

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



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| Agenda Date: | November 21, 2022 |
| Action Required: | Review the proposed revisions to the Charlottesville Human Rights Ordinance (Code of the City of Charlottesville, Chapter 2, Article XV) and propose next steps for revision or approval. |
| Presenter: | Todd Niemeier, Director |
| Staff Contacts: | Todd Niemeier, Director Allyson Davies, Senior Deputy City Attorney |
| Title: | Amending the Charlottesville Human Rights Ordinance, Code of the City of Charlottesville, Chapter 2, Article XV (2nd reading) |

Background

On November 7, 2022, City Council conducted a first reading of proposed amendments to the Charlottesville Human Rights Ordinance (hereinafter CHRO). During 2-2-1 discussions on November 3, 2022, and November 4, 2022, members of Council suggested several additional changes to the CHRO. Those changes have been incorporated in the attached version.

Discussion

The following is a list of changes made to the CHRO based on recommendations by City Council, in addition to the changes presented during the first reading on November 7, 2022.

Sec. 2-431.2.(f)(5)

- The word ~~subchapter~~ was removed from the document because it was a change made to proposed language rather than a change made to language in the current ordinance.

The word “enforcement” was removed ahead of the word “jurisdiction” in the following locations:

- Sec. 2-433.(a)
- Sec. 2-437.1.(a)(1)
- Sec. 2-437.1.(a)(3)
- Sec. 2-437.1.(a)(3)(A)

Sec. 2-437.2.(a)(4)

- Changed to add a clause whereby if the City is the named respondent in a complaint of housing discrimination, the Director shall refer to the complaint to the appropriate state or federal agency.

Sec. 2-437.2.(a)(5)

- This is the former Sec. 2-437.2.(4), which is still part of the ordinance but moved downward due to the inclusion of the clause above.

Sec. 2-437.2.(b)(2)

- The spelling of “ordiance” was corrected to “ordinance.”

The word “enforcement” was removed ahead of the word “jurisdiction” in the following locations:

- Sec. 2-437.3.(a)(1)
- Sec. 2-437.3.(a)(3)
- Sec. 2-437.3.(a)(3)(A)

Sec. 2-439.1.(a)

- The second appearance of the word “probable” ahead of the word “cause” was stricken through.
- The third appearance of the word “probable” ahead of the word “cause” was stricken through and the word “reasonable” was inserted.

Alignment with City Council's Vision and Strategic Plan

The proposed amendments to the CHRO align with City Council’s vision of Charlottesville as a “leader in social and economic justice, and healthy race relations” that is “flexible and progressive in anticipating and responding to the needs of our citizens” and is a “united community that treasures diversity.” Adopting the recommendations proposed below helps to ensure that Charlottesville moves toward becoming a “Community of Mutual Respect” with a “Smart, Citizen-Focused Government” that supports and protects “Quality Housing Opportunities for All,” as well as “Economic Sustainability.”

Community Engagement

The HRC received a draft of this memo and the proposed revisions to the CRHO in the publicly posted agenda packet for its regular meeting on September 15, 2022. During this meeting, the Director requested that Commissioners review both documents and provide feedback on or before October 3, 2022. Members of the public did not provide feedback during the September 15, 2020 meeting. Commissioners recommended no revisions on or before October 3, 2022.

The HRC will complete its public review of the proposed revisions to the CRHO at its regular meeting on October 20, 2022. During this meeting, the Commission voted to adopt the amended CRHO for recommendation to City Council at its meeting on November 7, 2022.

City Council conducted a first reading of the amended CRHO at its regular meeting on November 7, 2022. During this meeting, City Council proposed a second reading at its meeting on November 21, 2022.

Budgetary Impact

The approval of the updated ordinance in full will require the continuation of increased staffing levels for the Office to provide appropriate direct service to our community. At this time, provided that the Council approves the updates - through an allocation of American Rescue Plan Act funding by Council vote, the office will be able to immediately hire two positions: a Human Rights Intake Counselor and a Human Rights Investigator. This funding is one-time funding and will need to be incorporated into the Office of Human Rights budget as a continuing staffing expense totaling roughly \$175,264.48. A brief description of the roles and responsibilities is listed above in the discussion section.

The Office also anticipates that there will be an uptick in the number of housing discrimination cases it receives, provided that the Council approves the ordinance updates and that the Office successfully obtains its interim certification into the FHAP workshare. Based on the workload during the three-year FHAP interim certification period, the City should evaluate whether a second Investigator should be hired prior to entry into a FEPA workshare.

Recommendation

Suggested Motion: "I move the ORDINANCE amending and reenacting Chapter 2, Article 15 of the Charlottesville City Code, to expand the duties of the Human Rights Commission in relation to enforcement of laws that prohibit housing discrimination."

The HRC and OHR request that Council consider the proposed amendments to the CHRO and the potential entry into a FHAP workshare agreement with the HUD Fair Housing Office through the lens of feasibility, given the current staffing and workload of the OHR and the additional requirements of entering into a FHAP workshare agreement. The HRC and OHR are exploring entry into the FHAP workshare first, as it provides more financial support and other incentives than the FEPA workshare. If entry into the FHAP proves successful, the HRC and OHR are prepared to take the necessary steps toward entry into a FEPA workshare. It is the view of the HRC and OHR that entry into either a FHAP or FEPA workshare agreement is only feasible with adequate staffing, both within the OHR and the City Attorney's Office given the specific requirements of the FHAP program.

Alternatives

Should City Council elect not to approve the updates to the ordinance as proposed, the Office of Human Rights will not be able to successfully enter into the FHAP workshare agreement. The consequence of this inability to enter into a workshare agreement is that the OHR will struggle to maintain efficient and effective service to the community given our needs and barriers to affordable housing access.

Attachments

1. 20221107 Charlottesville Human Rights Ordinance - Proposed Amendments (PDF)