



**Human Rights Commission
Regular Meeting
March 18, 2021
Virtual/Electronic Meeting
6:30 pm**

Agenda Packet Attachments

1. Agenda
2. 01-21-2021 DRAFT HRC Regular Meeting Minutes
3. 02-27-2021 DRAFT HRC Annual Retreat Minutes
4. Proposed revisions to the OHR Director position description
5. DSA Eviction Court Observations
6. OHR staff report

Attachment 1



**Human Rights Commission
AGENDA
Regular meeting
March 18, 2021
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. 01-21-2021 HRC Regular Meeting
- b. 02-27-2021 HRC Annual Retreat

4. BUSINESS MATTERS

- a. OHR Manager/HRC Director Hiring
- b. OHR STAFF REPORT
- c. CHAIR UPDATE

5. WORK SESSION

- a. AD-HOC COMMITTEE UPDATES
 - i. Housing Committee
 - ii. Accessibility Committee

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
January 21, 2021
Virtual/Electronic Meeting
6:30 pm**

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

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Mary Bauer, called the meeting to order at 6:32 pm
- b. ROLL CALL
 - i. Mary Bauer
 - ii. Kathryn Laughon
 - iii. Jeanette Abi-Nader
 - iv. Shantell Bingham
 - v. Jessica Harris
 - vi. Sue Lewis
 - vii. Tobiah Mundt
 - viii. Andrew Orban
 - ix. Alex Oxford
 - x. Lyndele 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 July 16, 2020 Regular Meeting*
 - i. Motion to approve as written
 1. Sue Lewis
 - ii. Second
 1. Kathryn Laughon
 - iii. Discussion
 1. None.
 - iv. Vote
 1. In favor: 7
 2. Opposed: 0
 3. Abstained: 2 (Including Chair)

4. BUSINESS MATTERS

- a. Fair Housing Assistance Program (FHAP) Overview w/ Erik Steinecker

- i. HUD provides annual, non-competitive funding to states and local governments that provide rights, remedies, and procedures that are substantially equivalent to the federal Fair Housing Act.
- ii. Once substantial equivalence is achieved, the program is ongoing.
- iii. HUD also provides technical assistance and funding to FHAP agencies.
- iv. FHAP agencies must demonstrate the following
 1. Backing of the state or local government
 2. Ability and commitment to process complaints
- v. Funding from HUD include
 1. Complaint processing funds
 2. Administrative cost funds
 3. Training dollars based on number of FTEs
 - a. Both for staff development and associated travel
- vi. Two phases of substantial equivalence certification
 1. Interim certification
 - a. Can last up to 3 years
 - b. Trial period – not full certification
 - c. Includes general funding to build capacity
 - d. Agency has an interim agreement contract with HUD
 - i. This serves as the funding agreement
 - ii. Funds are based on performance rendered
 2. Full certification
 - a. Will last 5 years
 - b. Region 3 HUD office will do recertification
 - i. Government Technical Representatives (GTR)
 - ii. Government Technical Monitors (GTM)
 - c. Regional GTR and GTM are primary contacts
 - i. Agency reports cases received
 - ii. Provide technical guidance to agency
 - d. Recertification every 5 years
 - e. Performance assessment every 2 years
 - i. GTM will visit agency
 - ii. Case file review
 - iii. Staff conversations
 - iv. Ensure agency meets performance standards
 1. Quality complaint processing
 2. Limited use of administrative closures
 3. Attempted use of conciliation

- throughout the investigation process
 - 4. Obtaining meaningful and adequate relief
 - 5. Doing education and outreach
 - 6. Processing the minimum number of cases required for size of jurisdiction
 - a. Charlottesville population ~50K
 - i. First tier (under 90K): 4 cases/year
 - ii. Agencies are not held to this standard during the capacity-building stage
 - b. Processing involves
 - i. Intake
 - ii. Investigation
 - iii. Attempt to conciliate
 - iv. Closure
 - vii. Commissioner asks for clarification on administrative closures
 - 1. Administrative closures can occur when
 - a. Complainant is non-responsive
 - b. Non-responsive witnesses
 - c. Respondent moves and can't be found
 - d. Complaint is non-jurisdictional
 - e. Withdrawal without resolution
 - viii. HUD payments to agencies
 - 1. HUD will still compensate the agency
 - a. Full case closure in 2020: \$3,000
 - b. Admin. closure in 2020: \$1,500
 - c. Effective conciliation: +\$200 (along with case closure)
 - i. Meaningful relief for individual
 - ii. Public interest relief
 - 1. Alleviates future complaints
 - a. Training
 - b. Policy changes by respondent
 - 2. Capacity-building stage
 - a. HUD has discretion to give up to \$120K
 - b. Goes up or down depending on agency use/need
- ix. Benefits to FHAP

1. Considered “ultimate idea of federalism”
 - a. Locality enforces its own civil rights matters
 - i. HUD supports and helps build capacity
 - b. 80% of fair housing complaints are handled locally
 - i. HUD handles the other 20%
 2. HUD offers funding to build capacity and train
 3. Once agency fully certified, other funds available
 - a. Partnership funds
 - i. Work with other orgs to do outreach
 1. Testing with FHIP agencies
- x. Obligations of agency
1. Must provide quality investigations
 - a. Take the case through final disposition
 - i. Hold an administrative hearing and issue a final order on the merits of the case
 1. HUD can provide \$5,000
 - ii. If no administrative hearing, allow parties to elect
 1. Agency takes case forward on behalf of complainant in a civil action
 2. HUD can provide \$8,000 if case filed in court
 - b. Sometimes conflict can arise with the legal office
 - i. Agency and city attorney’s office
 - ii. At the state level: agency and AG’s office
 - b. Sometimes there is a capacity issue with agencies that have enforcement duties over multiple protected activities
 - i. If FHAP: 20% of funding and staffing must be committed to fair housing
- xi. Commissioner asks about staffing requirements for FHAP
1. HUD supports jurisdictions that are smaller than Charlottesville
 - a. Some agencies only have half an FTE dedicated to the FHAP
 - b. Whatever the staff level, agency must meet requirements
 2. HUD can support the agency to build capacity, but that funding should not be the sole support since it runs out
 - a. City must meaningfully support the agency
- xii. Commissioner asks about the 20% requirement

1. 20% of the budget must be dedicated
 - a. Education and outreach
 - b. Investigator payroll
 - c. Materials in support of fair housing
 2. Demonstrate that 1/5 of energy and resources dedicated
 3. There is a grace period during the capacity-building stage
 - a. This is the time to confirm the support of the City
- xiii. 24 CFR part 115
1. Shows the detailed administrative requirements of FHAP
 - a. 307 (Part 3)
 - i. Budget and finance
 - ii. Recording and recordkeeping
 - iii. Testing
 - iv. Training
 - v. Data support system
 1. HUD has a case processing system
 - vi. Other civil rights requirements
 - vii. Constitutional issues referred to HUD
 - viii. Subcontracting of services
 1. What can and cannot be subcontracted
 2. Agency investigates, decides, and enforces
 - b. 206 (Part 2)
 - i. Performance standards
 - c. 204
 - i. Adequacy of law
 - ii. Everything in this section needs to be in agency's ordinance
- xiv. Commissioner asks about separation of decision-making processes by staff, i.e. investigation vs. issuing findings
1. This varies by agency
 - a. Some are state agencies that partner with AG's office and don't even have Commissions
 2. Review of case process and timeliness requirements
 - a. Complaint received
 - b. Intake process to determine jurisdiction
 - c. Complaint dual-filed (w/in 20 days of receipt)
 - i. Case opened
 - ii. Report to HUD
 - d. Notice sent to parties to complaint
 - e. Respondent has 10 days to respond
 - f. Agency starts the investigation (w/in 30 days)
 - i. After notice sent out

- g. 100 days to finish investigation
 - i. If not completed, 100-day letter sent
- h. Up to one year for final disposition
 - i. If reasonable cause
 - 1. Issue determination
 - 2. Provide instructions
 - 3. If there is a hearing body
 - a. Afford opportunity to go to court
 - 4. If no hearing body
 - a. Goes straight to court
 - 5. Most cases conciliate
 - a. Agency would draft agreement
 - b. Agency would monitor compliance
- 3. All of the case processes could be done by one person
 - a. Some agencies have mediators on staff
 - b. At HUD
 - i. Investigator
 - 1. Handles investigation and settlement
 - ii. Director
 - 1. Issues determination
 - c. Not sure how many agencies have one person doing all steps
 - i. Local laws/ordinances may dictate the roles of staff
- xv. Commissioner asks about the necessity of amending the Charlottesville Human Rights Ordinance in order be a FHAP
 - 1. Formal process
 - a. Present substantially equivalent ordinance along with a letter requesting consideration
 - b. HUD general counsel will then review
 - 2. Informal process
 - a. Erik and Joe (Director) offer informal review and suggestions first
 - b. Can guide the agency toward drafting an ordinance that can pass at the local level
 - c. The process takes time (year to year and a half)
 - i. HUD gives feedback on the ordinance
 - ii. Local agency passes amended ordinance
 - iii. Local agency submits for formal review
- xvi. Commissioner asks if the formal review must take place before

the interim agreement can start

1. Yes. The substantially equivalent ordinance must be in place.
 2. Rights, remedies, and procedures must be in place for the agency to provide the service.
- xvii. Staff asks if HUD software has an associated fee charged to the agency
1. HUD Enforcement Management System (HEMS)
 - a. Does not cost the agency to use
 - b. HUD created and maintained
 - c. This is how HUD tracks the cases
 - d. It is a requirement of the program
 - e. HUD can provide reports back to the agency
 2. Some agencies use their own system and HEMS
 3. Smaller agencies may only use HEMS
- xviii. Staff asks that if there is an obligation by the agency to provide legal counsel to the Complainant if there is a determination of cause and the case entered into civil action in general district court
1. Varies by agency
 2. The agency is required to bring a case forward on behalf of the Complainant
 3. The agency does not represent the Complainant
 4. At HUD
 - a. Will hold an administrative hearing
 - b. Department of Justice will bring the case forward in court
 - c. The Complainant may have their own counsel as well
 5. For the City
 - a. The Commission will hold a hearing
 - b. The City Attorney's Office will bring the case forward in court
 - c. The Complainant may have their own counsel
 6. City attorney would represent the Commission or City of Charlottesville
 - a. Some offices challenge this because sometimes the legal office does not agree to bring the case
 - b. To alleviate this conflict
 - i. Involve the legal office early if probable cause is suspected
 - ii. This also ensures that the investigation includes getting documents and testimonies that the legal office would need

- iii. Once the case moves to adjudication
 - 1. The request for documents becomes more formal, so it is easier to request documents at the investigative stage
- iv. Best functioning agencies are ones that have a good relationship with the legal team
- xix. Commissioner question about whether other activities like studies of discrimination would count toward the 20%
 - 1. The 20% requirement is vague for a reason, i.e. "it depends"
 - 2. Would assume that a long-term study about housing discrimination would be a proper use of the funding
 - a. As long as the funding does not appear to be propping up the agency and it is still meeting the enforcement requirements
 - 3. These requirements apply only to fully certified agencies
- xx. Commissioner asks about legal representation for a Complainant that cannot afford an attorney. Would the Complainant be expected to self-represent? What would the role of the Office of Human Rights be?
 - 1. The attorney bringing the action forward does not represent the Complainant
 - 2. The attorney bringing the action forward represents the agency
 - a. If the agency reasonable cause to believe that discrimination has occurred within its legal jurisdiction
 - 3. Certain Cities might not have legal authority, per the ordinance, to represent a private citizen
- xxi. Commissioner asks if the City asks for damages on the Complainants behalf or if the remedy relates only to the violation of the ordinance.
 - 1. The City attorney can ask for the following on behalf of the Complainant
 - a. Compensatory damages
 - b. Injunctive relief
 - c. Punitive damages
 - i. Punishment for discrimination
 - ii. Civil penalties
- xxii. Commissioner asks if incorporating Erik's suggestions into the Ordinance and making the letter of request would be sufficient to begin the process of entering into an agreement with HUD or if

the ordinance needs additional changes.

1. Probably both, as it is a process
 2. The Office of General Counsel (OGC) will do a review
 3. The Assistant Secretary for Fair Housing will make a final decision
 4. The timeline is not guaranteed
 5. Erik and Joe will provide guidance along the way
 6. OGC may come back with additional recommendations
 - a. Because Joe used to do OGC reviews, he can offer helpful guidance
 7. The HRC should put together another draft of the ordinance and Erik can provide additional guidance
 8. The most substantially equivalent version of the Federal Fair Housing Act is the language in the Act itself
 - a. If an agency's ordinance is deficient in a particular section, cutting and pasting the Fair Housing Act is a way to ensure substantial equivalence
 9. HUD considers that it is already engaged in the conversation about FHAP with the Charlottesville HRC
 - a. Oftentimes they will provide feedback to an agency on what needs changing in the ordinance and the agency does not respond further
- xxiii. Commissioner asks if part of the HUD funding could be used for staff salaries.
1. Capacity-building funds are flexible
 - a. Agency must determine where resources are needed
 - b. As long as fall into performance requirements set by HUD during the interim period, the money can be used flexibly
 2. Once fully certified
 - a. Case processing funds
 - i. Provided for the case completion and performance
 - ii. How the funds are used is up to the agency
 - b. Administrative cost funds
 - i. Based on the size of the jurisdiction and calculated based on area costs
 - c. Training funds and Partnership funds
 - i. Require prior approval before use for specific purposes
 3. CARES Act gave HUD Fair Housing \$1.5 million to distribute
 - a. Sent out RFPs to FHAPs

- i. Some FHAPs hired additional staff
 - 4. The key is to demonstrate commitment
 - a. Show that the City supports the program
 - b. Demonstrate that 20% of the budget goes to fair housing
 - c. Show that HUD is not just propping up the program
 - d. Capacity-building stage should help the agency be prepared for this
- xxiv. Commissioner notes that part of City Council and City Management being interested in supporting the FHAP process will be to show that HUD can help fund staff positions.
 - 1. Some small jurisdictions process a lot of cases and the funding does help
 - 2. Localities use “E-locks” as a way to receive funds through HUD
 - 3. Payments are made during the fourth quarter of each year
 - a. July 1 – June 30 is the case processing period
 - 4. Agencies have 5 years to draw the money down
 - a. Some agencies pull the funds immediately
 - b. Others take more time
 - 5. Training and Admin funds come with full certification
 - a. Dependent upon caseloads and number of FTEs
- xxv. Vice Mayor Magill asks if subcontracting is permitted in the ordinance if it only pertains to the other protected activities outside of housing.
 - 1. Many jurisdictions create separate fair housing ordinance
 - a. Or a separate subsection within the same ordinance
 - 2. Some jurisdictions will try to combine enforcement procedures within the same ordinance for different protective activities
 - a. This can be problematic
 - i. Example: EEOC procedures are different that HUD procedures
 - 3. When procedures are combined across all protected classes it affects substantial equivalence
 - a. Especially if a state law affects the procedures for one protected activity that then jeopardizes substantial equivalence for housing
- xxvi. Erik reiterates that he is available for additional questions
 - 1. Erik departs the meeting
- xxvii. Chair recommendations for next steps
 - 1. Discuss both FHAP and FEPA at the retreat on 2/27/21

2. Consider the level of commitment required to enter into one or both
 3. Still need more information on FEPA
 - a. Staff response
 - i. James Yao has offered to meet with the Chair and Vice Chair
 - ii. Staff will attempt to schedule prior to the retreat
 - iii. He was not prepared to attend the retreat or a Commission meeting at this time
- xxviii. Chair asks if Commissioners have further thoughts
1. Commissioner comments
 - a. Feel like this was the first major step toward understanding the FHAP commitment
 - b. Interested in discussing further and deciding next steps during the retreat
 - b. HRC Director/OHR Manager hiring discussion
 - i. During the presentation to Council on 1/19/2021, Chair emphasized the need to hire a Director for the OHR/HRC
 - ii. Chair asks HRC about next steps to move this forward
 1. Commissioner comments
 - a. Definite need for staffing as the Director position has been vacant for almost one year
 - b. Staffing is needed to get significant work done
 - c. HRC has reviewed the position description and offered suggestions
 - d. If Council feels that the HRC is valuable, then hiring a Director needs to be a priority
 - e. Reaching out to the new City Manager for a meeting with Chair and Vice Chair would be a good next step
 - f. Job description should be revisited
 - g. Waiting for other positions to be filled prior to hiring the Director does not seem like a reasonable
 - iii. Chair provides an brief report the presentation on 1/19/2021
 1. Council recommended a few minor revisions to Ordinance
 2. Council will add the revised Ordinance to the consent agenda for their meeting on 2/1/2021
 3. Chair and staff emphasized the need for hiring a Director
 4. Council gave the impression that hiring a Director was important
 - iv. Commissioner comments
 1. Previous staffing decisions were made under Dr. Richardson as City Manager

2. Dr. Richardson also re-worked the City's organizational structure which put the HRC/OHR in a diminished position
 3. Agreement that meeting with the new City Manager, advocating for the hiring of a Director, and clarifying the HRC/OHR position in the organizational structure is important
 4. **Chair and Vice Chair will move forward to set up a meeting with the City Manager**
- v. Vice Mayor Magill comments
1. Suggests revisiting the Director position description especially if the enforcement duties are prioritized
 - a. Chair response
 - i. Agrees that revisiting the job description would be valuable
 - ii. **Chair will work on a revised draft of the Director job description**
- vi. Commissioner asks where to find the federal statutes referenced by Erik Steinecker
1. Staff notes that the statutes are referenced in Erik's comments on the Ordinance
 2. Staff also put the comments in a separate document with links the referenced federal statutes (see attached)
- vii. Commissioner asks about the timeframe for Council approval of the Ordinance
1. The revised Ordinance will be on the 2/1/2021 Council consent agenda
- viii. Commissioner asks if there needs to be a vote regarding the meeting with the City Manager to advocate for a Director
1. Chair notes that the Ordinance mandates the hiring of a director and a vote seems unnecessary unless a Commissioner feels strongly that there be a vote
- c. OHR STAFF REPORT
- i. Staff shares the changes to the Ordinance suggested by Council
 1. Sec. 2-432
 - a. Replaced "as well as" with "and"
 - b. Added "significant and" before "demonstrable ties"
 2. Sec. 2-437 (c)
 - a. Replaced "jurisdiction" with "if the Complainant presents a prima facie case"
 3. Next steps
 - a. **Present the revised Ordinance to City Attorney for approval and conversion to ADA compliant document**
 - i. Allyson Davies gives her approval of

language and instructs staff to email Lisa Robertson and request her approval and the conversion

- b. **Submit ADA compliant document to Clerk for inclusion in consent agenda for 2/1/21 Council meeting**

4. Other updates

- a. Service data for 2020 is included in the staff report in the agenda packet
- b. Annual report for CY2020 to be compiled soon
 - i. **Staff will meet with Chair and Former Chair to discuss**

d. CHAIR UPDATE

- i. Strategic planning during retreat on 2/27/21
 - 1. Goal is to complete the retreat having one or two big things to work on
 - 2. Encourages Commissioners to think of ideas and circulate those ideas
 - 3. Encourages members of the public to also share ideas
 - 4. One potential idea
 - a. All tenants in eviction cases have lawyers
 - b. Open to other ideas, this is one example
 - 5. Guiding theme: creating a more equitable City

5. WORK SESSION

- a. No ad hoc committee updates

6. MATTERS BY THE PUBLIC

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

7. COMMISSIONER UPDATES

- a. Sue
 - i. VAHR set next meeting for Monday, 2/22, 7:00pm
 - ii. Asks if dues are paid
 - 1. Staff confirms that dues were paid for 2020
 - a. Notes that an invoice is necessary for 2021 dues
 - iii. No new changes to the bylaws around dues
 - iv. Sue will confirm that VHAR treasurer has all Commissioner names
- b. Kathryn
 - i. Sunday, 1/24, 1:00pm
 - ii. Jefferson School African American Heritage Center
 - iii. Community conversation about the COVID vaccine
 - iv. Shelby Edwards will moderate
 - v. Will be on Facebook Live
 - vi. Asks Commissioners to help share the message

8. NEXT STEPS

- a. Chair and Vice Chair will move forward to set up a meeting with the City Manager
 - b. Chair will work on a revised draft of the Director job description
 - c. Staff will send the revised Ordinance to the City Attorney for final approval and conversion to ADA compliant format
 - d. Staff will send the approved and ADA compliant Ordinance to the Clerk by Friday 1/22/21, for inclusion in the 2/1/21 Council consent agenda
 - e. Sue will ask the VAHR Treasurer about membership dues for 2021
- 9. ADJOURN**
- a. Meeting adjourned at 8:12pm

Pending HRC Approval

Overview of Erik Steinecker's Review of the Human Rights Ordinance

Quick summary of needed changes to Ordinance

1. Ordinance Sec. 2-431
 - a. Specifically state what actions constitute housing discrimination
 - b. Include a retaliation provision
2. Ordinance Sec. 2-437
 - a. Include specific investigative procedures rather than references to other laws
 - i. Notice requirements
 - ii. Investigation timeframes
 - iii. Ability to file a response by respondent
 - iv. Service of charge
 - b. City must be a party to any agreement arising from conciliation
 - i. Must monitor terms and ensure implementation
 - c. Cannot sub-contract any part of the core investigative functions
3. Ordinance 2-439.1
 - a. Must specify that, upon a finding of probable cause, the case must proceed to enforcement either through:
 - i. An administrative hearing
 - ii. Filing a civil action and proceeding through final disposition
 - b. If an administrative hearing is offered, the City must provide an **election option** stipulating that:
 - i. Either party can choose to elect to have claims asserted in civil action.
 - ii. Notice requirement on the party requesting election.
 - iii. If election is made, the law official shall commence and maintain a civil action on behalf of the aggrieved person.
 - c. The City or the HRC must have the authority to:
 - i. Grant or seek prompt judicial action
 - ii. Issue and seek enforceable subpoenas
 - iii. Grant actual damages in administrative proceeding
 - iv. Grant injunctive or other equitable relief
 - v. Provide civil penalties and an election option
 - d. Where reasonable cause is found...
 - i. The Complainant must have the ability to have their case proceed through civil action **AND** the City is responsible for bringing forward a case on behalf of the Complainant.

Sec. 2-431 (a)

1. Missing familial status as a protected class, which is more expansive than “pregnancy/childbirth”.
 - a. **OHR Note: Familial status is included in the proposed amendments to the Ordinance currently under consideration by Council.**

Sec. 2-431 (b)

1. Generally, this ordinance sites to state and federal law, but does itself specially define what actions constitute discrimination in housing (*e.g.*, 42 U.S.C. §§ 3604 – 3606).
 - a. <https://www.law.cornell.edu/uscode/text/42/3604>
2. No retaliation provision comparable to § 3617.
 - a. <https://www.law.cornell.edu/uscode/text/42/3617>

Sec. 2-437 (b)

1. Per 24 C.F.R. § 115.204(f), “a law will be found inadequate ‘on its face’ if it permits any of the agency’s decision-making authority to be contracted out or delegated to a non-governmental authority.”
 - a. **OHR Note: The proposed amendments to the Ordinance removes referral to PHA and the EEOC.**

Sec. 2-437 (c)

1. This section is missing the following (analogous to 42 U.S.C. § 3610 - <https://www.law.cornell.edu/uscode/text/42/3610>) such as:
 - a. **Notice requirements** (*e.g.*, of filing, response, findings)
 - b. **Investigation timeframes** (*e.g.*, filed within 30 days, response within 10 days, 100 days to complete investigation, final disposition within one year).
 - c. Ability to file a **response** by respondent
 - d. **Service** of a charge
2. The FHAP implementing regulation at 24 C.F.R. § 115.204 (<https://www.law.cornell.edu/cfr/text/24/115.204>) identifies what investigative procedures are specifically required to be stipulated in the law itself (as opposed to other laws or regulations).

Sec. 2-437 (e)

1. As per the FHAP implementing regulation at 24 C.F.R. § 115.204(a)(2)(iv), “any conciliation agreement arising out of conciliation efforts by the agency shall be an agreement between the respondent, the complainant, and the agency.” (emphasis added). Once executed, the agency should monitor the terms of the agreement to ensure implementation. (<https://www.law.cornell.edu/cfr/text/24/115.204>)

Sec. 2-437 (f)

1. As noted above, this would be considered inadequate on its face for subcontracting out core investigative functions.

Sec. 2-439.1 (b)

1. Under the Act at 42 U.S.C. § 3610(g) (<https://www.law.cornell.edu/uscode/text/42/3610>) and under the FHAP regulation at 24 C.F.R. § 115.204(b) (<https://www.law.cornell.edu/cfr/text/24/115.204>), a case must proceed to enforcement upon a

finding of probable/reasonable cause, either through an administrative hearing or by filing a civil action and proceed through final disposition.

Sec. 2-439.1 (c)

1. Note, that if an administrative hearing is provided to the parties, the agency must also provide an **election option** analogous to 24 U.S.C. § 3612 (a) and (o) (<https://www.law.cornell.edu/uscode/text/42/3612>). The election provision should stipulate that:
 - a. Either party can choose to elect to have claims asserted in civil action
 - b. Notice requirement on the party requesting election.
 - c. If election is made, the law official shall commence and maintain a civil action on behalf of the aggrieved person.

Sec. 2-439.1 (i)

1. Under 24 C.F.R. § 115.204(b) (<https://www.law.cornell.edu/cfr/text/24/115.204>), the agency or commission must have the authority to grant or seek prompt judicial action, issue and seek enforceable subpoenas, grant actual damages in an administrative proceeding, grant injunctive or other equitable relief, provide provided civil penalties, and an election option.

Sec/ 2-439.2 (b)

1. Where reasonable cause is found, the complainant must have the ability to have their case proceed through a civil action, and the agency is responsible for bringing forward a case on behalf of the complainant.

Attachment 3



**Human Rights Commission
Meeting Minutes
Annual Retreat
February 27, 2021
Virtual/Electronic Meeting
1:00 pm to 5:00 pm**

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

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Mary Bauer, called the meeting to order at 1:00 pm
- b. ROLL CALL
 - i. Mary Bauer
 - ii. Kathryn Laughon
 - iii. Jeanette Abi-Nader
 - iv. Shantell Bingham
 - v. Ernest Chambers
 - vi. Jessica Harris
 - vii. Wolfgang Keppley
 - viii. Sue Lewis
 - ix. Tobiah Mundt
 - x. Andrew Orban
 - xi. Alex Oxford
 - xii. Lyndelee 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.*
- d. ICEBREAKER
 - i. Commissioners and staff introduced themselves and answered an icebreaker question.

2. The Future of Human Rights Protections

- a. FEPA, FHAP, and Values Act overview
 - i. Chair notes that she and OHR staff participated in a meeting with the EEOC during the past week to learn what is required to enter a FEPA agreement.
 - ii. Commissioners acknowledge having reviewed the chart in the agenda packet comparing the FEPA, FHAP, and Current Ordinance.
 - iii. Staff notes that a potential workshare agreement with the Attorney General's Office Division of Human Rights is also a possibility.
 1. Currently awaiting an opportunity for a follow-up discussion with the Attorney General's Office.
 - iv. Open discussion regarding potential next steps for FEPA and FHAP
 1. Advantages to local residents could include the following the ability to file a state/local and federal complaint in one location.

2. Neither FEPA or FHAP provide funds for Complainants or Respondents to seek legal counsel.
 - a. Commissioners have expressed an interest in the City providing financial resources for Complainants seeking legal counsel.
 - b. The City, as a government agency, and the HRC, as an agent of the City and as an adjudicating body in the hearing of complaints, must show impartiality if it were to provide funds for legal counsel, and therefore the opportunity for funding must be available for both sides.
 - c. The HRC could create a fund with an application process.
 3. FHAP provides guidance, training opportunities, and start-up funding for local agencies.
 4. FEPA appears to only provide reimbursement for cases.
 5. Local filing of a federal complaint through a FEPA or FHAP is easier than going to Richmond to file with the EEOC or DPOR.
 6. Ordinance revision process appears to be well-supported by HUD staff through the FHAP process.
 - a. An HRC ad hoc committee could work with OHR staff to create the draft ordinance that has substantial equivalence to federal fair housing law.
 - b. The HRC could present the draft to HUD for feedback before bringing the final version to Council for consideration ahead of an application for interim certification as a FHAP.
 7. The background work necessary to apply for FEPA and FHAP status could begin now and does not require the hiring of the HRC Director/OHR Manager beforehand.
 - a. Actual entry into a FEPA or FHAP contract would be difficult without a Director in place.
- b. Review of the amended Human Rights Ordinance
- i. Chair reviews the process around Council's adoption of amendments in addition to those presented by the HRC.
 1. Revisions to the Ordinance were presented to the HRC on the Sunday before the Ordinance was slated for a vote on the consent agenda for City Council's meeting on February 1, 2021.
 2. Due to public meeting requirements, the HRC was not able to discuss and act on these revisions.
 3. During the Council meeting there were two options
 - a. Adopt the Ordinance with the new revisions.
 - b. Postpone adoption pending further discussion.
 4. Chair advocated for passage given that OHR staff had reported there were pending complaints that could not move forward without adoption of the revised protected activities and protected classes.

5. It was not clear why the other revisions proposed by Council were urgent.
 - a. The HRC had explained to Council that it would likely be presenting additional changes to the Ordinance as part of the FHAP application process.
 6. Council chose to move forward with approving the Ordinance with the added revisions.
- ii. OHR staff presents a summary of Council's changes to the Ordinance.
1. Sec. 2-432 (a)
 - a. Reduction in size of the Commission to 9 members.
 - i. There will be a point in the future of the HRC where more than 9 of the current members' terms will end at the same time.
 - b. Requirement that two Commissioner seats be reserved for people with specific backgrounds
 2. Sec. 2-432 (d)
 - a. Moved the provision that the Commission can adopt bylaws and procedures from (b) to (d)
 - b. Tied the above to the provision that said adoptions are done in accordance with City Council's adopted "Rules for Public Participation."
 3. Sec. 2-432 (f)
 - a. Addition of requirements that the Director demonstrate specific experience as defined by other sections of the Ordinance.
 4. Sec. 2-432 (g)
 - a. Stipulates that City Council will establish operating procedures for the Commission.
 - i. Not clear if this is specific to the HRC or will be a general set of operating procedures for all boards and commissions.
 - ii. Councilors talked about this originating out of discussions about Civilian Police Review Board.
 5. Sec. 2-432 (i)
 - a. Requirement of quarterly reports to City Council, as specified in the above-mentioned operating procedures.
 - i. The scope of these reports has not yet been specified.
 - ii. This would require a report following every three HRC regular meetings.
 - iii. Hiring OHR staff seems pre-requisite to asking for additional reporting.
 6. Sec. 2-433 (d)

- a. Requirement that the HRC will seek FEPA and FHAP agreements and enter into the agreements subject to approval by City Council and a finding that it is in the best interest of the City.
- 7. Sec. 2-434 (b)
 - a. Changed “may” to “will” in the provision that “the Commission will conduct or engage in educational and informational programs...”
- 8. Sec. 2-435 (2c)
 - a. Addition of a requirement that, starting July 1, 2021, the HRC will conduct at least one research project or review every two years.
- iii. Open discussion about the Ordinance revisions
 - 1. Commissioners express general concerns
 - a. The HRC work and recommendations felt disregarded by Council..
 - b. Regarding Sec. 2-432 (a)
 - i. The HRC had agreed to cap the size of the Commission at 15.
 - ii. The HRC did discuss but agreed not to support the delegation of seats to people with specific backgrounds
 - c. HRC not consulted by Council prior to voting on revisions to the amendments proposed by the HRC.
 - d. HRC not afforded a chance to discuss and provide feedback on the revisions prior to Council’s vote.
 - e. Regarding Sec. 2-432 (g)
 - i. Unclear if this will apply only to the PCRB and the HRC or to all boards and commissions.
 - f. Regarding Sec. 2-432 (a)
 - i. Not clear what will happen if there are no applicants with the requisite backgrounds.
 - g. Council has still not taken action to ensure that a Director is hired.
 - h. The HRC has tried to meet with Council for many months, and to date this has not happened.
 - i. The fact that Council would vote on such major changes to the Ordinance without consulting the HRC is concerning.
 - i. There is an issue of equity regarding Council’s revisions as they were proposed by a single individual and the HRC’s recommendations were developed by a diverse group.

- i. Several Commissioners expressed frustration that a single individual can undo work that took the Commission many months of work to accomplish.
 - j. Note that the Mayor did call into question making new revisions without time for public process.
 - k. The last-minute process of adding additional revisions was not appropriate.
 - l. The Commission had given serious consideration to all of the recommendations previously proposed by the member of the public who pushed for the last-minute changes.
 - m. Commissioners express concern that one person using emails can influence Council's actions so drastically.
 - n. Regarding Sec. 2-432 (a)
 - i. Commissioners did significant community outreach to recruit a diverse group and this may now be undermined by these revisions.
 - ii. The size of the Commission was not the barrier to moving work forward.
 - iii. The Commission faced other barriers
 - 1. An inability to hold a joint work session with City Council in over two years.
 - 2. The crumbling infrastructure of City leadership.
 - iv. A large body helps to ensure a diversity of voices.
 - 1. There could be a time in the future where there may not be significant numbers of people of color on the HRC.
- c. Next steps
 - i. Chair solicits Commission thoughts on the best response to Council.
 - 1. Commissioners suggest re-proposing the original version of the Ordinance containing only the HRC amendments for Council's consideration.
 - ii. This topic will be revisited in the Strategic Planning session of the meeting.

Break (5m)

3. Rules and Procedures

- a. COIA/FOIA/VPRA refresher training
 - i. Allyson Davies presents an overview of the how the following Virginia statutes affect Commissioners. (See Attachment 1)
 - 1. Conflict of Interest Act
 - 2. Freedom of Information Act
 - 3. Virginia Public Records Act

- b. A brief review of the current HRC Rules and Procedures
 - i. Current Rules and Procedures included in the agenda packet.
 - ii. Amended Martha's Rules are included in the agenda packet.
 - 1. Adopted at the HRC regular meeting in March 2020.
 - 2. Not yet added to the Rules and Procedures or yet put into practice.
 - iii. OHR staff suggests a potential sub-committee for a detailed discussion of the Rules and Procedures document and for drafting revisions.
 - iv. Rules and Procedures function as a companion document to Resolutions
 - 1. All signed resolutions of the HRC are currently in a paper file but are not easily accessible to the HRC or the public.
 - 2. OHR staff will develop an electronic archive of resolutions and will attempt to post them on the City website.
 - 3. Resolutions codify the HRC's positions on specific issues and procedures for handling specific actions.
 - 4. Resolutions can be drafted in sub-committees and brought to the Commission for approval.
 - 5. Regular review of resolutions to determine whether any need to be revoked or replaced is recommended.
- c. A brief review of protocols for HRC advocacy and action
 - i. A sub committee could draft a resolution regarding how to handle actions that need to take place between publicly-noticed meetings.
 - ii. With a resolution in place, the HRC and take action and cite that the action was taken pursuant to a previously approved resolution.
- d. Next steps
 - i. Open discussion
 - 1. Sub-committee meetings that include 3 or more Commissioners require public notice.
 - 2. The HRC Rules and Procedures specify that sub-committees must be composed of not less than 3 Commissioners.
 - 3. The HRC Rules and Procedures also mentions standing committees, which are no longer convened.
 - 4. Suggestion to create a committee to review and revise the Rules & Procedures and draft a resolution regarding HRC actions between meetings.
 - 5. Suggestion to contact Council about the limited number of sub-committee meetings.
 - 6. Suggestion that the Chair, Vice Chair, and OHR staff work on revising the Rules & Procedures and drafting a resolution for action between meetings for consideration by the HRC.
 - 7. **Chair, Vice Chair, and OHR staff to meet ahead of the March HRC Regular meeting to discuss a process to revise the Rules & Procedures and to draft a resolution for action between meetings.**

Break (10m)

4. Strategic Planning

- a. Identify potential 2021 Goals
 - i. Commissioners used Google Docs to share ideas (see Attachment 2)
 1. Advocate that the City adopt a policy that ensures that all people facing eviction have legal counsel.
 2. Support Charlottesville residents who are released from ACRJ to see if they wish to file a complaint.
 3. Support undocumented residents in their ability to move freely and safely about the city.
 4. Continue advocating for increased accessibility and ADA compliance of all City services.
 - a. 11 Commissioners supported this as a primary goal.
 5. Address barriers to housing.
 - a. 11 Commissioners supported this as a primary goal.
 6. Equity-based City budgeting.
 - a. 1 Commissioner supported this as a primary goal.
 - b. Prioritize top 1 or 2 Goals (see Attachment 2 for details)
 - i. Commissioners arrived at consensus through informal polling on the following priorities.
 1. Continue advocating for increased accessibility and ADA compliance of all City services.
 2. Address barriers to housing.
 - ii. Commissioners arrived at consensus for pursuing the following goals for strengthening the Commission.
 1. Continue to advocate for the hiring of a Director.
 2. Pursue FHAP.
 - a. 9 Commissioners supported this idea.
 3. Pursue FEPA.
 - a. A majority of Commissioners supported this idea.
 - c. Identify Tactics to reach prioritized Goals (see Attachment 2 for details)
 - i. Commissioners listed specific strategies to achieve each goal.
 - ii. Commissioners volunteered to serve on sub-committees to support each goal.
 - iii. Response to Council regarding the process of amending the Ordinance.
 1. Commissioner suggests requesting another meeting of the full Commission with Council.
 - a. Commissioner notes that Councilors have communicated that Council does not have the capacity to engage in work sessions with boards and commissions.
 2. Commissioners suggest letting Council know that they were not happy with the process of amending the Ordinance.

Strategic Planning

Goals for 2020-2021:

1. Continue advocating for increased accessibility and ADA compliance of all city services.

a. Strategies:

- i. Finish the disability/visibility project this past spring
 1. Todd has access to notes and documents from previous Commissioners.
- ii. Build back relationship with ADA office
 1. Better understand what city residents need, work on increasing city resident participation
- iii. Reduce barriers for residents to communicate with the city.
 1. Add captions to online and broadcasted City meetings.
 2. Access to documents in multiple languages.
 3. Improve awareness of in-person ASL interpretation services (when we return to in-person city meetings)
- iv. Advocate for continued consideration of accessibility in improved city infrastructure and transportation
 1. Sidewalks and walkways
 - a. ADA-compliant sidewalks
 - b. Seasonal walkway accessibility
 - c. Accessibility considerations during construction and roadwork changes
 2. Improvements to CAT and JAUNT services (reliability, timeliness)

b. Subcommittee Volunteers: Wolfgang, Sue

2. Address barriers to housing

a. Strategies:

- i. Strengthen our city's capacity to support issues of housing by developing pipelines for legal representation during eviction cases.
- ii. Amplify the work of housing advocates by putting commission support behind strategies that will heal legacies of discrimination and
- iii. Support tenants by advocating for a policy that all those in eviction proceedings would be entitled to counsel.
 1. Legal representation also for those who bring complaints to Commission
- iv. **Outcome:** Gather data of how many evictions proceeding in a year and how many don't have lawyers. Tracking the outcomes of eviction without lawyers. Advocate for the adoption of policy for City Council. Who could be our partners?

b. Subcommittee Volunteers: Tobiah, Shantell and Mary

3. FEPA

4. FHAP

Ideas for goals:

- # 1 Support Charlottesville residents who are released from Albemarle-Charlottesville Regional Jail (ACRJ) (e.g. proactively contact them to see if they want to file a complaint) - *outside of our jurisdiction*
 - +1 also, to look at/review ACRJ's relationship with ICE (personally opposed to any movement towards 287(g) agreements)
 - **Outcome:**
 - Understand how often ICE detains people at ACRJ
 - Understand what information-sharing and detainment agreements ACRJ has with ICE
 - Understand how these agreements impact racial profiling of residents
 - Improve safety/conditions at ACRJ
- #2 Support undocumented residents in their ability to move freely and safely about the city
 - **Outcome:** residents should be able to move about the city freely without fear of being taken by ICE, ensure that residents are informed about new driver's license/ID cards. Unsure of what we would do.
- **#3 Continue advocating for increased accessibility and ADA compliance of all city services.** +8
 - **Subcommittee Volunteers:** Wolfgang, Sue,
 - **Outcome:**
 - Finish the disability/visibility project this past spring
 - Todd has access to notes and documents from previous Commissioners.
 - Build back relationship with ADA office (we used to attend their quarterly meetings, we should do so again)
 - Reduce barriers for residents to communicate with the city.
 - Add captions to online and broadcasted City meetings.
 - Access to documents in multiple languages.
 - Provide in-person ASL interpretation when we return to in-person city meetings
 - Advocate for continued consideration of accessibility in improved city infrastructure and transportation
 - ADA-compliant sidewalks
 - Seasonal walkway accessibility - Kathryn's mention of ice-clearing
 - Improvements to CAT and JAUNT services (reliability, timeliness)
- **#4 Address barriers to housing (e.g. source of income requirements)** +10
 - Housing Goal(s):
 - Strengthen our city's capacity to support issues of housing by developing pipelines for legal representation during eviction cases.
 - Amplify the work of housing advocates by putting commission support behind strategies that will heal legacies of discrimination and
 - **Support tenants by advocating for a policy that all those in eviction proceedings would be entitled to counsel.**

- Legal representation also for those who bring complaints to Commission
 - **Outcome:** Gather data of how many evictions proceeding in a year and how many don't have lawyers. Tracking the outcomes of eviction without lawyers. Advocate for the adoption of policy for City Council. Who could be our partners?
- **#5 Equity-Based Budgeting:** I would like us to investigate equity-based budgeting for the city. HRC could examine how this would look for a specific department and make a proposal to the city. A common example of how this would work is a city's decisions around clearing snow: We commonly privilege cars in snow clearing, but an equity budget would get sidewalks cleared so that people who walk/people with mobility issues can get around. A number of cities use this <https://www.dcfpi.org/all/budgeting-for-equity-how-to-advance-opportunity-for-people-of-color-in-dc/>
 - ***Outcome:** What does success look like?

Strategy:

- Increase/rebuild community connections to increase public participation +1
 - Will improve implementation and evaluation of any recommendations
 - Helps to ensure our policies are achieving intended results
 - Rebuilding
 - Are there issues of access or barriers in reaching out to the HRC?
 - Potential for research project
 - Bring back the Community Engagement Committee
 - Volunteers: Jessica and Jeanette
- Glean community input on research priorities, decide on the focus for the next two years, implement
- #1 Advocate for hiring of Director +3
- Response to City Council [seems to me the goal is something like to Cultivate a deeper understanding of Human Rights Impacts in our Community - then the strategy is to conduct the research]
 - Clarity on research project every 2 years +1
 - Do we even have the technical capacity to do this work?
- Help residents (especially houseless or undocumented residents) acquire IDs
- Strengthen the HRC
 - Advocate for hiring director +4
 - Work for closer relationship with City Council
 - Process for regular reports
- FEPA agreement +8
- FHAP agreement +11

I would like us to investigate equity-based budgeting for the city. HRC could examine how this would look for a specific department and make a proposal to the city. A common example of how this would work is a city's decisions around clearing snow: We commonly privilege cars in snow clearing, but an equity budget would get sidewalks cleared so that people who walk/people with mobility issues can get around. A number of cities use this <https://www.dcfpi.org/all/budgeting-for-equity-how-to-advance-opportunity-for-people-of-color-in-dc/>

<https://www.sanantonio.gov/Equity/Initiatives/BudgetEquityTool>



We can also choose how we want to think about equity -- race as well as gender, disability, sometimes age (ie focusing on children's needs over adults)

1.

Attachment 4

Charlottesville Human Rights Commission

Office of Human Rights Manager Job Description

Draft Human Rights Commission Recommendations

Working document_ July 16, 2020

Office of Human Rights Director

GENERAL SUMMARY:

Works at an advanced professional, leadership, and managerial level in strategy, planning, organizing, and coordinating the Human Rights Office and program activities within the City Manager's direct chain of command and authority. The Director provides overall strategic direction for the Office of Human Rights; Provides staff support for the Human Rights Commission; Coordinates and on occasion conducts investigations into allegations of discrimination on the basis of race, color, sex, religion, national origin, marital status, handicap, gender identity, sexual orientation, and/or age as prohibited by local ordinance in the areas of private sector employment for employers employing 6 to 14 employees, private education, credit and public accommodations; Assigns and evaluates the work of office staff; Provides technical guidance and training; Negotiates with respondents, complainants and their representatives; Speaks to various civic, faith and private business groups; and Performs special projects as assigned. Primarily and most frequently the work is performed independently, with diverse functional areas and more specialization and ability to train others.

This position reports to the City Manager who holds day-to-day operational oversight.

ESSENTIAL RESPONSIBILITIES AND DUTIES:

- **Provides strategic leadership and planning for the Office of Human Rights to promote equity and ensure human rights alignment within and across the City of Charlottesville.**
- Administers and coordinates activities of the Human Rights program.
- Stays in regular communication with the City Council Liaison to the Office of Human Rights and the Human Rights Commission.
- Trains staff on new or revised policies and procedures.
- Supervises, coordinates, assigns, and evaluates the work of office staff and subordinate personnel
- Develops partnerships that identify and address issues of discrimination on the basis of race, color, sex, religion, national origin, marital status, handicap, gender identity, sexual orientation, and/or age. This may include workshare agreements such as FEPA agreements with Equal Employment Opportunity Commission (EEOC) and FHAP agreements with the Department of Housing and Urban Development (HUD).
- Receives and reviews initial complaints; conducts intake conferences; conducts.
- Directs and coordinates efforts of OHR staff to investigate, mediate, and reconcile allegations of discrimination.
- Provides staff support for the Human Rights Commission:
 - Responds to Human Rights Commission and community inquiries regarding

- issues, policies, and complaints.
 - Helps to conceptualize, develop, and carry our research projects for the Commission.
 - Provides preliminary data and research for the Commission to evaluate feasibility and strategy of possible projects.
 - Works with the Commission to develop a strategy when moving forward with a given issue.
 - Recommends to the Commission amendments and additions to the Charlottesville Human Rights Ordinance.
- Administers and implements programs including discrimination prevention, education, voluntary compliance and outreach efforts to citizens, and community and business groups.
- Develops and disseminates human rights literature, reports, correspondence and memoranda to advance equity and human rights in our community.
- Interprets policy/procedures, and provides technical assistance and guidance to staff and volunteers; recommends alternative solutions to difficult negotiations.
- Researches and designs program evaluation criteria and methods; collects and reports performance measures for the Human Rights Office's programs.
- Prepares reports, correspondence, and memoranda including bi-annual reports to City Council.
- Conducts research on human rights issues and disseminates information to advance equity.
- Prepares and manages the Office's annual budget.
- Performs related tasks as required.

Primarily and most frequently the work is performed independently, with diverse functional areas and more specialization and ability to train others.

EDUCATION, EXPERIENCE AND SKILLS:

Education: Any combination of education and experience equivalent to a Master's degree from an accredited college with major work in Public Administration, Personnel Administration, Sociology, Psychology, Law, Law Enforcement, Mediation Training, Employment Investigation Training or related field. A Law degree is not required, but preference will be given to applicants with significant legal work experience, training and/or education ~~in the legal field~~.

Experience: A minimum of five years' experience in civil/human rights compliance, education, housing, employment, investigation, administration or other related field.

A candidate must demonstrate significant prior professional experience performing one or more of the following activities or roles:

- assisting individuals who believe they are the victim of an act of unlawful discrimination
- collaborating with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination;
- identifying and reviewing policies practices and systems that may be unlawful or may produce inequitable disparities;
- receiving processing and enforcing complaints of unlawful discrimination;

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Skills: Commitment to racial, social, and economic equity with proven track record of community engagement and thought leadership in human rights issues. Ability to read and comprehend complex legal materials. Ability to interpret policy/procedures, and provide technical assistance and guidance to staff and volunteers; to recommend alternative solutions to difficult negotiations. Ability to supervise the work of others including assigning and reviewing investigations performed by staff. Ability to compose and edit reports, research, proposals, procedures, policies, recommendations, etc. Ability to develop and disseminate human rights research and literature. Ability to organize major studies of systemic discrimination including conducting research, enabling expert panels, conducting hearings and townhalls, and producing policy ~~reommendatino~~srecommendations. Interpersonal skills of facilitation, conflict resolution, restorative justice and other methods to resolve complaints, maintain liaison, and speak in public. Ability to negotiate fairly and effectively with involved parties and/or their representatives to resolve complaints; and recommend further action. Ability to define problems and collect relevant information to recommend policy solutions. Thorough knowledge of federal guidelines and regulations pertaining to human rights issues.

ORGANIZATION COMPETENCIES:

Interpersonal Effectiveness/Communication: Reviews documents for professional, technical, and content errors, and may be called on to review and revise more complex documents. Often acts as a formal or informal team leader or project leader. Provides communication support or consultation.

Service/Support Orientation: Assists others to find answers to the more difficult and complex questions.

Forms professional working relationships with individuals in other departments and organizations to resolve issues. Coaches or trains others to reach positive service and support outcomes. In addition to applying city and agency guidelines, provides consultation to others in more diverse and complex situations.

Multi-tasking/Problem Solving: Independently balances multiple complex tasks. Trains, coaches or mentors others to develop skills in multi-tasking and problem solving. Trains, coaches or mentors others to develop project management skills.

Organization: Sets and adjusts priorities to accomplish objectives. Advises others in matters of standard or routine technical assistance, interpretation and consultation. Provides professional support to other workers. Assists in resolving schedule conflicts within the team. Assists team members in managing appointments and assignments. Trains, mentors or coaches others in matters of organization skill and knowledge.

JOB FAMILY COMPETENCIES:

Performance Management: Demonstrates skill and proficiency in integrating the performance management of several functional or operational areas. Manages the performance of others who have responsibility for supervising others, for complex decision-making, and the coordination of various functions and interaction with professional and technical specialists.

Teamwork and Cooperation: Brings multiple units or departments together to pool resources in

support of goal accomplishment. Creates cross-function teams in a variety of specialized operational and programmatic areas. Builds and implements the framework for team accountability and performance in multiple functional areas to reduce the negative impact of functional barriers imposed by hierarchical structure and department boundaries. Explores best practices of how the work of teams and units within the department or division can contribute to the goals and objectives of city government.

Coordination, Planning, and Decision-Making: Uses a wider variety of inter- and intradepartmental resources to address problems and to carry-out decisions. Uses integrated project management to coordinate several different complex projects and deploys work break-down structures for identifying work, assigning resources, and estimating. Evaluates performance metrics, process design, and output of several differing functional areas to determine needed improvements and creates plans to meet identified needs. Applies systematic multi-factor analysis, trend analysis, and other forms of data analysis and assessment to a diversity of operations and programs for the purpose of planning and managing resources.

Technical and Content Knowledge: Serves as a subject matter expert or resource person in specialty areas of services, operations or programs, policy, finances, planning, or other areas of professional or administrative expertise. Demonstrates understanding of the purpose, processes, procedures, methods, technologies, tools, equipment, terminology, standards, performance measures, and outcomes of work teams, units, and specialty areas of multiple functional areas of multiple functional areas and units.

PHYSICAL CONDITIONS & WORK CONTACTS:

Standard work environment.

FLSA Status: Exempt

Attachment 5

Eviction Court Observations: Charlottesville

Charlottesville Democratic Socialists of America

Overview

In July of 2020, the Charlottesville Democratic Socialists of America's housing justice committee began court-watching at eviction hearings in the Charlottesville and Albemarle General District Courts. Between July 14 and March 9, there have been 129 eviction proceedings initiated in Charlottesville resulting in 259 hearings (because of continuances, many cases result in multiple hearings). Of those 259, we have observed 142.

We have several aims in this work. One goal is to collect this data for future use. More importantly, though, we hope to influence outcomes. We use the initial data we gather from the docket to identify every household facing eviction. We then canvass these households with information about their rights and ways to connect with rent relief and legal resources. We also table at the courthouse to give tenants additional information before heading into their hearings. Our immediate hope is that empowering tenants and demonstrating to the courts that they are being observed, we can reduce the number of evictions. In the long-term, we mean to facilitate more intensive tenant organizing, such as forming tenant unions.

Findings

The following findings are from the 142 cases Cville DSA observed at Charlottesville General District Court between July 14, 2020 and March 9, 2021.

For nearly half of the cases we observed, the tenant did not show up to court (Figure 1). The various protections that have been in place during the pandemic, such as the CDC moratorium or the new requirements for landlords to file eviction, led to continuances or dismissals about half the time, but the other half of the time, when the tenant was not present at court they were evicted (Figure 2).

Our observations included noting the presumed gender (Figure 3) and race (Figure 4) of the tenants who were present at court. While this information would be better obtained by self-attestation from tenants, observers aren't able to talk to tenants in the courtroom and are left making best guesses at this information, so this data represents presumptions and estimates only. From these observations, more than half of the tenants present in court were Black and about a third were white. Most tenants who were present for their court dates were presumed male.

The tenant had legal representation in less than 8% of the cases we observed (Figure 5). For the tenants who did have legal representation, we did not observe any evictions being granted—tenants with legal representation had their cases pushed outward either to a trial or continued to a future date (Figure 6). For tenants without legal representation, 29.8% were evicted and about half had their cases continued to a future date either for trial or a continuance (Figure 7).

Analysis

We believe that the protections in place for tenants during the COVID-19 pandemic have been helpful in slowing the rate of evictions in Charlottesville—all of the continuances we saw were granted as a result of one of these protections, as were a number of the cases that got set for a future trial date. That said,

however, evictions have still been happening in Charlottesville during the pandemic and as these protections expire, landlords and property management companies will have fewer hoops to jump through in order to evict tenants and, conversely, the bar will be set higher for tenants for what they need to know in order to make the case that they should stay in their homes.

Tenants without legal representation often either don't know the rights they have in the courtroom or don't know how to translate their situation into legally significant language, leading to situations where tenants are evicted because of miscommunication or simple mistakes. A very common example is tenants who disagree with the amount that their landlord says they owe, but will say that they agree with the charges, not realizing that by saying that they've lost their opportunity to argue for why the amount is incorrect (something that would happen at a trial, for example). Cville DSA has also found that the various moratoria and protections in place for tenants during COVID-19 are complex and often difficult to efficiently communicate without prior familiarity with legal language.

On top of that, many tenants do not even come to court in the first place. There are a number of reasons for this. Many tenants either do not know that they have to be taken to court before an eviction can be granted or are intimidated by the process of going to court. As COVID-19 protections expire, the vast majority of tenants who do not come to court will likely face eviction judgments.

Cville DSA has been working hard to try and get tenants to come to court and know what their rights are in the courtroom. Since we don't have any data from before we began our anti-eviction efforts, we can only assume that the tenant attendance would be lower and the eviction judgment rate higher if not for active efforts canvassing, calling tenants and giving out know-your-rights information. One major takeaway from our efforts is that providing information to tenants about their rights makes a huge difference—every bit of volunteer advice or legal support helps empower tenants to make the case for why they belong in their homes.

Figures 1 & 2: Court Attendance

Who was present in court?

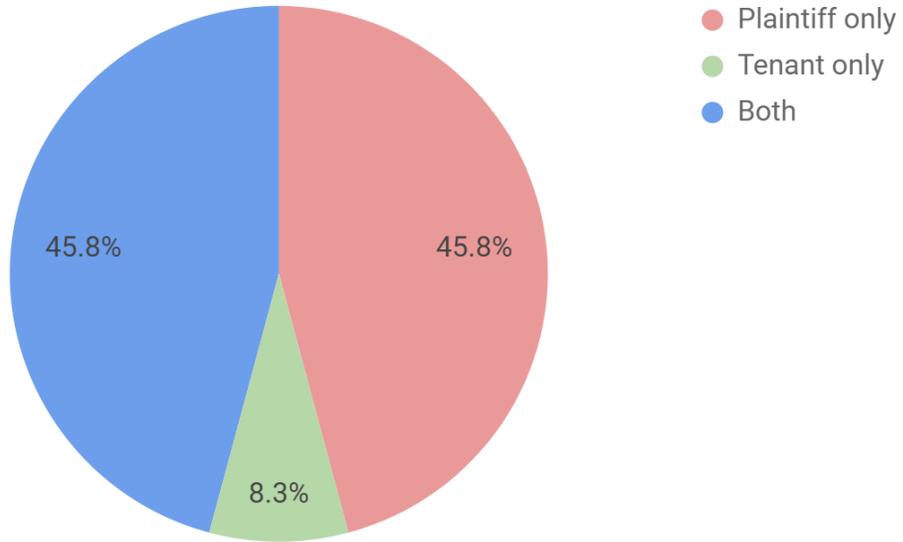


Figure 1

Outcomes when tenant was not present

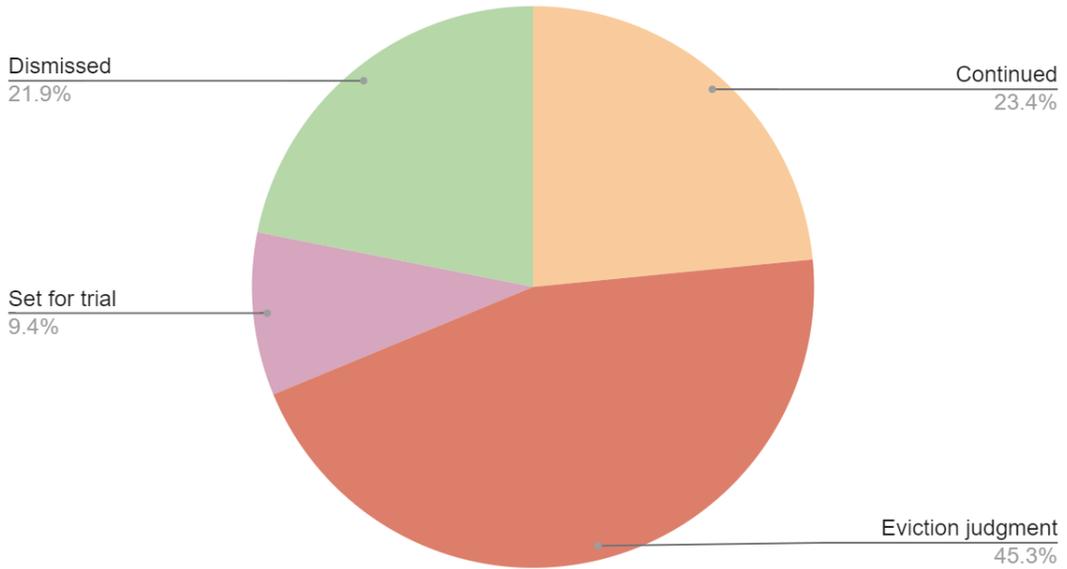


Figure 2

Figures 3 & 4: Presumed race and gender of defendants

Presumed gender of tenants

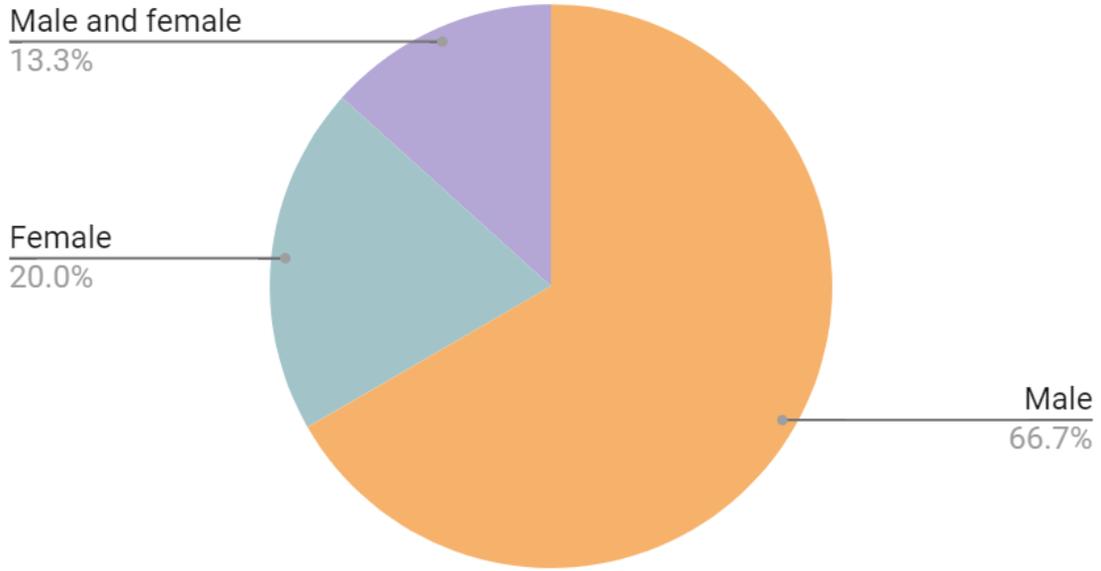


Figure 3

Presumed race of tenants

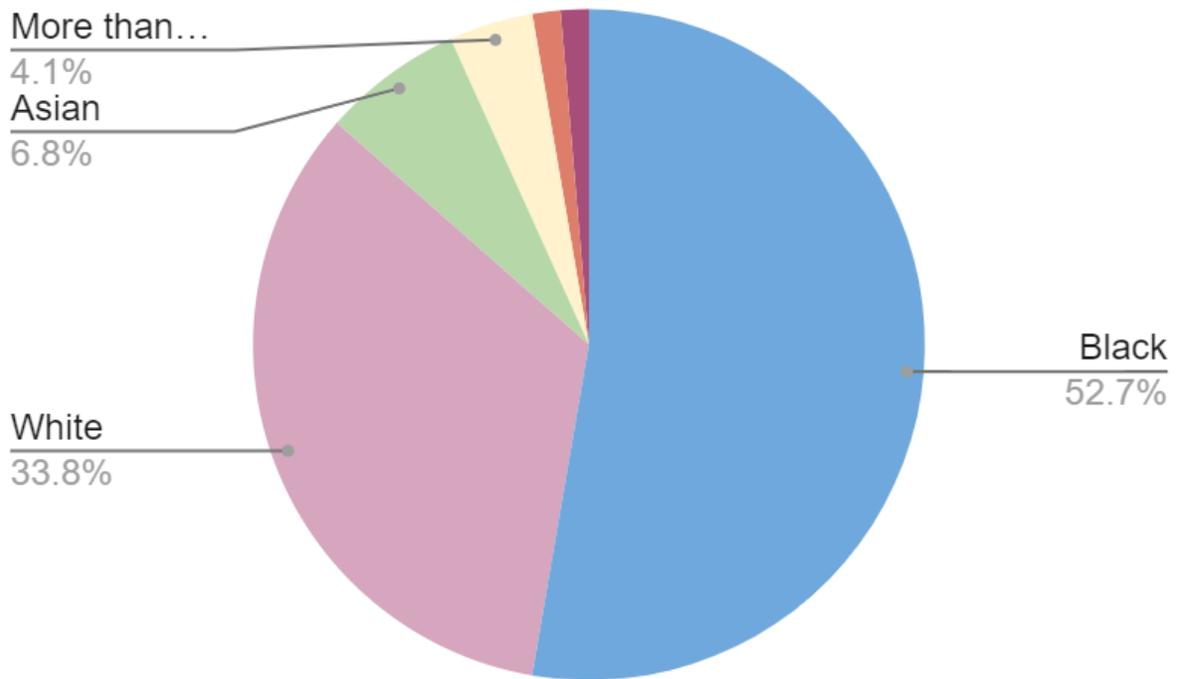


Figure 4

Figures 5–7: Tenant Legal Representation

Did the tenant have a lawyer present?

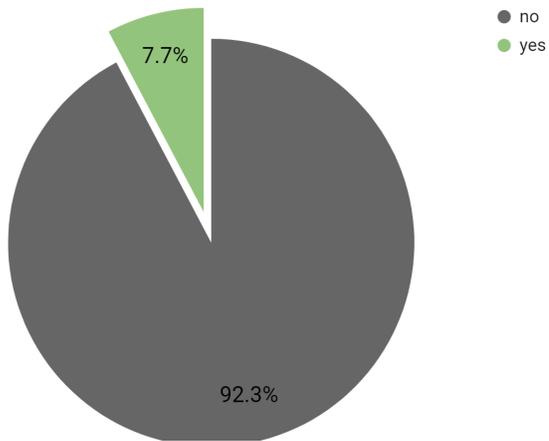


Figure 5

Outcomes for tenants with legal representation

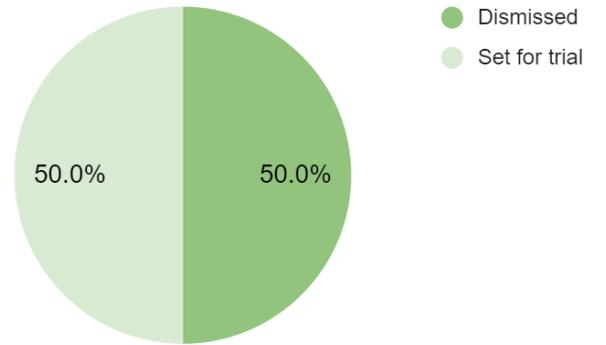


Figure 6

Outcomes for tenants without legal representation

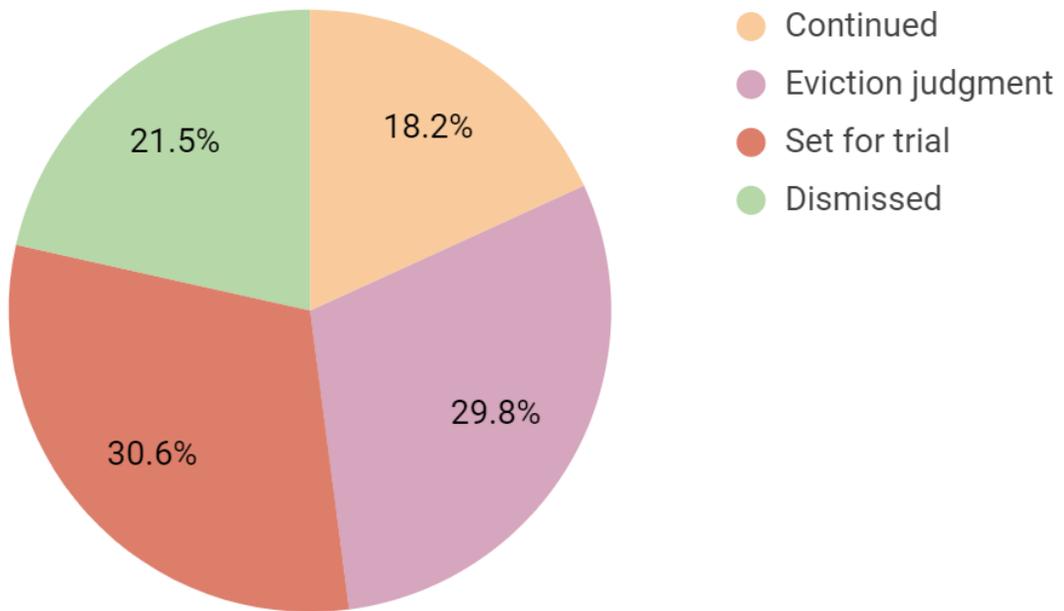


Figure 7

Attachment 6

Office of Human Rights
Todd Niemeier Monthly Staff Report
March 2021

Service Provision Data:

- Data currently entered through 12/31/2020
- 2020 Annual Report in progress
- 2020 Departmental Scorecard update in progress

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
 - Complainant considering conciliation offer from Respondent
 - Complainant awaiting response from legal counsel before making decision
- Case 2020-2
 - Housing discrimination on the basis of race
 - Investigation in progress

Active Fact-finding Inquiries:

- Case 2021-1
 - Employment discrimination on the basis of race
 - OHR staff attempting to contact Respondent following notice of fact-finding inquiry
- Case 2021-2
 - Housing discrimination on the basis of source of funds
 - Respondent exempt from source of funds protections: owns fewer than 5 rental units in VA
 - Complaint to be dismissed
 - OHR staff will assist with referral regarding potential landlord and tenant act violation

Outreach:

- Service Provision
 - Revision of OHR brochure in progress
 - OHR Intake & Complaint form updated based on new Human Rights Ordinance
 - OHR website updated
 - Link to new Human Rights Ordinance
 - Link to updated intake and complaint form
 - Plan underway for expanded outreach in partnership with other organizations
- Education & Awareness
 - No new activities
- Facilitation & Leadership
 - Outdoor Equity
 - OHR staff facilitating breakout group from recent mobility summit to address equity issues related to use of outdoor spaces and trails in urban areas
 - Public Housing Association of Residents – Residents for Respectful Research (RRR)
 - MOUs with UVA in final steps
 - Hiring process begun for RRR Coordinator
 - RRR Advisory Board continues work on developing “community accessible” CITI training modules
 - Affordable Housing
 - Code for Charlottesville is vetting affordable housing navigation software with housing navigators
 - OHR submitted comments to DPOR in support of source of funds guidance document
 - Welcoming Greater Charlottesville (WGC)
 - Idea proposed for dialogue on race and ethnicity using “One Small Step” model