

**Comparative Overview of FEPA, FHAP, & the current Charlottesville Human Rights Ordinance**

**Revised 10/21/2022**

Considerations	Fair Employment Practices Agency (FEPA)	Fair Housing Assistance Program (FHAP)	Current Ordinance
<b>Entry Requirements</b>	<ol style="list-style-type: none"> <li>1. Request letter based on 29 CFR Subpart G - §1601.70.</li> <li>2. Review and approval process by EEOC District Office, AG’s Office, and EEOC Commissioners.</li> <li>3. Execution of a workshare agreement.</li> <li>4. Execution of a financial contract.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ordinance revisions to attain substantial equivalence to 24 CFR § 115.204-206 and 42 USC § 3604-3617.</li> <li>2. Initial review of ordinance and agency for substantial equivalence.</li> <li>3. Interim certification.</li> <li>4. Full certification.</li> </ol>	<ol style="list-style-type: none"> <li>1. None.</li> </ol>
<b>Timeframes</b>	<ol style="list-style-type: none"> <li>1. Initial review and approval: 1 to 3 years.</li> <li>2. Contract term: 3 years.               <ol style="list-style-type: none"> <li>a. Annual review of case data.</li> <li>b. Recertification every 3 years.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Initial review: up to 1.5 years.</li> <li>2. Interim certification: lasts up to 3 years.</li> <li>3. Full certification: lasts up to 5 years.               <ol style="list-style-type: none"> <li>a. Assessment every 2 years.</li> <li>b. Recertification every 5 years.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Currently in effect.</li> </ol>
<b>Potential Benefits</b>	<ol style="list-style-type: none"> <li>1. Financial (per figures from 2020)               <ol style="list-style-type: none"> <li>a. \$800 for completed cases</li> <li>b. \$1,000 for joint training events w/ Charlotte, NC district office</li> </ol> </li> <li>2. Case referrals from EEOC regional office.</li> <li>3. Ability to provide local federal filing.</li> <li>4. Automatic dual state/federal filing of cases and clear line of communication across EEOC, AG, and OHR.</li> <li>5. Avoidance of separate filings with EEOC, AG, and OHR.</li> </ol>	<ol style="list-style-type: none"> <li>1. Financial (per figures from 2020)               <ol style="list-style-type: none"> <li>a. Complaint processing reimbursement (\$1,500 - \$3,200)</li> <li>b. Capacity-building funds up to \$120K during interim certification</li> <li>c. Administrative funds for hearings (\$5000)</li> <li>d. Training funds</li> </ol> </li> <li>2. Training Opportunities</li> <li>3. Technical guidance from HUD</li> <li>4. Referrals from the Regional HUD Office</li> <li>5. Automatic dual state/federal filing of cases and clear line of communication across HUD and OHR.</li> </ol>	<ol style="list-style-type: none"> <li>1. Under the current Ordinance and state laws, the OHR has authority to investigate and issue determinations of employment and housing complaints <i>mostly</i> equivalent to federal law.               <ol style="list-style-type: none"> <li>a. Because employment complaints are not dually filed, cases filed with the OHR do not start the 180-day clock for the right to sue in federal court.</li> <li>b. Remedies for housing complainants are not as robust as they could be if the ordinance had substantial equivalence to federal law.</li> </ol> </li> </ol>
<b>Potential Challenges</b>	<ol style="list-style-type: none"> <li>1. OHR needs additional staff:               <ol style="list-style-type: none"> <li>a. Intake Specialist</li> <li>b. Investigator</li> </ol> </li> <li>2. Additional reporting requirements.</li> <li>3. Unknown future caseloads under the Values Act and updated Ordinance.               <ol style="list-style-type: none"> <li>a. Will the number of cases justify the added work of maintaining FEPA status based on the potential benefits?</li> </ol> </li> <li>4. May need to contract investigator services if caseloads go up and City hiring does not keep pace.</li> </ol>	<ol style="list-style-type: none"> <li>1. OHR needs additional staff:               <ol style="list-style-type: none"> <li>a. Intake Specialist</li> <li>b. Investigator</li> </ol> </li> <li>2. Additional reporting requirements.</li> <li>3. Minimum of 4 processed cases per year to remain certified.</li> <li>4. OHR/HRC needs to demonstrate meaningful support from City.               <ol style="list-style-type: none"> <li>a. City Attorney’s Office must bring cases forward in court.</li> <li>b. Council must commit financial resources to ensure 20% of OHR work committed to fair housing.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. OHR needs additional staff:               <ol style="list-style-type: none"> <li>a. Intake Specialist</li> <li>b. Investigator</li> </ol> </li> <li>2. No access to Fair Housing enforcement training through HUD if not a FHAP.</li> <li>3. The Ordinance does not have retaliation provisions for employment and housing complaints, though state law does.</li> <li>4. The Ordinance does not mandate that the City Attorney’s Office pursue findings of reasonable cause in court.</li> <li>5. The Ordinance does not provide for assisting either the Complainant or Respondent with affording legal counsel.</li> </ol>