



**Human Rights Commission
Regular Meeting
Agenda Packet
October 15, 2020
Virtual/Electronic Meeting
6:30 pm to 8:30 pm**

Agenda Packet Contents

1. HRC Regular Meeting Agenda 10-15-2020
2. DRAFT HRC Regular Meeting Minutes 08-20-2020
3. DRAFT HRC Regular Meeting Minutes 09-17-2020
4. OHR Monthly Staff Report – October
5. DRAFT HRC Resolution HR20-1 (Eviction Moratorium)
6. DRAFT HRC Resolution HR20-2 (Commissioner Removal)
7. Human Rights Ordinance – Working DRAFT



**Human Rights Commission
AGENDA
Regular Meeting
October 15, 2020
Virtual/Electronic Meeting
6:30pm**

Please take Notice that this virtual meeting of the Human Rights Commission is for the purposes of planning, developing and drafting management and administration documents for the Human Rights Commission. For the purpose of addressing issues during the quarantine, this virtual meeting will be a limited public forum to discuss the agenda items designated under Section 5 below and to ensure the continuity of services provided by the Commission. The Commission Chair may limit public comments or discussion points that are unrelated to agenda items under Section 5 or that pertain to topics outside the scope of this Agenda. Members of the public are limited to three minutes of comment time per person related to the Agenda below. A maximum of sixteen public comment time slots are allotted per meeting. This will be a virtual/electronic meeting open to the public and registration information is available at www.charlottesville.gov/zoom.

Link to Human Rights Commission shared Box folder: <https://app.box.com/s/xty3wnn2s1tj8h7trkknvd79bipyxezy>

1. WELCOME

- a. CALL TO ORDER
- b. ROLL CALL
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT (Webinar attendees use the "raise hand" function, phone attendees use *9)
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

3. MINUTES

- a. 8-20-2020 Regular Meeting*
- b. 9-17-2020 Regular Meeting*

4. BUSINESS MATTERS

- a. Updates from Council Boards & Commissions Work Session on 10-6-2020
- b. Nominating Committee formation*
- c. HRC resolution regarding local eviction moratorium*
- d. HRC resolution regarding Commissioner removal
- e. PCR legislation at the General Assembly
- f. OHR STAFF REPORT
- g. CHAIR UPDATE

5. WORK SESSION

- a. AD-HOC COMMITTEE UPDATES
 - i. Human Rights Ordinance updates*

6. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT (Webinar attendees use the "raise hand" function, phone attendees use *9)
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

7. COMMISSIONER UPDATES

8. NEXT STEPS & ADJOURN

* ACTION NEEDED

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.



**Human Rights Commission
Meeting Minutes
Regular Meeting
August 20, 2020
Virtual/Electronic Meeting
6:00 pm to 8:00 pm**

Link to rebroadcast: <https://boxcast.tv/channel/vabajtzezyv3iclkx1a>

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Shantell Bingham, called the meeting to order at 6:05 pm
- b. ROLL CALL
 - i. Shantell Bingham
 - ii. Sue Lewis
 - iii. Jeanette Abi-Nader
 - iv. Earnest Chambers
 - v. Jessica Harris
 - vi. Laura Keppley
 - vii. Kathryn Laughon
 - viii. Andrew Orban
 - ix. Ann Smith
 - x. Lyndele von Schill
 - xi. Robert Woodside
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
 - i. None.
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. None.

3. MINUTES

- a. Review of minutes from July 16, 2020 Regular Meeting*
 - i. Motion to approve as written
 1. Ann Smith
 - ii. Second
 1. Jeanette Abi-Nader and Laura Keppley (simultaneously)
 - iii. Discussion
 1. Ann noted there were some typos, and she will communicate those observations to Todd.
 - iv. Vote
 1. In favor: 9 (one vote added later)
 2. Opposed: 0
 3. Abstained: 2

4. BUSINESS MATTERS

- a. FINAL PREPARATION FOR JOINT WORK SESSION WITH CITY COUNCIL
 - i. Mayor Walker
 1. Notes that work session scheduled for 8/25 was confirmed while she was away
 2. Suggests postponing the meeting until the hiring of the Deputy City Manager that will oversee the Office of Human Rights
 - a. Proposed hire in September/October
 - b. Proposed work session October/November
 3. Clarifies that decisions about the HRC and OHR will not be made without including the HRC in the discussion
 4. Funding is allocated for new Deputy City Manager, OHR Manager/HRC Director, and Director of Equity & Inclusion
 5. Also looking to create a measures and solutions office that can show the data to support whether the initiatives are working
 6. Intention is to ensure that staffing and infrastructure needs are also met by dedicating adequate funds
 - ii. Commissioner notes that the HRC has had with difficulty scheduling times to meet (over past year) with City Manager's Office and Police Chief regarding several issues and asks for guidance from Mayor Walker
 1. Mayor Walker responds
 - a. Suggests that this again points to the need to hire a Deputy City Manager to field these requests
 - iii. Commissioner notes that it would have been valuable for the HRC to be made aware of the intention to hire the Deputy City Manager position described above, as it could help the HRC decide its plan of action
 1. Mayor Walker responds
 - a. She had some preliminary conversations about this with Charlene Green before she left her position as OHR Manager/HRC Director
 - b. Council approved funding for the position in June 2020
 - iv. Chair asks about hiring process for Deputy City Manager and if HRC can have input and if 8/25 meeting could be used to discuss this
 1. Mayor Walker responds
 - a. She would need to ask about that
 - b. It is rare that Council is this involved in hiring
 - i. Can give recommendations for Police Chief
 - ii. Hires the City Manager directly
 - iii. City Attorney is 50% Council employed
 - iv. Council also hires Finance Director and the Clerk
 - c. This new Deputy Manager position is personally important to her, so she is dedicating more time to it
 - d. She is not in charge of picking the interview panel
 - e. She is in discussion with City Manager about this and will bring up HRC participation with him
 - v. Commissioner asks what the top things Mayor Walker would like to see the new Deputy City Manager and new OHR Manager/HRC Director accomplish in the first year of hire

1. Mayor Walker responds
 - a. Deputy City Manager position
 - i. This is a high-level position intended to unify efforts aimed at equity, diversity, and inclusion
 - ii. Hesitates to state in advance what all the position will entail
 - iii. The key is to hire the right person with the history and experience with the issues
 1. Housing discrimination
 2. Employment discrimination
 3. Education
 4. Police reform
 - iv. The ideal will be to strive toward a community where all people can thrive
 1. This may involve restructuring and reallocation of resources
 - v. Notes some specific examples of inequity and the need to monitor
 1. Notes that she just spoke with someone experiencing difficulty attaching a voucher
 2. Expressed concern that landlords are getting resources but don't want to help solve affordable housing and eviction concerns
 3. Mentions Frontline Fair Workers Act task force participation
 - vi. Qualified candidate needs combination of lived and learned experience
 - vi. Commissioner asks if Deputy City Manager will be in addition to hiring a person to fill Charlene's position, and, if so, how long after hiring the Deputy City Manager will the OHR Manager/HRC Director be filled.
 1. Mayor Walker responds
 - a. Cannot provide timeframe
 - b. Will hire Deputy City Manager first
 - c. Deputy City Manager will oversee
 - i. OHR/HRC
 - ii. PCRB
 - iii. Human Services
 - iv. Social Services
 - v. Office of Equity, Diversity, and Inclusion
 - d. All areas under purview have equity concerns
 - e. No hiring decision for OHR Manager/HRC Director will happen until
 - i. Deputy City Manager is Hired
 - ii. HRC joint work session with Council has occurred
 - f. Funds are already approved for hiring of OHR Manager/HRC Director

- vii. HRC Chair
 - 1. Expresses understanding for Mayor Walker's reasoning
 - 2. Expresses concern about the slow bureaucratic process
 - 3. Feels like hiring the OHR Manager/HRC Director could still happen before hiring the Deputy City Manager
 - a. Mayor Walker responds
 - i. Feels that new Deputy City Manager should be part of this hiring process
 - ii. Would like Deputy City Manager to be part of rethinking the entire HRC and OHR ahead of the hiring process
 - 4. Joint work session
 - a. As a group, need to decide whether to postpone until October or November
- b. Addressing Spam attack on Q&A module
 - i. Commissioners expressed concerns over the content of the Q&A comments and that it is still visible to attendees
 - ii. Allyson notes that HRC needs to re-clarify public forum
 - 1. Chair clarifies that the public comment period is designated as the public forum
 - 2. Q&A is not being used as the public forum
 - iii. Allyson notes that the content of the Q&A should not be deleted
 - iv. Decision made for all panelists and attendees to re-join so that the Q&A comments will no longer be visible
 - v. Chair declares 5-minute recess
 - 1. Meeting will resume at 7:20pm
 - 2. Chair called the meeting to order at 7:26pm
 - vi. Post-recess roll call
 - 1. Shantell Bingham
 - 2. Sue Lewis
 - 3. Jeanette Abi-Nader
 - 4. Earnest Chambers
 - 5. Jessica Harris
 - 6. Laura Keppley
 - 7. Kathryn Laughon
 - 8. Andrew Orban
 - 9. Ann Smith
 - 10. Lyndele von Schill
 - 11. Robert Woodside
- c. Commissioner expresses agreement with postponing joint work session until Deputy City Manager is hired
- d. Chair expresses that open communication up until the joint work session would be valuable
 - i. Mayor Walker responds
 - 1. While HRC cannot be directly involved in the hiring process for the Deputy City Manager there may be some opportunity for participation in a panel
 - 2. She will talk with City Manager about options for HRC participation

- e. HRC VACANCIES*
 - i. Staff provides summary of vacancies
 - 1. Currently 2 unfinished terms are open
 - a. Catherine Spear
 - b. Idil Aktan
 - 2. After August 31, Melvin's term will conclude
 - a. He is eligible for re-appointment
 - b. It is not clear if he has applied or intends to
 - 3. After October 31, Ann's term will conclude
 - 4. Council will make appoints in September
 - ii. Vice Chair expresses support to fill 3 vacancies
 - iii. Chair offers two suggestions regarding recruitment
 - 1. Could share ideas for preferred skills or desired backgrounds with Council
 - 2. HRC could encourage people that might be interested to apply
 - iv. Commissioner asks how the current total number of members is determined
 - 1. There is no current upper limit
 - 2. An ordinance amendment could address this
 - v. Commissioner expresses concern about specifying characteristics for new applicants, as it might exclude people with a passion for the work
 - 1. Suggests reviewing applications and then making recommendations to Council based on a review of the applications
 - 2. Additionally, not all Commissioners would agree as to the recommended characteristics or preferences
 - vi. Chair notes that suggesting preferences could have the opposite effect of encouraging someone to apply who might not otherwise
 - 1. For example someone who was previously incarcerated
 - vii. Commissioner agrees that identifying desirable skills in applicants is valuable.
 - 1. This is not the same thing as discouraging people from applying
 - 2. An upper limit might also discourage people from applying
 - viii. Vice Chair
 - 1. Would like ad hoc ordinance committee to bring suggestions on this and the rest of the ordinance amendments back to the HRC
 - ix. Staff
 - 1. Will recommend to Clerk to fill the current number of vacancies
 - 2. Will share applications with HRC prior to the next round of appointments
 - x. Commissioner suggests providing information to new applicants
 - 1. Specify what is entailed in being a Commissioner
 - 2. The current description is very brief
- f. ORDINANCE REVISION UPDATES
 - i. Commissioner asks about voting on proposed amendments
 - 1. Can the HRC vote on some pieces individually, or do we need to wait until all proposed revisions are ready to discuss
 - a. Allyson Davies replies
 - i. HRC can vote on specific sections separately

- ii. HRC can vote to agree that revisions are prepared to be recommended to Council
 - iii. HRC should recommend a complete document to Council with all amendments approved
 - ii. Summary of meeting to discuss ordinance revisions
 - 1. Lyndele, Sue, and Allyson met to discuss work on amending the ordinance
 - 2. Notes from that meeting are included in the agenda packet
 - 3. Allyson summarizes the different amendments being considered
 - 4. Allyson is preparing a memo on the enforcement authority regarding education
 - iii. Suggestion to include a vote on the language amending the protected classes as part of the next HRC meeting
 - iv. Commissioner asks about HRC purview over education
 - 1. Staff summarizes (Allyson has already left the meeting)
 - a. Based on a read of Allyson's draft memo, the HRC has no enforcement authority over public education
 - b. The public schools are state agencies with authority under state law to address concerns of discrimination that happen within the schools
 - c. A local municipal government cannot regulate a state agency
 - d. This may mean an ordinance amendment that changes "education" to "private education," which has been the narrative for some time, but we needed the background information to explain why
- g. UVA STUDENT RETURN AND COMMUNITY HEALTH
 - i. Commissioner notes concern
 - 1. Believes that UVA is trying to address
 - 2. Notes that there is recurring news as universities open that cases are going up
 - 3. Considered suggesting writing a letter, but thinks there may not be time
 - ii. Commissioner suggests that a letter is still possible
 - 1. Final decision to be made on August 28
 - 2. Graduate and professional students are already here
 - 3. Decisions about undergraduates are still pending
 - iii. Other Commissioners voice interest in a letter
 - iv. Letter could be addressed to President Jim Ryan
 - v. Commissioner asks if there are any template letters to work from
 - vi. Discussion on the content of the letter
 - 1. Ask UVA that undergraduates not return in-person
 - 2. Puts staff at UVA and City residents at risk
 - vii. Ann offers to draft the letter tomorrow and share with Shantell
- h. HRC REGULAR MEETING TIME
 - i. Discussion
 - 1. Proposal to move time to 6:30pm
 - 2. May help people who are working be able to attend
 - 3. May help people be able to eat dinner in advance

4. Consider shortening the meeting if it starts later
- ii. Motion
 1. Ann Smith
 2. Move the meeting start time to 6:30pm.
 - a. Seconded
 - i. Sue Lewis
 - ii. (Andrew Orban)
 - b. Discussion
 - i. Suggestion that meeting should last 2 hours
 - ii. Commissioner expresses concern about setting an end time
 - iii. Commissioner express that clearly defined agenda is important to be productive
 - iv. Commissioner expresses that there should be flexibility for what each person can contribute
 - v. The two-hour limit is currently only a limit imposed by the City of Charlottesville
 - vi. The motion is only to adjust the start time
 - vii. Commissioner notes that it is helpful to have some sense of timeframe for planning childcare
 - viii. Flexibility on meeting length allows for discussion and comments
 - ix. City limits the time because there are staffing constraints within Communications as they serve multiple boards and commissions
 - c. Vote
 - i. In favor: 8
 - ii. Opposed: 2
 - iii. Abstained: 1

i. VOTING RIGHTS

- i. Chair asks how HRC can support
 1. Outreach
 2. Voter registration
- ii. Discussion
 1. There are various organizations doing this work
 2. Door-to-door outreach with flyers
 - a. Voter registration
 - b. Restoration of rights
 3. Re-sharing information across social media
 4. Being aware of what other organizations are doing
 5. Could also address through the legislative agenda
 - a. Add the legislative agenda discussion to the next HRC meeting
 - b. Could start a Google Document for sharing legislative ideas
 6. Spreading information about early voting
 7. Thinking about accessibility for people with disabilities
 8. UVA Equity Center is also wanting to assist
 - a. They are looking for community feedback

- 9. Some mail-in and early voting requires printing
 - a. The HRC could help find printing resources for those who don't have online access
- 10. Need to check what Virginia Organizing is doing
- 11. League of Women Voters is also considering these issues
- iii. **Shantell and Jessica will work together on voting rights work**
- j. OHR STAFF REPORT
 - i. All information is in the agenda packet
 - ii. HRC members can read and ask questions
- k. CHAIR UPDATE
 - i. None
- 5. WORK SESSION**
 - a. AD-HOC COMMITTEE UPDATES
 - i. None
- 6. MATTERS BY THE PUBLIC**
 - a. PUBLIC COMMENT
 - i. Walt Heinecke
 - 1. Glad to hear Mayor talk about HRC working on voucher discrimination
 - 2. Suggests looking into FHAP workshare agreement with HUD
 - 3. Regarding the letter with 9 recommendations from various social justice organizations
 - a. Asks which of the recommendations the HRC has discussed and voted to support
 - b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. Chair responds
 - 1. Some recommendations were integrated into recommendations for changes to the position description for the OHR Manager/HRC Director
 - 2. Allyson Davies reviewed the ordinance change suggestions and provided legal guidance on the scope of potential amendments
 - a. Not all suggested changes required amending the ordinance
 - ii. Walt responds
 - 1. Requests a written itemized response regarding each recommendation
 - 2. Would like to know this from the standpoint of public action
 - iii. **Jeanette will draft the requested response**
 - 1. **Kathryn also offers to help**
 - 2. **Shantell will also assist**
 - 3. **Document will be shared with all Commissioners**
 - 4. **Commissioner asks for clarification on what constitutes action that requires public notice**
 - iv. Commissioner response
 - 1. Requests list of the names of the specific people from the different organizations who endorsed the letter
 - v. Staff response
 - 1. OHR/HRC does have general authority to investigate housing discrimination

2. Recommends referring people to OHR, especially around discrimination related to vouchers/source of funds
- vi. Commissioner response
 1. Many of the recommendations in the letter to which Walt refers are being reviewed by the ad hoc committee concerning ordinance amendments
 2. Just because organizations make recommendations does not mandate a response or specific action

7. COMMISSIONER UPDATES

- a. Cultivate Charlottesville is hosting an uprooting racism training that will be open to the public
 - i. Virtual training by Soul Fire Farm
 - ii. November 19, 1 to 4pm
 - iii. Pre and post work included

8. NEXT STEPS

- a. Suggestion to include a vote on the language amending the protected classes as part of the next HRC meeting
- b. Ann offers to draft the letter to UVA regarding student return
 - i. She will draft tomorrow and will share with Shantell
- c. Add the legislative agenda discussion to the next HRC meeting
 - i. Could start a Google Document for sharing legislative ideas
- d. Shantell and Jessica will work together on voting rights work
- e. Jeanette will draft the requested response to the nine recommendations in the letter from several social justice organizations
 - i. Kathryn also offers to help
 - ii. Shantell will also assist
 - iii. Document will be shared with all Commissioners
 - iv. Commissioner asks for clarification on what constitutes action that requires public notice

9. ADJOURN

- a. Meeting adjourned at 8:48pm



**Human Rights Commission
Meeting Minutes
Regular Meeting
September 17, 2020
Virtual/Electronic Meeting**

Link to rebroadcast: <https://boxcast.tv/channel/vabajtzezyv3iclkx1a>

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Shantell Bingham, called the meeting to order at 6:33 pm
- b. ROLL CALL
 - i. Shantell Bingham
 - ii. Sue Lewis
 - iii. Jeanette Abi-Nader
 - iv. Earnest Chambers
 - v. Jessica Harris
 - vi. Laura Keppley
 - vii. Kathryn Laughon
 - viii. Andrew Orban
 - ix. Ann Smith
 - x. Lyndele von Schill
 - xi. Robert Woodside
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

2. MATTERS BY THE PUBLIC

- a. Protocol
 - i. All public comment is handled through the Zoom webinar
 - 1. The Q&A function is disabled
- b. PUBLIC COMMENT
 - i. Walt Heinecke
 - 1. Asked for response to letter with nine recommendations from local organization
 - 2. He is still waiting for the response
 - 3. He would like to have a response to help decide how to advocate
 - 4. Feels that lack of response indicates HRC ignoring all recommendations
 - 5. Reiterates request for response in writing
 - ii. Alex Oxford
 - 1. (Unable to hear Alex due to technical difficulties)
- c. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. Response to Walt Heinecke
 - 1. Draft response is included in agenda packet, which is publicly

- visible
- 2. On the agenda Business Matters 4b
- 3. There is a link to the draft response document on the agenda

3. MINUTES

- a. Review of minutes from August 20, 2020 Regular Meeting
 - i. Tabled for future meeting
 - ii. Some Commissioners had difficulty finding the agenda packet on the City website
 - iii. Action
 - 1. Staff will send minutes as attachments to emails, and create a folder on Box to house all minutes and agendas, in addition to posting the minutes on the City website.

4. BUSINESS MATTERS

- a. 2021 LEGISLATIVE AGENDA RECOMMENDATIONS TO CITY COUNCIL
 - i. Process
 - 1. HRC can provide recommendations to Council by 9/18 based on the recommendations that Council submitted to TJPDC for the 2020 legislative session
 - ii. Commissioner notes that it would be helpful to know what of Council's 2020 Legislative Agenda actually passed
 - iii. Commissioners discussed and proposed following recommendations
 - 1. Affordable Housing; Regulation of Development; Local Authority over Local Real Estate
 - a. Support state legislation that permits municipalities within the Commonwealth to enact, at their discretion, ordinances mandating that all property owners within the municipality register their rental properties with the local government for the purpose of ensuring access to safe, healthy, and affordable housing for city residents
 - b. Support state legislation that allows for long-term payback plans for tenants who are behind on rent, once the eviction moratorium ends.
 - 2. Criminal Justice Reform
 - a. Support state legislation to remove qualified immunity
 - b. Support state legislation for expungement of criminal records once a person is found guilty.
 - 3. Prosperity, Health, and Well-being
 - a. Support state legislation that expands mental health resources and care.
 - iv. Council's next steps
 - 1. Will accept recommendations from Boards and Commissions on 9/18
 - 2. Will develop its 2021 Legislative Agenda
 - 3. Action:
 - a. Staff will request the opportunity for the HRC to review Council's 2021 Legislative Agenda once it is drafted
 - 4. It is not clear when Council will submit its 2021 Legislative Agenda to TJPDC and if this will happen before or after the next HRC meeting
 - v. Motion
 - 1. To approve the proposed recommendations for City Council's 2021 Legislative Package.

- a. Ann Smith
 2. Second
 - a. Sue Lewis
 3. Discussion
 - a. None
 4. Vote
 - a. In favor: 9
 - b. Opposed: 0
 - c. Abstained: 2 (including Chair)
- b. RESPONSE TO LETTER SUBMITTED BY LOCAL ORGANIZATIONS/GROUPS
- i. Commissioners reviewed the content of the draft letter
 - ii. No one expressed opposition to the content of the letter
 - iii. General agreement to share a final version with the groups listed in the original letter that came to Council with the nine recommendations.
 - iv. Action:
 1. Staff will send final response letter to organizations and groups named in the letter of recommendations sent by Walt Heinecke to City Council.
- c. PROPOSED AMENDMENTS TO THE HUMAN RIGHTS ORDINANCE
- i. Motion by Lyndele von Schill to adopt changes to Sec. 2-431 (b) for recommendation to City Council
 1. Specific changes detailed below (~~red strike through~~ indicates existing language, blue indicates the proposed revisions)
 - a. ~~As used herein, the term "discrimination on the basis of sex" is defined to include, but not be limited to, discrimination on the basis of gender identity, transgender status or sexual orientation.~~ As used in herein, the term "gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.
 2. Seconded by Sue Lewis
 3. Discussion
 - a. None.
 4. Vote
 - a. In favor: 10
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
 - ii. Motion by Sue Lewis to adopt changes to Sec. 2-432 (a) for recommendation to City Council
 1. Specific changes detailed below (~~red strike through~~ indicates existing language, blue indicates the proposed revisions)
 - a. There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) members appointed by the City Council. The Commission membership shall be

broadly representative of the City's ~~population~~ demographic composition, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups ~~within the City~~; with priority given to City residents, as well as to applicants with demonstrable ties to the City. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

2. Seconded by Robert Woodside
3. Discussion
 - a. Commissioners debated the recommendation of an upper limit of 15 members.
 - i. Larger group may help get work done given inconsistent attendance.
 - ii. Larger group may facilitate ad hoc committee work
 - b. Suggestion made regarding updating the Rules and Procedures to address Commissioner attendance.
 - c. Suggestion made to amend language (green):
 - i. "with priority given to City residents, as well as to applicants with demonstrable ties to the City"
4. Sue Lewis accepted friendly amendments to the proposed motion, as detailed below (green text indicates added language)
 - a. There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) members appointed by the City Council. The Commission membership shall be broadly representative of the City's ~~population~~ demographic composition, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age

groups ~~within the City~~; with priority given to City residents, as well as to applicants with demonstrable ties to the City. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

5. Vote
 - a. In favor: 10
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
- iii. Motion by Sue Lewis to adopt changes to Sec. 2-433 (a) through (d), to reflect the new order of presentation, for recommendation to City Council.
 1. Specific changes detailed below (~~red strike through~~ indicates existing language, blue indicates the proposed revisions)
 - a. (a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City; ~~Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;~~
 - b. (c) Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues; ~~Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;~~
 2. Seconded by Laura Keppley
 3. Discussion
 4. Vote
 - a. In favor: 10
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
- iv. Motion by Lyndele von Schill to adopt changes to Sec. 2-437 (b) for recommendation to City Council.
 1. Specific changes detailed below (~~red strike through~~ indicates existing language, blue indicates the proposed revisions)
 - a. ~~In cases where investigation and remediation are~~

~~already available in the City, such as employment discrimination complaints within the jurisdiction of the Equal Employment Opportunity Commission (“EEOC”) or fair housing complaints addressed by the Piedmont Housing Alliance, the complaint will be referred to that agency so that investigation and enforcement may be initiated by those bodies, which will offer services in the City and, to the extent allowed by law, report their findings to the Commission.~~ For complaints alleging an unlawful discriminatory practice within the enforcement jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in **Sec. 2-437 (c)**. For complaints alleging an unlawful discriminatory practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.

2. Seconded by Sue Lewis
3. Discussion
4. Vote
 - a. In favor: 10
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
- v. Motion by Lyndele von Schill to adopt changes to gendered language in Section 2-439.1 (f) and Section 2-439.1 (g) and anywhere within the ordinance for recommendation to City Council.
 1. Specific changes detailed below (~~red strike through~~ indicates existing language, **blue** indicates the proposed revisions)
 - a. (f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if ~~he or she~~ **they** deems it advisable in order to fully apprise the Commission of the facts or the applicable law.
 - b. (g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and

desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds ~~he or she~~ **they** would be but for respondent's violation(s) of this ordinance.

c. Seconded by Kathryn Laughon

d. Discussion

i. None.

e. Vote

i. In favor: 9

ii. Opposed: 0

iii. Abstained: 2 (including Chair)

d. REVIEW OF HRC APPLICANTS & RECOMMENDATIONS TO CITY COUNCIL

i. Protocol

1. Commissioners can nominate applicants for recommendation to City Council for consideration for appointment to the HRC as "Qualified" or "Highly Qualified"

2. Nominations will be handled as motions.

a. Motions that are seconded can come to a vote

b. No discussion as public discussion of private citizen character and beliefs can present concerns of individual liability

3. Nomination of non-City residents

a. Commissioners can nominate applicants that are non-City residents, but the ordinance currently limits eligibility to City residents

b. HRC could ask City Attorney to review and pass to Council the adopted amendments to the Human Rights Ordinance that would allow the eligibility of non-city residents

ii. Motion by Lyndele von Schill to provide the partially amended ordinance, including only the changes adopted by the HRC by vote on 9/17 for recommendation to Council, to the City Attorney's Office for final review, with the intent of presenting the amended ordinance to City Council for consideration and potential approval at its meeting on 9/21.

1. Seconded by Kathryn Laughon

2. Discussion

a. One Commissioner expressed concerns about the short timeframe of this request

3. Vote

a. In favor: 8

b. Opposed: 2

c. Abstained: 1 (Chair)

4. Action:
- a. Staff will create a version of the ordinance containing only the adopted changes and share with Kyna Thomas and Allyson Davies along with the request for consideration. Staff will follow up with the HRC as to the result of the request.
- iii. Motion by Laura Keppley to nominate Mary Bauer for recommendation to City Council as highly qualified for HRC appointment.
1. Seconded Lyndele von Schill
 2. Vote
 - a. In favor: 10
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
- iv. Motion by Jeanette Abi-Nader to nominate Kimalee Dickerson for recommendation to City Council as highly qualified for HRC appointment.
1. Seconded by Ann Smith
 2. Vote
 - a. In favor: 10
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
- v. Motion by Kathryn Laughon to nominate Alex Oxford for recommendation to City Council as highly qualified for HRC appointment.
1. Seconded by Andrew Orban
 2. Vote
 - a. In favor: 6
 - b. Opposed: 4
 - c. Abstained: 1 (Chair)
- vi. Motion by Sue Lewis to nominate Tobiah Mundt for recommendation to City Council as highly qualified for HRC appointment.
1. Seconded by Laura Keppley
 2. Vote
 - a. In favor: 10
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
- vii. Motion by Sue Lewis to nominate Campbell Turner for recommendation to City Council as qualified for HRC appointment.
1. Seconded by Robert Woodside
 2. Vote
 - a. In favor: 3
 - b. Opposed: 6
 - c. Abstained: 2 (including Chair)
- viii. Action:
1. Staff will send the list of applicants recommended by the HRC to Maxicelia Robinson to take to City Council.
- e. OHR STAFF REPORT
- i. Written monthly report is included in the agenda packet.
 - ii. Per Commissioner requests
 1. Staff will email, as attachments, all documents for HRC review.
 2. Staff will also post all documents on Box and provide links.
 3. Staff will also provide links to documents on the City website.
 - iii. Potential Workshare with VA Attorney General's Office

1. Staff and Allyson Davies spoke with Mona Siddiqui, Assistant Attorney General about expanded enforcement under Value's Act
 2. MOU drafted and under review by Allyson
 - iv. Exploring FEPA workshare
 1. Still awaiting response to multiple calls
 - v. Exploring FHAP workshare
 1. Staff met with Joseph Pelletier, HUD Director of FHAP Programs
 2. Joseph will review the Charlottesville Human Rights Ordinance to determine if it meets the minimum requirements for FHAP
 - a. Noted that a quick review indicated some needed updates
 3. Will follow-up and potentially invite a representative to a future HRC meeting if FHAP workshare appears feasible
 - vi. HRC public hearing process
 1. Pending determination for Case 2019-1 is in City Manager's Office
 2. Should there be a finding of probable cause, the HRC will need to consider process for public hearing
 3. Action:
 - a. Ann will share Prince William County OHR/HRC contact to ask about public hearing process.
 - vii. Officer nominating committee
 1. Rules and procedures indicate the formation of a nominating committee in October
 - viii. Commissioners raise concerns about the delayed determination in Case 2019-1 and notes that this has been a historical tactic to avoid addressing civil rights complaints
 1. Action:
 - a. Staff will follow up with City Attorney regarding the status of the determination letter for Case 2019-1, especially regarding whether it will be completed before the City Manager's resignation on 9/30.
 - ix. Commissioner notes that Albemarle County has empowered Boards and Commissions to meet without staff support and suggests the HRC request the same in order to get work done
 1. Action:
 - a. Staff will ask about ways to work around the restriction of one meeting per month at Council's Boards and Commissions work session on 10/6.
 - x. Commissioner notes that there is an imbalance regarding the amount of time the determination is taking versus the amount of time that the complainant has to respond regarding an appeal, in the case of a finding of no probable cause.
 - xi. Commissioner suggests that the HRC should watch the timeframe for determinations in future cases and advocate for timeliness.
- f. CHAIR UPDATE
- i. None.

5. WORK SESSION

a. AD-HOC COMMITTEE UPDATES

- i. Council Work Session Committee
 1. The committee's work is complete
- ii. Ordinance Revision Committee
 1. Work is ongoing
 2. Another meeting will be scheduled with Allyson
 3. Action:
 - a. Staff will schedule a follow-up meeting with Lyndele, Sue, and Allyson to work through additional language revisions to the Human Rights Ordinance.
- iii. Outreach Committee
 1. Staff spoke with Pheobe regarding the work on creating public service announcements to raise awareness about people with disabilities
 2. Pheobe shared contacts and information on work done to-date
 3. Staff is in the process of scheduling a time to talk with Joe Rice about the use of the City media center, which is still active and could potentially assist
 4. Action:
 - a. Staff will follow up with Joe Rice regarding the options for filming the PSAs regarding disability awareness.

6. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

- i. None.

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

- i. None.

7. COMMISSIONER UPDATES

- a. Sue Lewis – Virginia Association of Human Rights (VAHR)
 - i. VAHR annual meeting scheduled for Saturday, October 17
 - ii. Time to be decided
 - iii. Meeting will be virtual
 - iv. Steering Committee is reviewing changes to the Bylaws
 - v. Charlottesville HRC has not paid dues for members
 - vi. Action:
 1. Sue will email information about the VAHR annual meeting to the HRC, as soon as all details are confirmed.

8. NEXT STEPS

- a. Staff will send future minutes as attachments to emails, and create a folder on Box to house all minutes and agendas, in addition to posting the minutes on the City website.
- b. Staff will send the HRC's legislative recommendations to the Clerk's Office for referral to City Council and request the opportunity for the HRC to review Council's 2021 Legislative Agenda once drafted.
- c. Staff will send final response letter to organizations and groups named in the letter of recommendations sent by Walt Heinecke to City Council.
- d. Staff will create a version of the ordinance containing only the adopted changes and share with Kyna Thomas and Allyson Davies along with the request for consideration. Staff will follow up with the HRC as to the result of the request.

- e. Staff will send the list of applicants recommended by the HRC to City Council.
- f. Ann will share Prince William County OHR/HRC contact to ask about public hearing process.
- g. Staff will follow up with City Attorney regarding the status of the determination letter for Case 2019-1, especially regarding whether it will be completed before the City Manager's resignation on 9/30.
- h. Staff will ask about ways to work around the restriction of one meeting per month at Council's Boards and Commissions work session on 10/6.
- i. Staff will schedule a follow-up meeting with Lyndele, Sue, and Allyson to work through additional language revisions to the Human Rights Ordinance.
- j. Staff will follow up with Joe Rice regarding the options for filming the PSAs regarding disability awareness.
- k. Sue will email information about the VAHR annual meeting to the HRC, as soon as all details are confirmed.

9. ADJOURN

- a. Meeting adjourned at 8:59 pm

Pending HRC Approval

RESOLUTION TO ADVOCATE FOR A LOCAL MORATORIUM ON EVICTIONS
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION
RESOLUTION #: HR20-1

WHEREAS, the Charlottesville Human Rights Commission, hereinafter “the Commission,” acts as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

WHEREAS, the Charlottesville Human Rights Ordinance identifies housing as a protected activity (City code Article XV. Sec. 2-431a.); and

WHEREAS, the Charlottesville Human Rights Ordinance identifies age, disability, marital status, national origin, pregnancy/childbirth, race/skin color, religion, and sex as protected classes (City code Article XV. Sec. 2-431a.); and

WHEREAS, people with disabilities are disproportionately more likely to live in poverty, and people aged 65 or older make up the largest percentage of the disabled population (Thomas Jefferson Area Planning District Commission Draft Analysis to Impediments to Fair Housing Choice, January 17, 2019); and

WHEREAS, low-income African American and Hispanic households bear a disproportionate share of the cost burden of the lack of affordable housing (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, the average cost of rental housing in the City of Charlottesville is \$1,384 (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, for a family of three at 30 percent of AMI (roughly \$20,700) affordable rent would be \$520 per month, including utilities (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, Charlottesville is home to an estimated 811 extremely low-income (less than 30 percent AMI) non-student renter households, 115 individuals in emergency shelters, and 23 unsheltered individuals (City of Charlottesville Housing Needs Assessment Socioeconomic and Housing Market Analysis, April 4, 2018); and

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this ordinance, this virus and the disease that it causes are referred to as “COVID-19”); and

WHEREAS, City Manager and Director of Emergency Management, Dr. Tarron J. Richardson, declared the potential spread of COVID-19 an emergency on March 12, 2020 pursuant to a Resolution adopted by the Charlottesville City Council; and

WHEREAS, also on March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One (“EO 51”) declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a “disaster” as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, on August 7, 2020, the Supreme Court of Virginia issued an amendment of the eighth order extending declaration of Judicial Emergency in response to COVID-19, specifying that, effective August 10, 2020, and through September 7, 2020, pursuant to Va. Code § 17.1-330, the issuance of writs of eviction pursuant to unlawful detainer actions is suspended and continued.

BE IT RESOLVED that the Commission hereby advocates and respectfully requests that City Council take all available action within their legal authority to promote a continued moratorium on evictions resulting from the detrimental impacts of COVID-19 on the local economy.

Dated this _____ of _____, 2020.

Shantell Bingham, Chair, Human Rights Commission

RESOLUTION TO REMOVE A COMMISSIONER FOR GOOD CAUSE
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION
RESOLUTION #: HR20-2

WHEREAS, the role of the Charlottesville Human Rights Commission, hereinafter “the Commission,” is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights (City code Article XV. Sec. 2-433.); and

WHEREAS, the Charlottesville Human Rights Ordinance, hereinafter “the Ordinance,” prohibits discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability (City code Article XV. Sec. 2-431. (a)); and

WHEREAS, the term “discrimination on the basis of sex,” as used within the Ordinance, is defined to include, but not be limited to discrimination on the basis of gender identity, transgender status or sexual orientation (City Code Article XV. Sec. 2-431. (b)); and

WHEREAS, it is the duty and responsibility of the Human Rights Commission to promote mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community (City Code Article XV. Sec. 2-434. (b)); and

WHEREAS, it is harmful to and undermines public trust in the Commission, and is considered good cause for Commissioner removal, when an individual Commissioner engages in activities that promote intolerance of and/or unlawful discrimination against people who self-identify as members, or are perceived to be members, of the protected classes named in Sec. 2-431 of the Ordinance.

BE IT RESOLVED that the Commission hereby recommends that City Council pursue the following actions when a member of the Commission is believed to be engaged in activities that are harmful to the Commission and undermine public trust in the Commission and its duties and responsibilities:

- (a) Enable the Commission to conduct an immediate investigation into the alleged activities to determine the facts of the matter; and
- (b) Upon the order of an investigation, suspend the Commissioner’s participation in any further official actions of the Commission while the investigation is ongoing; and
- (c) Upon conclusion of the investigation, issue a written determination to forward to City Council as to good cause for removal of the Commissioner, as per Sec. 2-432. (a) of the Ordinance.

Dated this _____ of _____, 2020.

Shantell Bingham, Chair, Human Rights Commission

Office of Human Rights
Todd Niemeier Monthly Staff Report
October 2020

Service Provision Data:

The chart below includes all service data entered as of 10/08/2020

- Data currently entered through 09/30/2020
- Values may change in future reports following reviews for accuracy and/or categorization updates
- Key to abbreviations and terms
 - Total Contacts = Includes incoming contacts and staff contacts going out
 - Total External Contacts = Includes only incoming contacts
 - I = New Inquiries
 - Service provision involving any of the protected activities
 - Complaints of discrimination that fall outside the OHR's jurisdiction
 - C = New Complaints
 - Complaints of discrimination that fall within the OHR's jurisdiction for which the Complainant chose to take action
 - P.A. = Protected Activity
 - P.C. = Protected Class
 - Counseling = Contacts involving referrals to services or direct non-investigative assistance
 - Referral = Contact resulting in a referral to another agency for assistance
 - CSRAP = Charlottesville Supplemental Rental Assistance Program
 - LAJC = Legal Aid Justice Center
 - CVLAS = Central Virginia Legal Aid Society
 - PHA = Piedmont Housing Alliance
 - EEOC = Equal Employment Opportunity Commission
 - DPOR = Department of Professional and Occupational Regulation (VA Fair Housing Office)
- **NEW INFORMATION**
 - As we work to update the ordinance to reflect changes to state law with regard to additional protected classes and to mirror the language used in state statutes, I have begun to update how we collect and define protected class data in the case management system.
 - **Green text:** I subdivided previously consolidated protected class data to reflect the ordinance language and to show greater nuance in reported allegations.
 - **Orange text:** These are newly added protected classes based on changes in state law as of July 1, 2020
 - **Purple text:** These are data fields where I need to add the subdivisions and new classes found in the green and orange fields. It takes a bit of time to build the formulas, so I have not quite gotten them all done. It should be ready for next month.

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Open office days in the month</i>	22	20	21	22	23	20	22	22	20	23	19	18	252
<i>Total Incoming & Outgoing Contacts</i>	288	318	276	253	160	104	47	79	88	0	0	0	1613
<i>Total Incoming Contacts</i>	207	230	158	69	81	61	26	45	43	0	0	0	920
<i>Average Incoming Contacts/Day</i>	9	12	8	3	4	3	1	2	2	0	0	0	4
<i>Referrals from Sin Barreras</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Contacts in Spanish</i>	0	3	9	106	58	29	10	0	0	0	0	0	215
<i>Total Staff Follow-ups (Outgoing)</i>	56	36	80	180	72	36	18	24	31	0	0	0	533
<i>Total Third Party Contacts (Outgoing)</i>	25	52	38	4	7	7	3	10	14	0	0	0	160
<i>Total Client Follow-ups (Incoming)</i>	143	137	99	53	69	41	19	23	24	0	0	0	608
<i>Total Third Party Contacts (Incoming)</i>	25	42	32	2	5	11	2	4	14	0	0	0	137
<i>Total General Contacts (Incoming)</i>	31	37	21	11	4	5	5	13	3	0	0	0	130
<i>Total New Inquiries (Incoming)</i>	8	14	6	3	3	4	0	5	2	0	0	0	45
<i>Total New Complaints (Incoming)</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Allegations (Both I&C)</i>	0	2	0	2	0	0	0	2	1	0	0	0	7
<i>Total I&C: Locality - Cville</i>	7	12	5	0	3	3	0	2	2	0	0	0	34
<i>Total I&C: Locality - Albemarle</i>	1	0	1	3	0	0	0	3	0	0	0	0	8
<i>Total I&C: Locality - Other or Not Specified</i>	0	2	0	0	0	1	0	0	0	0	0	0	3
<i>Total Inquiries: P.A. - Employment</i>	1	4	3	3	0	0	0	3	1	0	0	0	15
<i>Total Inquiries: P.A. - Housing</i>	5	8	2	0	3	3	0	2	1	0	0	0	24
<i>Total Inquiries: P.A. - Public Accommodation</i>	1	0	0	0	0	0	0	0	0	0	0	0	1
<i>Total Inquiries: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Inquiries: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Inquiries: P.A. - Other (Unprotected)</i>	1	2	1	0	0	1	0	0	0	0	0	0	5
<i>Total Complaints: P.A. - Employment</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Housing</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Public Accommodation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Complaints: P.A. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
Total employment discrimination allegations	0	2	0	2	0	0	0	1	1	0	0	0	6
<i>Employment allegations in Charlottesville</i>	0	1	0	0	0	0	0	0	1	0	0	0	2
<i>Employment allegations in Albemarle Co.</i>	0	0	0	2	0	0	0	1	0	0	0	0	3
<i>Emp. allegations in Cville referred to EEOC</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Emp. allegations in Alb. Co. ref. to EEOC</i>	0	0	0	1	0	0	0	0	0	0	0	0	1
Total housing discrimination allegations	0	0	0	0	0	0	0	1	0	0	0	0	1

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Housing allegations in Charlottesville</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Housing allegations in Albemarle</i>	0	0	0	0	0	0	0	1	0	0	0	0	1
Total public accom. discrim. allegations	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Public accommodation allegations in Cville</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Other (Unprotected) activity alleg.	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Disability</i>	2	2	1	0	0	0	0	0	0	0	0	0	5
<i>Total I&C: P.C. - Marital Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - National Origin</i>	0	0	0	1	0	0	0	0	0	0	0	0	1
<i>Total I&C: P.C. - Pregnancy</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Childbirth or Related Medical Conditions</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Race</i>	0	1	0	1	0	0	0	1	1	0	0	0	4
<i>Total I&C: P.C. - Color</i>	0	1	0	1	0	0	0	1	1	0	0	0	4
<i>Total I&C: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Sex</i>	0	1	0	1	0	0	0	1	0	0	0	0	3
<i>Total I&C: P.C. - Gender Identity</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Sexual Orientation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total I&C: P.C. - Source of Funds</i>	0	0	0	0	0	0	0	1	0	0	0	0	1
<i>Total I&C: P.C. - Not specified</i>	6	10	5	0	3	3	0	1	1	0	0	0	29
<i>Total I&C: P.C. - Other (Unprotected)</i>	0	0	0	0	0	1	0	1	0	0	0	0	2
Total Counseling Contacts	51	39	25	7	5	5	5	7	12	0	0	0	156
<i>Total Employment Counseling</i>	4	5	2	3	0	0	0	2	1	0	0	0	17
<i>Total Housing Counseling</i>	43	32	22	4	5	2	5	5	11	0	0	0	129
<i>Total Public Accommodation Counseling</i>	2	1	0	0	0	1	0	0	0	0	0	0	4
<i>Total Credit Counseling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Private Education Counseling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Other (Unprotected) Counseling</i>	2	1	1	0	0	2	0	0	0	0	0	0	6
Total Contacts resulting in Referrals	7	9	5	4	2	3	0	5	1	0	0	0	36
<i>Referrals to CSRAP</i>	2	1	0	0	2	1	0	0	0	0	0	0	6
<i>Referrals to LAJC</i>	1	1	1	0	0	1	0	4	1	0	0	0	9
<i>Referrals to CVLAS</i>	1	2	2	0	0	1	0	2	0	0	0	0	8
<i>Referrals to PHA</i>	0	0	1	0	0	1	0	0	0	0	0	0	2
<i>Referrals to EEOC</i>	0	1	0	3	0	0	0	0	0	0	0	0	4
<i>Referrals to DPOR</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Referrals to Other</i>	4	4	2	2	0	3	0	2	1	0	0	0	18

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
Total Employment Complaints: P.C. - Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Marital Status	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Preg./Childbirth	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Race/Skin Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Not specified	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Employment Complaints: P.C. - Other (Unprotected)	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Marital Status	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Preg./Childbirth	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Race/Skin Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Not specified	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Housing Complaints: P.C. - Other (Unprotected)	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Age	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Marital Status	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Preg./Childbirth	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Race/Skin Color	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Sex	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Not specified	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Pub. Accom. Comp.: P.C. - Other (Unprotected)	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Open Inquiries													0
Total Closed Inquiries													0
Total Dismissed Inquiries													0
Total Open Complaints													0
Total Closed Complaints													0

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Total Dismissed Complaints</i>													0
<i>Primary Service: Appointment Set-up</i>	51	23	13	1	1	1	0	5	4	0	0	0	99
<i>Primary Service: Clerical Assistance</i>	0	8	0	0	2	0	1	0	1	0	0	0	12
<i>Primary Service: Counseling</i>	51	39	25	7	5	5	5	7	12	0	0	0	156
<i>Primary Service: Event Information</i>	1	1	1	0	0	0	0	0	0	0	0	0	3
<i>Primary Service: Investigation Activity</i>	11	11	5	3	1	0	1	9	10	0	0	0	51
<i>Primary Service: Information</i>	166	234	180	24	62	51	26	56	60	0	0	0	859
<i>Primary Service: Mediation Related Services</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Primary Service: Outreach Coordination</i>	8	2	4	0	0	1	0	2	1	0	0	0	18
<i>Primary Service: Public Hearing</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Primary Service: Volunteer Coordination</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Primary Service: Helpline - COVID Response</i>	0	0	48	218	89	46	14	0	0	0	0	0	415
<i>Total Formal Investigations: - Employment</i>													0
<i>Total Formal Investigations: - Housing</i>													0
<i>Total Formal Investigations: - Public Accommodation</i>													1
<i>Total Formal Investigations: - Credit</i>													0
<i>Total Formal Investigations: - Private Education</i>													0

Active Investigations:

- Case 2019-1
 - Public Accommodation Discrimination on the basis of race
 - Investigative Report submitted to the City Attorney's Office on 5/18/2020
 - City Attorney has presented case to City Manager for final determination
 - Currently awaiting final determination letter from City Manager
- Case 2020-1
 - Public Accommodation Discrimination on the basis of disability
 - Investigation initiated July 14, 2020
 - Respondent attorney has offered dialogue, as requested by Complainant previously
 - Awaiting confirmation from Complainant to schedule dialogue

Outreach:

- Service Provision
 - Fair Employment Practices Agency (FEPA) Inquiry
 - Left message with EEOC Office of Field Programs on 10/8/2020
 - Awaiting reply from James Yao

- Fair Housing Assistance Program (FHAP) Inquiry
 - Joseph Pelletier, HUD Director of FHAP Programs, is reviewing the Charlottesville Ordinance for substantial equivalence
 - Expecting reply within new week or two
- Workshare MOU with Virginia Attorney General's Office
 - Draft MOU awaiting review by City Attorney's Office
 - Following MOU review, we will schedule a meeting with Mona Siddiqui, Assistant Attorney General
 - Mona has also offered to speak to the HRC regarding the potential workshare during an upcoming meeting
- Education & Awareness
 - None to report
- Facilitation & Leadership
 - Public Housing Association of Residents Community-Based Research Review Board (CRRB)
 - MOUs with UVA in final steps
 - PHAR hiring an Executive Director prior to hiring a CRRB Coordinator
 - Planning underway to develop more accessible CITI training modules for resident reviewers
 - Affordable Housing
 - Code for Charlottesville has nearly completed the affordable housing navigation software
 - TJPDC now also developing a region affordable housing software system
 - Next multi-organizational discussion set for October 20, 2pm to 3pm via Zoom
 - Welcoming Greater Charlottesville (WGC)
 - OHR staff is engaging WGC task force members in thinking about ways to address ongoing concerns about conflicts between new immigrants and long-time residents, especially in public and subsidized housing
 - Idea proposed for dialogue on race and ethnicity
 - No additional progress to report at this time
 - Human Rights Campaign Municipal Equity Index (MEI)
 - OHR staff was asked by City Manager's Office to evaluate the MEI and advise as to revisions
 - The revisions that OHR staff suggested were accepted by the Human Rights Campaign and resulted in a higher MEI for Charlottesville
 - The revisions centered on acknowledging that the City had an HRC and an ordinance that provided specific protections for LGBTQ+ people
 - The 2020 score is not yet published, but Charlottesville's 2019 score can be found here: <https://www.hrc.org/resources/municipalities/charlottesville>
 - Rivanna Technical Committee
 - OHR staff was asked to provide guidance on equity considerations regarding an upcoming river corridor study
 - Suggested contacts included
 - The African American Heritage Center
 - The Monacan Nation
 - Siri Russell, Albemarle Office of Equity and Inclusion

KEY TO EDITS

Red strike through: Text to be changed or removed.

Blue: New text.

Green highlight: Changes already voted upon and adopted by the HRC.

Yellow highlight: Changes ready for consideration by the HRC.

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, BY ADDING A NEW ARTICLE XV ENTITLED HUMAN RIGHTS.

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that Chapter 2 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reordained by adding a new Article XV entitled Human Rights, which Article shall read as follows:

Article XV. Human Rights

Sec. 2-430. Short title.

This Article shall be known and referred to as the Charlottesville Human Rights Ordinance.

Sec. 2-431. Unlawful discrimination prohibited.

(a) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in ~~housing~~, employment, public accommodations, credit, and private education on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, ~~pregnancy, childbirth or related medical conditions, national origin, age, marital status,~~ status as a veteran, or disability.

(b) It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

(c) ~~As used herein, the term "discrimination on the basis of sex" is defined to include, but not be limited to, discrimination on the basis of gender identity, transgender status or sexual orientation. As used in herein, the term "gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual, without regard to the individual's designated sex at birth.~~

(d) As used herein, the term "source of funds" means any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

(e) As used herein, the term "unlawful discriminatory practice" includes conduct in violation of any comparable Virginia or federal statute or regulation governing unlawful discrimination.

Sec. 2-432. Human Rights Commission.

(a) There is hereby created in the City of Charlottesville a Human Rights Commission, consisting of no less than nine (9) and not more than fifteen (15) members appointed by the City Council. The Commission membership shall be broadly representative of the City's population demographic composition, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups within the City, with priority given to City residents, as well as to applicants with demonstrable ties to the City. Of the members first appointed, at least three shall be appointed for terms of three years, at least three shall be appointed for terms of two years, and at least three shall be appointed for terms of one year. Thereafter members shall be appointed for terms of three years each. Any vacancy shall be filled by the City Council for the unexpired portion of a term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

(b) The Commission shall elect from its members a chair, a vice-chair, and such other officers as the Commission may deem appropriate. The Commission may also adopt rules and procedures to govern the conduct of its affairs.

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(c) Members of the Commission shall serve without compensation, but funds may be appropriated in the City's annual budget for reasonable and necessary expenses to be incurred by Commission in the conduct of its prescribed functions.

(d) All meetings of the Commission shall be advertised in advance and in the manner required by law, and shall be open to the public except for meetings lawfully closed pursuant to the Virginia Freedom of Information Act. At the beginning and at the end of each of its public meetings the Commission will receive public comment in accordance with City Council's "Rules for Public Participation".

(e) The Commission may, in its discretion, delegate any of its duties or responsibilities hereunder to a panel of not less than three Commissioners.

(f) There shall be a full-time Director of the Commission, who shall be appointed by the City Manager with the advice and consent of the Commission and who shall serve full time in that capacity. The Director will be responsible for and report to the Commission in the day-to-day operational conduct of the Commission's activities. The Director shall report directly to the City Manager for administrative and fiscal matters. The City Manager shall delegate to the Director the authority to employ such additional staff as authorized and funded by the City Council, in order for the Commission to fulfill effectively its obligations under this Ordinance.

(g) All City departments, boards and commissions shall cooperate with and provide assistance to the Commission, including the provision of information in response to reasonable requests from the Commission.

(h) Legal counsel shall be provided to the Commission and its staff through the Office of the City Attorney. The City Council may authorize retention of outside counsel where deemed appropriate upon recommendation of the City Attorney.

Sec. 2-433. Role of the Human Rights Commission.

The role of the Human Rights Commission is to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Commission will:

(a) ~~Assist individuals who believe they are the victim of an act of unlawful discrimination within the City; Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues;~~

(b) Collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide;

(c) ~~Identify and review policies and practices of the City of Charlottesville and its boards and commissions and other public agencies within the City and advise those bodies on issues related to human rights issues; Assist individuals who believe they are the victim of an act of unlawful discrimination within the City;~~

(d) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination;

Sec. 2-434. Duties and responsibilities – Community dialogue and engagement.

(a) The Commission will serve as a forum for the discussion of human rights issues, and be responsible for conducting ongoing efforts to engage community members in an open, honest and creative dialogue regarding issues of equity and opportunity, including but not limited to issues considered by the City’s Dialogue on Race initiative.

(b) The Commission may conduct or engage in educational and informational programs for the promotion of mutual understanding, reconciliation and respect between all classes of individuals protected by this ordinance and the larger Charlottesville community.

Sec. 2-435. Duties and responsibilities – Systemic issues.

(a) The Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that:

- (1) May be unlawful discriminatory practices; or,
- (2) May not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact affect individuals on the basis of a status such as their race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, criminal record, income or disability.

(b) Any review undertaken pursuant to this section may be initiated at the request of any other public or private entity, or by the Commission on its own initiative.

(c) The Commission may conduct its own research and review of existing studies and literature, collaborate with other research organizations, organize public focus groups and hold such hearings as may be necessary to identify policies, practices and systems as referenced in (a), above. For each such identified policy, practice or system, the goal of the Commission will be to formulate recommendations and to propose concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices.

Sec. 2-436. Reserved.

Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings.

(a) The Director will develop and implement a central intake mechanism for receiving and processing individual complaints that allege an unlawful discriminatory practice in the City.

~~(b) In cases where investigation and remediation are already available in the City, such as employment discrimination complaints within the jurisdiction of the Equal Employment Opportunity Commission (“EEOC”) or fair housing complaints addressed by the Piedmont Housing Alliance, the complaint will be referred to that agency so that investigation and enforcement may be initiated by those bodies, which will offer services in the City and, to the extent allowed by law, report their findings to the Commission. For complaints alleging an unlawful discriminatory practice within the enforcement jurisdiction of the City, defined herein as within the corporate limits of the City and as authorized by state and federal statutes, the Director or other designated professional staff are authorized to undertake further action as detailed in Sec. 2-437 (c). For complaints alleging an unlawful discriminatory practice that falls outside the jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.~~

~~(c) For all other complaints alleging an~~ Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City,~~as defined herein within the~~

~~corporate limits of the City~~, the Director or other designated professional staff will conduct, as authorized by this ordinance, ~~an initial fact-finding inquiry to determine jurisdiction. fact finding, mediation, conciliation, and, if necessary, full investigation of the complaint as he or she deems appropriate to ascertain the facts underlying the charge of discrimination, provided that the~~ The complaint may be dismissed by the Director without further action ~~investigation~~ if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. ~~If~~ Following the initial fact-finding inquiry, if the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director will serve a copy on each respondent named therein. Said copy shall specify the allegation, citing the evidence that supports further action, and indicating the action to be taken. Further action, as authorized by this ordinance, may include mediation, conciliation, and formal investigation of the complaint, as deemed appropriate by the Director. Upon completion of a formal ~~the initial~~ investigation, the Director shall render a written determination of whether there is probable cause to believe a violation of this ordinance has occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(d) If the Director determines that further action is appropriate ~~that there is probable cause to believe a violation has occurred~~, the Director will propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means. Nothing herein shall be interpreted as requiring any party to participate in mediation or any other conciliatory efforts. Materials used and communications made during a mediation or informal conciliation shall be confidential, and shall not be disclosed to the public by the Director, the Commission or its staff unless disclosure is authorized in writing by all parties to the dispute.

(e) If the mediation or conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written conciliation or settlement agreement. Unless all parties agree otherwise, the execution of a written agreement is solely for the purpose of settling a disputed claim, and does not constitute an admission by any party that the law has been violated. No further action on the initial complaint will be taken by the Commission or its staff once the agreement is executed.

(f) If mediation or conciliation is not successful, and the Complainant wishes to pursue further action, the Director or designee may conduct further a formal investigation for the purpose of rendering a written determination as to whether there is probable cause to believe a violation of this ordinance occurred, and the facts supporting such determination. ~~or~~ If further investigation is not warranted, the Director may either dismiss the complaint as not constituting a violation. ~~or~~ After a written determination has been served on both parties, the Director may either close the case or proceed with the preparation of materials for consideration by the Commission, as provided in section 2-439.1 (b).

(g) In order to fulfill the requirements of this section, the City Manager is authorized to contract on behalf of the City with any objective, neutral third party qualified to assess allegations of discriminatory conduct as prohibited in section 2-431, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is probable cause to believe a violation of this ordinance has occurred, conducting mediations or conciliations of complaints and advising the Director of the Commission of the results of any investigation, mediation or conciliation of complaints.

Sec. 2-438. Reserved.

Sec. 2-439.1. Enforcement authority – The role of the Commission.

(a) If the Director determines that there is insufficient probable cause to believe a violation of this ordinance has occurred, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) business

days of receipt of notice of the dismissal, the complainant files with the Commission a request for a review of the determination of the Director. On written petition of the complainant the Commission may review the Director's conclusion, and may either overrule or affirm the finding of no probable cause. The parties may submit such additional information as they desire for the Commission's consideration. If the Commission determines that probable cause exists, it shall direct the Director to continue the investigation or proceed with conciliation efforts.

(b) If the Director determines that probable cause to believe a violation did occur and either party declines to participate in mediation or other informal means of resolving the complaint, or if such efforts are attempted but unsuccessful, the Director shall prepare a written summary of the evidence on which the determination of probable cause is based, and shall

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recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.

(c) If a hearing is to be held, the Commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.

(d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena *duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

(e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:

- (1) To file written statements or arguments with the Commission prior to the hearing;
- (2) To be represented by privately retained counsel of his or her choice;
- (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
- (4) To submit rebuttal evidence; and
- (5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.

(f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if ~~he or she~~ **they** deems it advisable in order to fully apprise the Commission of the facts or the applicable law. The Commission shall keep a full record of the hearing, which record shall be public and open to inspection by any person unless otherwise provided by any applicable law or regulations. Any party may request that the Commission furnish such party a copy of the hearing record and shall reimburse the Commission for the cost of producing the copy. In matters where any party is represented by counsel, the office of the City Attorney shall provide an attorney as counsel to the Commission who will also assist the Director in preparing the case.

(g) If, after the hearing, the Commission determines by a preponderance of the evidence that the respondent has committed or is committing the alleged violation(s) of this ordinance, the Commission shall state its findings and may issue recommendations, to be served promptly on the parties, which recommendations may include notice to the respondent to cease and desist from such violation(s) and to take such action as may be authorized by law to effectuate the purpose of this ordinance, including but not limited to the payment by respondent of compensatory damages to any person or persons found by the Commission to be so entitled by reason of the violation(s) of this ordinance, or the placement or restoration of any person in or to such status in which the Commission finds ~~he or she~~ **they** would be but for respondent's violation(s) of this ordinance.

(h) If, after receiving the evidence presented at the hearing, the Commission finds that the respondent has not engaged in the alleged violation(s) of this ordinance, the Commission shall state its findings and shall dismiss the complaint. Prompt notice of such action shall be given to the parties.

(i) Nothing herein shall be construed as authorizing the Commission to issue subpoenas, award damages or grant injunctive relief.

Sec. 2-439.2. Enforcement authority – Court enforcement.

(a) If the Commission finds that a respondent has committed a violation of this ordinance and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.

(b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

Sec. 2-440. Confidentiality.

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission to disclose or make public any complaints, investigative notes, or other correspondence and information furnished to the Commission or its staff in confidence with respect to a complaint, an investigation or conciliation process involving an alleged unlawful

discriminatory practice. A violation of this section shall be a Class 3 misdemeanor.

Sec. 2-441. Annual Report.

The Commission shall make an annual comprehensive report to City Council that outlines its efforts during the preceding year in the areas of identifying and addressing systemic or institutional discrimination; processing individual complaints of unlawful discrimination; and facilitating a community dialogue regarding issues of human rights. The report shall also outline the Commission's work plan for the ensuing year, which shall be subject to approval or modification by City Council.

Sec. 2-442. Severability.

The provisions of the Article are severable; and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Article, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Article would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted therefrom.

Sec. 2-443. Reserved.

~~Approved by Council
May 20, 2013~~

Clerk of Council