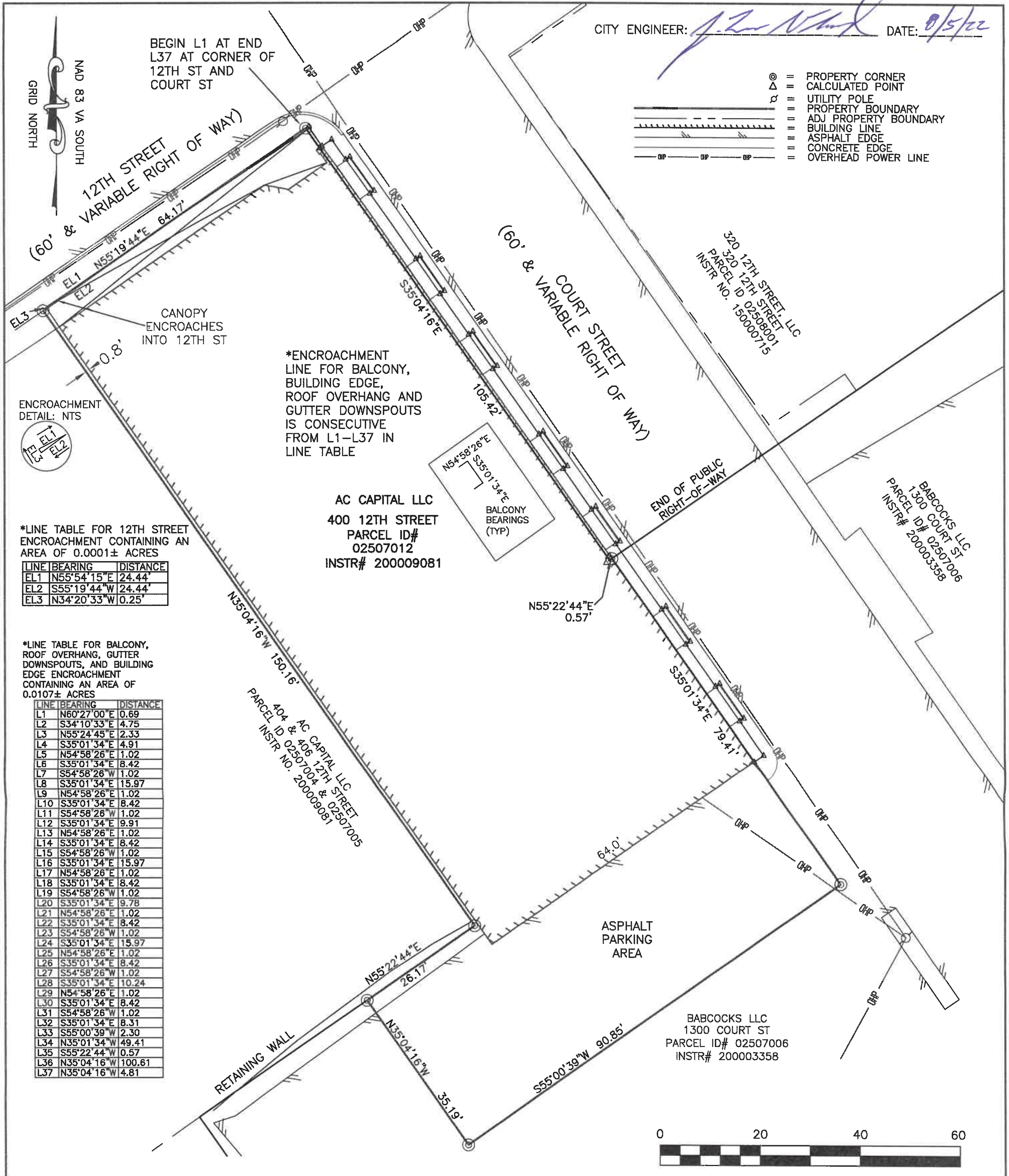
By: Wanda J. Harris

Printed Name: WAndA J. Harris

Its: Notary

WANDA J. HARRIS
NOTARY PUBLIC
REG # 103213
MY COMMISSION EXPIRES 5/31/2023
COMMONWEALTH OF VIRGINIA

CITY ENGINEER: [signature] DATE: 8/5/22



*LINE TABLE FOR 12TH STREET ENCROACHMENT CONTAINING AN AREA OF 0.0001± ACRES

LINE	BEARING	DISTANCE
EL1	N55°54'15"E	24.44'
EL2	S55°19'44"W	24.44'
EL3	N34°20'33"W	0.25'

*LINE TABLE FOR BALCONY, ROOF OVERHANG, GUTTER DOWNSPOUTS, AND BUILDING EDGE ENCROACHMENT CONTAINING AN AREA OF 0.0107± ACRES

LINE	BEARING	DISTANCE
L1	N60°27'00"E	0.69
L2	S34°10'33"E	4.75
L3	N55°24'45"E	2.33
L4	S35°01'34"E	4.91
L5	N54°58'26"E	1.02
L6	S35°01'34"E	8.42
L7	S54°58'26"W	1.02
L8	S35°01'34"E	15.97
L9	N54°58'26"E	1.02
L10	S35°01'34"E	8.42
L11	S54°58'26"W	1.02
L12	S35°01'34"E	9.91
L13	N54°58'26"E	1.02
L14	S35°01'34"E	8.42
L15	S54°58'26"W	1.02
L16	S35°01'34"E	15.97
L17	N54°58'26"E	1.02
L18	S35°01'34"E	8.42
L19	S54°58'26"W	1.02
L20	S35°01'34"E	9.78
L21	N54°58'26"E	1.02
L22	S35°01'34"E	8.42
L23	S54°58'26"W	1.02
L24	S35°01'34"E	15.97
L25	N54°58'26"E	1.02
L26	S35°01'34"E	8.42
L27	S54°58'26"W	1.02
L28	S35°01'34"E	10.24
L29	N54°58'26"E	1.02
L30	S35°01'34"E	8.42
L31	S54°58'26"W	1.02
L32	S35°01'34"E	8.31
L33	S55°00'39"W	2.30
L34	N35°01'34"W	49.41
L35	S55°22'44"W	0.57
L36	N35°04'16"W	100.61
L37	N35°04'16"W	4.81

NOTES:
1. THIS EXHIBIT WAS PREPARED AT THE REQUEST OF AC CAPITAL, LLC.
2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
3. BY GRAPHIC SCALING THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP 5100930042D EFFECTIVE JUNE 3, 2008.
4. THIS EXHIBIT WAS BASED ON ARCHITECTURAL PLANS, AND NOT A CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CITY FILE NO. B-2417

COMMONWEALTH OF VIRGINIA
FRED EDWARD WILLMAN
Lic. No. 2746
04/06/2022
LAND SURVEYOR

PLAT SHOWING BALCONY & BUILDING ENCROACHMENTS 400 12TH STREET

FOR
AC CAPITAL, LLC

ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ENGINEERS SOIL EVALUATORS
6200 FORT AVENUE, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

SCALE:	1" = 20'
ASD JOB #:	2020-392

SHEET 1 OF 1

FILE #:	2020-392_BALCONY.dwg
DATE:	APRIL 6, 2022

CITY OF LYNCHBURG, VIRGINIA

RESOLUTION: #R-22-054

BE IT RESOLVED That the FY 2023 Adopted Budget is amended and funds are appropriated or rescinded to reflect the First Quarter Adjustments in the General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Regional Juvenile Detention Center, Technology, Airport, Fleet as well as the City Capital Projects, Schools Capital Projects, and Airport Capital/Grant Projects Funds as reflected in Attachment B.

And, BE IT RESOLVED that the funds shall be used as identified in Attachment B.

Introduced: September 13, 2022 Adopted: September 27, 2022

Certified: Alicia L. Finney
Clerk of Council