



**Human Rights Commission
Regular Meeting
Agenda Packet
December 17, 2020
Virtual/Electronic
Meeting
6:30 pm**

Agenda Packet Contents

1. HRC Regular Meeting Agenda 12-17-2020
2. DRAFT HRC Regular Meeting Minutes 11-19-2020
3. HRC Memo to City Council regarding adopted Ordinance amendments
4. Revised DRAFT of Resolution HR20-2
5. OHR Monthly Staff Report – December

Attachment 1



**Human Rights Commission
AGENDA
Regular Meeting
December 17, 2020
Virtual/Electronic Meeting
6:30 pm**

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. Regular Meeting 11-19-2020*

4. BUSINESS MATTERS

- a. Officer Elections*
- b. Memo to City Council regarding Ordinance amendment recommendations*
- c. Resolution HR20-2*
- d. 2021 Retreat Planning*
- e. OHR STAFF REPORT
- f. CHAIR UPDATE

5. WORK SESSION

- a. AD-HOC COMMITTEE UPDATES
 - i. Public Hearing Procedures

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

9. 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.

Attachment 2



**Human Rights Commission
Meeting Minutes
Regular Meeting
November 19, 2020
Virtual/Electronic Meeting
6:30 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 6:31 pm
- b. ROLL CALL
 - i. Shantell Bingham
 - ii. Sue Lewis
 - iii. Jeanette Abi-Nader
 - iv. Mary Bauer
 - v. Ernest Chambers
 - vi. Jessica Harris
 - vii. Laura Keppley
 - viii. Kathryn Laughon
 - ix. Tobiah Mundt
 - x. Andy Orban
 - xi. Alex Oxford
 - xii. Lyndeale von Schill
- 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 October 15, 2020 Regular Meeting*
 - i. Motion to approve as written: Jeanette
 - ii. Second: Laura
 - iii. Discussion: None
 - iv. Vote
 1. In favor: 9
 2. Opposed: 0
 3. Abstained: 3 (including Chair)

4. BUSINESS MATTERS

- a. OFFICER NOMINATIONS
 - i. Ad hoc nomination committee met on 11/18/20
 - ii. Laura contacted all nominees to verify interest in pursuing nomination

- iii. Current slate of nominees
 - 1. Chair
 - a. Jessica
 - b. Mary
 - 2. Vice Chair
 - a. Kathryn
 - b. Sue
- iv. Commissioners can still nominate
 - 1. Contact Laura
- v. Nominees should prepare a statement to present at the next meeting
- vi. Six Commissioners submitted nominations via an electronic form
 - 1. Three nominees have not yet responded as to whether they would like to be on the slate
- vii. Procedural notes
 - 1. Commissioners can nominate the same person for both positions
 - 2. Commissioners can nominate up until the vote, including nominations from the floor
 - 3. HRC Director will control the election process
 - a. Requests a report from the nominating committee
 - b. Requests nominations from the floor
 - c. Holds the vote
- viii. Shantell offers to speak with any nominees for Chair if they have questions
- ix. Elected officers will take office at the January 2021 regular meeting
- b. ENFORCEMENT PROCESS REVIEW
 - i. OHR Staff presents an overview of the process for addressing individual complaints of discrimination
 - ii. Commissioner questions
 - 1. In what step does the Director offer recommendations following a determination?
 - a. OHR staff responds
 - i. Following an investigation and a determination of probable cause, as per 2-439.1 (b) of the Ordinance.
 - 2. Who authorizes the application for a *duces tecum*?
 - a. Deputy City Attorney responds
 - i. The City Manager has the ultimate authority over actions taken by any City department.
 - 3. There are no timeframes associated with the enforcement process, so determinations could be delayed. Can timeframes be added and enforced?
 - a. OHR Staff responds
 - i. There are no timeframes specified in the Ordinance
 - ii. OHR Staff must consider statutes of limitations, especially with employment cases, as they can affect the Complainants ability to file with the EEOC.
 - iii. May also affect other protected activities and ability

- to file in General District Court
- iv. The OHR recently received feedback from the HUD Fair Housing Office on aspects of the Ordinance that require changes for substantial equivalence to federal fair housing law
 1. The HUD attorney noted the absence of timeframes as something that needed to be amended should the OHR/HRC seek to become a FHAP
 - b. Deputy City Attorney responds
 - i. Recent delays in the determination process are due to the absence of an HRC/OHR Director/Manager
 - ii. The responsibility thus falls to the City Manager, which is not the intended process
 - iii. Advocating that the HRC/OHR fill the Director/Manager and Deputy City Manager roles is advised
4. Is the statute of limitations tolled during the investigation of Title XII complaints?
- a. OHR staff responds
 - i. Statute of limitations clock does not stop when Complaints file with the OHR
 - b. Deputy City Attorney responds
 - i. OHR also advises Complainant of option to file with the EEOC, for applicable cases
 - c. OHR staff responds
 - i. Following the passing of the Values Act the OHR's authority to investigate employment cases could expand if Council approves the recent amendments to the Ordinance adopted by the HRC
 - ii. The Values Act repealed a provision in the Virginia Human Rights Act that previously limited the OHR's jurisdiction in employment cases
5. What is the process for adding timeframes into the Ordinance?
- a. OHR staff responds
 - i. The HRC could consider voting to adopt further amendments to the Ordinance after Council has had the opportunity to review and approve the current set of adopted amendments
 - ii. Current adopted amendments are being reviewed by the City Attorney's Office, along with a memo to Council outlining the reasons for the amendments
 - b. Deputy City Attorney responds
 - i. Suggests that Chair and OHR staff should be present at the Council meeting during which the amendments are being considered to advocate for

specific reasons to amend the Ordinance

- ii. Acting City Attorney has reviewed the memo and the adopted amendments
- iii. Deputy City Attorney will do a final review of the memo and ordinance
- iv. Final step is to request a spot on an upcoming Council agenda

c. RESOLUTION HR20-2 REVISIONS

- i. Chair notes that other Commissions are also seeking an internal process for accountability and assurance of equity and inclusion
- ii. OHR staff attempted to include revisions based on the comments during the October HRC regular meeting
- iii. Commissioner comment
 1. Felt changes addressed concerns from the last meeting
 - a. Appreciates that it notes that a process will be developed
 - b. Acknowledges the complexity of creating a list of actions that that may be harmful to the Commission
- iv. Commissioner comment
 1. Correction to final WHEREAS section: "public trust"
 - a. Corrected in the draft on Box
 2. Regarding the list of actions that may be harmful
 - a. Notes the influence that Commissioners have on social media should be explicitly addressed
- v. Commissioner comment
 1. Clarifies the difference between previous draft and the current draft
 - a. Current draft recommends the creation of a procedure
 - b. Previous draft was the procedure
- vi. Commissioner comment
 1. Expresses preference for previous draft from the standpoint of clarity
 2. Feels previous draft served as a better template for other boards and commissions
 3. Feels like the current version buries the process by recommending a separate procedural document
- vii. Commissioner comment
 1. Concur that if the procedure is imbedded within the resolution then it seems easier to find
 2. Transparency of the process and procedure should be considered
 - a. OHR staff responds
 - i. OHR documents could be make more publicly accessible through City website
 - ii. Currently public can find documents via Box.com link on HRC agendas
- viii. Commissioner comment
 1. Drafting a resolution that contains the procedures is more

publicly accessible than embedding the procedures in the HRC Rules and Procedures

- ix. Commissioner comment
 - 1. Expresses concern that this is a resolution to craft a resolution
 - 2. Forming an ad hoc committee to write the procedural resolution would be a better use of time
 - a. OHR staff responds
 - i. HRC could move to adopt the existing resolution then appoint an ad hoc committee to develop the procedure
- x. Commissioner comment
 - 1. Previous draft of resolution contained a procedure
 - 2. Feels that the concerns about the previous draft stemmed from how it was created
 - a. No ad hoc committee formed to draft the original version
 - b. Chair, Vice Chair and OHR staff drafted with guidance for Deputy City Attorney for presentation to HRC for consideration
- xi. Motion
 - 1. Move to revert to the original version of this resolution.
 - a. Kathryn
 - 2. Second
 - a. Lyndele
 - 3. Discussion
 - a. Commissioners review the previous draft language
 - b. Include a conditional clause that states that the Commissioner would recommend removal of the Commissioner only if good cause was determined
 - c. Could include a provision that the Commission will set up an ad hoc committee to investigate
 - d. Procedure could include three options for response: do nothing, reprimand, or remove
 - 4. Move to table the motion.
 - a. Kathryn
 - 5. Second
 - a. Lyndele
 - 6. Vote
 - a. In favor: 11
 - b. Opposed: 0
 - c. Abstained: 1 (Chair)
- xii. Next steps
 - 1. Chair requests a show of hands for an ad hoc committee to work on a new draft on the resolution
 - a. No Commissioner interest in an ad hoc committee
 - b. Chair and OHR staff will start a revised draft and share with the Commission in advance of the December meeting
 - 2. Re-cap of suggested revisions

- a. Add a clause that ad hoc committee would be formed to investigate
 - b. Add a clause that includes three options for a course of action: do nothing, reprimand, or remove
 - d. CITY TEMPORARY STAFFING DISCUSSION
 - i. Commissioner presents background as understood
 - 1. City has a practice of hiring temporary positions that in practice become more like permanent positions
 - 2. Result is that long-term employees who are in temporary positions cannot access benefits
 - 3. Lyndele began a draft document with attached recent data from Human Resources pertaining to temporary employees
 - ii. Commissioner discussion
 - 1. Discussion is about the general practice of temporary employment versus the recent actions taken by the City regarding temporary employees
 - 2. Recommendation might be for the City to clarify hiring categories
 - 3. One issue is that people were taking on multiple temporary, seasonal, or part-time positions resulting in the equivalent workload of a full-time City employee
 - a. Some people are working in these positions with the intention of short-term employment
 - b. Some people are routinely combining jobs to create the equivalent of full-time, long-term employment
 - i. City should be aware of this situation and consider converting these positions to something with benefits
 - 4. How many people are working beyond the short term and not receiving benefits?
 - a. Clarify the number of people who are using multiple temporary positions as long-term employment
 - b. Make a distinction between others who may be only seeking short-term employment without benefits
 - 5. Commission's role may only be to recommend that the City look into this more deeply
 - a. Encourage the City to recognize when people are using multiple temporary/seasonal/part-time positions to equate to full-time, long-term employment
 - iii. Deputy City Attorney responds
 - 1. City already has a legal obligation to offer benefits to employees that reach a certain number of hours
 - 2. Parks and Recreation has 492 different positions classified by duration
 - a. Part-time, benefitted
 - b. Full-time, benefitted
 - i. Year-round positions
 - c. Seasonal (part-time and full-time)
 - i. Categorized depending on the duration of the

- program tied to the position
3. Qualification for benefits is a different issue than the type of position
 4. City could move toward having fewer types of positions
 - a. For example, at present Parks and Recreation may have 492 positions available but only 150 people are employed to fill those positions
 5. All employee hours are tracked
 - a. Depending on the hours worked, they may qualify for health insurance, retirement, or other benefits
 - b. Even if an employee works enough hours to qualify for benefits, they may still not be in a permanent position
 6. Commission could do the following
 - a. Form a long-term committee to look at this issue
 - b. Consider how it attaches to the Commission's mission
- iv. Chair notes that classification is a hiring issue that existed prior to the pandemic
1. This issue was raised most recently because employees were let go
 - a. Was this because of the pandemic closing different programs?
 - b. Was this because of shifts in departmental leadership?
- v. Deputy City Attorney responds
1. This issue was raised in City Council because of the following
 - a. During the week of the start of the pandemic closures, of the 492 Parks and Recreation positions, 152 people were scheduled to work
 - b. City closed and 152 people could not work.
 - c. City paid all 152 employees from March through July even though they were not working
 - d. At the turn of the fiscal year
 - i. 30 to 40 people of the 152 were in customer service representative positions, which is a broad title that qualifies them to do a variety of tasks
 1. They were asked to come back to work to do jobs that were not exactly same as the work they regularly did
 - ii. City stopped paying all other employees in temporary positions that were not customer service representatives
 1. Potential financial shortfall if kept paying
 2. No time in the near future when any of these programs would re-open
 - a. Many were summer programs
 - b. Pandemic only getting worse
 2. Separate question
 - a. Should the City move from having many part-time

positions to fewer full-time positions?

- vi. Commissioner responds
 - 1. City could also be mindful of what it means to be temporary and part-time
 - 2. City should consider equity of treatment during a pandemic, as it relates to part-time and temporary vs. full-time and permanent
 - a. For example: If City continues to pay full-time salaried employee who cannot fully do their job, then City could consider paying temporary/seasonal part-time employees
 - b. Looking into this might reveal whether City is treating people as expendable because of classification
 - c. Another example: Instead of laying people off during the pandemic, offer other work
- vii. Deputy City Attorney responds
 - 1. Not aware of any situation in which full-time, salaried employees were being paid while not working
 - a. Either continued to work on-site or remotely
 - 2. All temporary employee were offered the opportunity to enter into a customer service representative position, even if they were in a different position previously
 - a. For example: customer service representatives were employed to tasked with temperature checks
- viii. Commissioner discussion
 - 1. Commission could make a general request to Council to continue looking into this
 - a. This is not an issue that can be resolved by the Commission
 - b. Individual Commissioners can go to Council meetings as City residents and encourage Council to pursue this
 - 2. This is a complex Human Resources issue but does not present a clear issue of discrimination
 - 3. Commission could request that the City examine the demographics of people who are employed in temporary vs. permanent positions
 - a. Could look for disparate impact on specific populations
 - b. Draft memo requests this information
 - 4. Commission does not have the capacity to evaluate the data
 - 5. Commission cannot make a call regarding why temporary employees chose not to accept offer of customer service positions
 - 6. Regarding the offer of customer service work
 - a. When was the opportunity offered?
 - b. How was the information passed to employees?
 - c. Were employees well informed about the resources attached to the opportunity?
- ix. Next steps
 - 1. **Re-write memo to share Commission concerns and recommend that Council look into this further**

a. Lyndele and Kathryn will collaborate

e. OHR STAFF REPORT

- i. Notes that written report is included in agenda packet
- ii. All protected classes included in the Ordinance amendments adopted by the Commission are now included in the service provision data
- iii. Case 2019-1
 1. May lead to a public hearing
 2. Suggests that Commission consider forming a committee to both serve as the hearing panel and to develop a set of procedures
 3. Prince William County HRC procedures are included in the agenda packet for reference
- iv. Case 2020-1
 1. Resolved with informal dialogue

f. CHAIR UPDATE

- i. Commission retreat
 1. Find a date
 2. Consider a facilitator for specific topic
 3. OHR staff will send a Doodle poll for a date and time
 4. OHR staff will set up a document on Box.com for Commissioners to submit retreat ideas
 5. Director previously held the planning of the retreat and did not engage the Commission in planning
 - a. Commission can explore how it handles retreat planning in the future
 - b. Incoming Chair will ultimately approve the retreat agenda
 6. General intent of the retreat
 - a. Build comradery
 - i. Group norms
 - ii. How to work as a group
 - b. Strategic planning
 - i. Goals for the coming year

5. WORK SESSION

- a. AD HOC COMMITTEE UPDATES
 - i. None

6. MATTERS BY THE PUBLIC

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

7. COMMISSIONER UPDATES

- a. Virginia Association for Human Rights
 - i. Still working on bylaws revisions
 - ii. Will forward draft to all member HRC's when complete

8. NEXT STEPS

- a. Shantell and OHR staff will update HR20-2.
- b. Nominations committee is still accepting nominees for Chair and Vice Chair

- c. Lyndele and Kathryn will take the lead on drafting a memo regarding temporary employees
- d. OHR staff will begin 2021 HRC Retreat planning
 - i. Create a Box.com document for accepting retreat ideas
 - ii. Send a Doodle poll with dates for the retreat
- e. Ad hoc committee for developing public hearing procedures and panel
 - i. Volunteers
 - 1. Laura
 - 2. Alex
 - 3. Mary
 - ii. OHR staff will coordinate meeting with ad hoc Committee and Communications staff to set a date and time
 - 1. Brian Wheeler notes that Commissions have up to 6 hours or 2 occasions of meeting time per month
 - iii. Laura will start an online document to start the discussion

9. ADJOURN

- a. Meeting adjourned at 8:30 pm.

Pending HRC Approval

Attachment 3

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	To be determined in consultation with the Clerk's Office and HRC Chair
Action Required:	Review the recommended amendments to the Human Rights Ordinance Adopted by the Human Rights Commission and approve the amendments or provide feedback for further revision.
Presenter:	Shantell Bingham Chair Charlottesville Human Rights Commission
Staff Contacts:	Todd Niemeier Community Outreach and Investigation Specialist Interim Director, Human Rights Commission Interim Manager, Office of Human Rights
Title:	Human Rights Ordinance Recommended Amendments

Background:

City Council approved the current Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville) on May 20, 2013. The Charlottesville Human Rights Commission (HRC) proposes several amendments to the Human Rights Ordinance (hereafter the Ordinance) for consideration and approval by City Council. The attached amendments mirror recent changes in state statutes, provide clarification regarding the investigation and issuance of findings pertaining to individual complaints of discrimination, and ensure that the Ordinance is better aligned with City Council's Vision and Strategic Plan.

Discussion:

During publicly noticed meetings in 2019 and 2020, the HRC considered public feedback regarding the effectiveness of the HRC and the Office of Human Rights (OHR). Specifically, there is concern about addressing individual complaints of discrimination and systemic issues of discrimination. At the regular meeting on July 16, 2020, the HRC Chair recommended the formation of an ad hoc committee to work with the City Attorney's Office and OHR staff to draft amendments to the Ordinance aimed at addressing some of the publicly raised concerns and recent changes in state law.

The ad hoc committee met with the City Attorney's Office and OHR staff on August 4, September 8, and October 6, 2020, to discuss and draft revised Ordinance language for presentation to the full HRC. The City Attorney's Office reviewed all draft Ordinance language for legality and alignment with state law, prior to presentation to the HRC for discussion. The ad hoc committee presented the draft Ordinance amendments to the HRC during the publicly noticed regular meetings on September 17, and October 15, 2020. During these meetings, the HRC discussed, and voted to adopt, the proposed amendments included in the attached copy of the Ordinance. OHR staff submitted the attached copy of the Ordinance, containing the amendments adopted by the HRC, for final review by

the City Attorney on October 30, 2020. If City Council approves the recommended revisions to the Ordinance, the HRC and OHR will develop a public outreach plan to raise awareness of the changes and how they might impact the local population.

Alignment with City Council’s Vision and Strategic Plan:

The Ordinance amendments, adopted by the HRC and recommended to City Council for approval, align with Council’s vision of the City as a leader in social justice and healthy race relations, and a City that is flexible and progressive in anticipating and responding to the needs of our citizens. Additionally, the adopted amendments align with the following Goals and Objectives within the Strategic Plan:

- Goal 1: Inclusive, Self-Sufficient Community
 - Objective 1.3: Increase affordable housing options
 - The amended Ordinance contains language that increases protections against housing discrimination, enabled by recent changes to the Virginia Fair Housing Law (Virginia Code Title 36, Chapter 5.1)
 - Relevant amended Ordinance sections
 - Sec. 2-431 (a), as to removal of housing to separate provision
 - Sec. 2-431 (b), pursuant to Va. Code Ann. § 36-96.1
 - Sec. 2-431 (c), pursuant to Va. Code Ann. § 36-96.1
 - Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
 - Sec. 2-437 (b) as to removal of referral to outside housing agency
 - Objective 1.5: Intentionally address issues of race and equity
 - The amended Ordinance contains language that increases protections against discrimination within all of the protected activities and protected classes, enabled by recent changes to the Virginia Human Rights Act (Virginia Code Title 2.2, Chapter 39), the Virginia Fair Housing Law (Virginia code Title 36, Chapter 5.1), and Virginia Code, Title 15.2, Chapter 9, §15.2-965.
 - Relevant amended Ordinance sections
 - Sec. 2-431 (a); pursuant to Va. Code Ann. § 2.2-3900
 - Sec. 2-431 (b); pursuant to Va. Code Ann. § 36-96.1
 - Sec. 2-431 (c) pursuant to Va. Code Ann. § 2.2-3901
 - Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
 - Sec. 2-437 (b) as to removal of referral to outside housing agency
- Goal 5: Responsive Organization
 - Objective 5.3: Provide responsive customer service
 - The amended Ordinance contains revisions that:
 - Allow more diversity and inclusiveness within the body of the HRC;
 - Sec. 2-432 (a)
 - Prioritize assistance to individuals who believe they are the victim of unlawful discrimination;
 - Sec. 2-433 (a)
 - Sec. 2-433 (c)
 - Maximize the jurisdiction of the OHR (concurrent with state and

federal law);

- Sec. 2-431 (a); as to removal of housing to separate provision.
- Sec. 2-431 (b), pursuant to Va. Code Ann. § 36-96.1
- Sec. 2-431 (c), pursuant to Va. Code Ann. § 2.2-3901
- Sec. 2-431 (d), pursuant to Va. Code Ann. § 36-96.1:1
- Sec. 2-437 (b), as to removal of referral to outside housing agency
- Clarify the process for investigation and issuance of findings regarding individual complaints of discrimination; and
 - Sec. 2-437 (b)
 - Sec. 2-437 (c)
 - Sec. 2-437 (d)
 - Sec. 2-437 (f)
- Adopt LGBTQ+ inclusive pronouns throughout the Ordinance.
 - Sec. 2-437 (c)
 - Sec. 2-439.1 (f)
 - Sec. 2-439.1 (g)

Community Engagement:

While the adopted amendments to the Ordinance are a response to changes in state law, as well as general best practices with regard to procedures and language, the HRC did consider public feedback when making its recommendations. On March 9, 2020, the HRC received a copy of a letter sent to City Council and the City Manager from Mr. Walt Heinecke, and endorsed by several local social justice advocacy groups, outlining nine suggestions for the restructuring of the HRC and OHR. Mr. Heinecke also shared public comment regarding the letter of suggestions during HRC regular meetings on June 18, August 20, and September 17, 2020. As noted in the “Discussion” section, the HRC discussed feedback from the public relating to the Ordinance revisions at several of its regular meetings during 2019 and 2020. All regular meetings of the HRC are open to the public. OHR staff posts public notice of all regular meetings on the City website calendar. All of the agendas, agenda packets, and minutes are available to the public via the City website. A draft of the revised Ordinance, which includes all of the amendments adopted by the HRC, is included in the draft minutes of the HRC regular meeting on October 15, 2020, which are posted on the City website.

Budgetary Impact:

Council’s approval of the amended Ordinance has no immediate fiscal impacts. The FY20 Budget includes funding for the current vacant position of OHR Manager/HRC Director. This position, if filled, would better equip the OHR and HRC to handle individual complaints of discrimination.

Recommendation:

The HRC recommends approval of the adopted amendments to the Human Rights Ordinance. OHR staff concurs with the HRC recommendation.

Alternatives:

If Council chooses not to approve the amendments to the Ordinance adopted by the HRC, the enforcement authority of the OHR and HRC will be less robust than what is allowable under current state laws that address illegal discrimination. As a result, citizens seeking assistance with

individual complaints of discrimination that would have been covered by the proposed amendments will necessarily be referred to other, potentially non-local, agencies.

The HRC respectfully requests a written response from Council detailing the reasons for the complete or partial disapproval of any of the proposed amendments so that it may attempt to revise the Ordinance language for future consideration by Council.

Attachments:

Attached please find a copy of the Charlottesville Human Rights Ordinance containing the amendments adopted by the HRC for recommendation to Council for approval.

KEY TO EDITS

Red strike-through: Text to be changed or removed.

Blue: New text.

(Note: some of the sub-heading labels may be red or blue, this may not reflect a change but rather the default formatting of Microsoft Word).

**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.

(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 be 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 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

Attachment 4

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

Deleted: 1

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; and

WHEREAS, following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council as per Sec. 2-432. (a) of the Ordinance.

BE IT RESOLVED that in the event that a member of the Commission is believed by the Commission to be engaged in activities that are harmful to the Commission and undermine public trust in the Commission and its duties and responsibilities, the Commission will:

Deleted: the Commission hereby recommends that City Council

Deleted: pursue the following actions when a

(a) Conduct an immediate review into the alleged activities to determine the facts of the matter. This review may be guided by an ad-hoc committee of no fewer than 2 persons; and

Deleted: Enable the

Deleted: Commission to oOrder

Deleted: investigation

(b) Upon the order of a review, suspend the Commissioner’s participation in any further official actions of the Commission while the review is ongoing; and

Deleted: n

Deleted: investigation

(c) Upon conclusion of the review, provide a written recommendation to City Council as to whether the Commission believes there is no need for further action or good cause for removal or reprimand of the Commissioner,

Deleted: investigation

Deleted: investigation

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Deleted: determination

Deleted: City Council finds

Deleted: ,

Deleted: , or no action of the Commissioner

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Dated this _____ of _____, 2020.

Shantell Bingham, Chair, Human Rights Commission

Attachment 5

**Office of Human Rights
Todd Niemeier Monthly Staff Report
December 2020**

Service Provision Data:

The chart below includes all service data entered as of 12/10/2020

- Data currently entered through 10/31/2020
 - Due to an uptick in individual service provision activities no data entry has been completed for November
 - Expect a full 2020 annual data set prior to the next HRC meeting in January
- 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)

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	129	0	0	1742
<i>Total Incoming Contacts</i>	207	230	158	69	81	61	26	45	43	75	0	0	995
<i>Average Incoming Contacts/Day</i>	9	12	8	3	4	3	1	2	2	3	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	2	0	0	217
<i>Total Staff Follow-ups (Outgoing)</i>	56	36	80	180	72	36	18	24	31	32	0	0	565
<i>Total Third Party Contacts (Outgoing)</i>	25	52	38	4	7	7	3	10	14	22	0	0	182

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
Total Open Inquiries													9
Total Closed Inquiries													42
Total Dismissed Inquiries													0
Total Open Complaints													0
Total Closed Complaints													0
Total Dismissed Complaints													0
Primary Service: Appointment Set-up	51	23	13	1	1	1	0	5	4	0	0	0	99
Primary Service: Clerical Assistance	0	8	0	0	2	0	1	0	1	0	0	0	12
Primary Service: Counseling	51	39	25	7	5	5	5	7	12	18	0	0	174
Primary Service: Event Information	1	1	1	0	0	0	0	0	0	0	0	0	3
Primary Service: Investigation Activity	11	11	5	3	1	0	1	9	10	19	0	0	70
Primary Service: Information	166	234	180	24	62	51	26	56	60	91	0	0	950
Primary Service: Mediation Related Services	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Outreach Coordination	8	2	4	0	0	1	0	2	1	1	0	0	19
Primary Service: Public Hearing	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Volunteer Coordination	0	0	0	0	0	0	0	0	0	0	0	0	0
Primary Service: Helpline - COVID Response	0	0	48	218	89	46	14	0	0	0	0	0	415
Total Formal Investigations: - Employment													0
Total Formal Investigations: - Housing													0
Total Formal Investigations: - Public Accommodation													1
Total Formal Investigations: - Credit													0
Total Formal Investigations: - Private Education													0

Active Investigations:

- Case 2019-1
 - Public Accommodation Discrimination on the basis of race
 - Determination of probable cause served on 11/12/2020 by Acting City Manager John Blair
 - Next steps
 - Complainant considering conciliation offer from Respondent
 - If conciliation fails, potential for public hearing by HRC
- Case 2020-2
 - Housing Discrimination on the basis of race
 - Case authorized for investigation on 11/25/2020

Outreach:

- Service Provision
 - Fair Employment Practices Agency (FEPA) Inquiry
 - Awaiting reply from James Yao at EEOC
 - Fair Housing Assistance Program (FHAP) Inquiry
 - Received response from HUD attorney that included feedback on current Ordinance revisions necessary to show substantial equivalence to federal fair housing law – a prerequisite to FHAP application
 - After current proposed Ordinance amendments are reviewed by Council, ad hoc Ordinance committee could consider HUD's feedback
 - Workshare MOU with Virginia Attorney General's Office
 - Draft MOU under review by Tom Payne and Mona Siddiqui in AG's Office
 - Mona will be moving on from AG's Office and Tom Payne will serve as contact
 - Planning door-to-door contactless outreach in partnership with other community organizations
 - South First Street Public Housing (12/22/2020)
 - 6th Street Public Housing (12/23/2020)
- Education & Awareness
 - Would like to revise our general services brochure and fair housing brochure once the Ordinance is updated
- Facilitation & Leadership
 - Public Housing Association of Residents – Residents for Respectful Research (RRR)
 - MOUs with UVA in final steps
 - Shelby Edwards is the new PHAR Executive Director!
 - PHAR now considering hiring an RRR Coordinator
 - Planning underway to develop more accessible CITI training modules for resident reviewers
 - OHR staff drafting revised language of first module for RRR advisory team review
 - Affordable Housing
 - Code for Charlottesville has nearly completed the affordable housing navigation software
 - TJPDC regional housing directory is now online – potential for data sharing between TJPDC and Code systems
 - Most recent multi-organizational discussion took place on October 20, 2pm to 3pm via Zoom
 - PACEM has expressed interest in hosting and managing the completed housing navigation software
 - 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