

Information Item

Date: October 13, 2020

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Angela I. Carmon, City Attorney,
Tasha Logan Ford, Assistant City Manager,
Marla Newman, Community Development Director, and
Kirk Bjorling, Real Estate Supervisor

Subject: Ordinance Amending Chapter 2, Entitled “Administration” to Create the City of Winston-Salem Housing Justice Act

Strategic Focus Area: Service Excellence

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



In January, 2019, city staff presented a draft affordable housing program using city-owned residential properties. At the Committee’s direction, staff reviewed the list of city-owned properties to determine which properties could, realistically, be built upon and used for the program. A memo detailing the process for identifying the appropriate lots for the program is attached hereto. Essentially, Planning staff mapped and researched each property’s physical and location characteristics:

- Ability for the lot to be combined with adjacent City-owned lots
- Property information: acres, address, PIN, ownership, Growth Management Area, Ward
- Land Use: Adjoining land use and adopted proposed land use
- Zoning: existing zoning category and lot’s compliance with zoning requirements
- Distance to municipal sewer and water lines
- Included in any highway or Parks and Recreation plans
- Slope of site
- Transit within one-quarter (1/4) mile
- Vacancy status
- Within a floodplain or floodway or including a stream
- Within a National Register District or Eligible District
- Within a NRSA area
- Within a preliminary subdivision
- Within a redevelopment area
- Within a TURN program neighborhood
- Within in a Qualified Opportunity Zone

Of the 670 city-owned properties analyzed, 37.8 percent are considered suitable for affordable housing sites. The remaining 62.2 percent of the properties are considered unsuitable due to site limitations, their use for other purposes, being sold, or being on hold for existing City programs. Fifteen (15) sites are located outside City limits.

The updated map book identifying each of the properties is attached as well. In addition to identifying the lots which can be built upon, with or without conditions, the map book shows the nearby heir properties with delinquent taxes and other properties with five plus years of delinquent taxes.

In May, 2020, city staff at the request of Councilmember Taylor presented a draft of the City of Winston-Salem Housing Justice Act (“Housing Justice Act”). The initial draft of the Housing Justice Act contained provisions that:

- (1) prohibit the recipient of city funds from denying housing based upon an applicant’s, tenant’s, occupant’s criminal record, with a few exceptions such as convictions involving the communication of threats and violent acts,
- (2) prohibit the denial of housing based upon an applicant’s, tenant’s or occupant’s sources of income, including but not limited to, financial assistance from any rental assistance program, Supplemental Security Income, Social Security, pension and other retirement benefits, alimony, child support, Federal Housing Choice Vouchers, or assistance from any other housing subsidy program whether paid directly to the program participant, landlord or other representative, and
- (3) increase the current Affordable (Workforce) Housing requirement for projects funded with city funds from ten (10%) percent to twenty (20%) percent: (a) 5% of the total units to be leased to households who incomes are 50-80% of area median income, and (b) at least 15% of total units to be leased to households whose incomes are 80-120% of area median income. The affordability period is a minimal of 15 years, (rather than ten (10) years) which is consistent with language set forth in Chapter 157 of the North Carolina General Statutes, which allows the city, acting as a housing authority, to provide funding for certain housing projects.

Given the overlap in purpose, the initial affordable housing program has been added as a fourth component of the Housing Justice Act. The aforementioned provisions prohibiting the denial of housing based upon a criminal record with certain exceptions and prohibiting source of income discrimination would apply to the sale or lease of city owned property. Unless a different statutory provision would apply, the city’s Affordable (Workforce) Housing requirement would apply, where appropriate.

This item is for discussion only.