



**Human Rights Commission
Regular Meeting
August 19, 2021
Virtual/Electronic Meeting
6:30 pm**

Agenda Packet Attachments

1. Meeting Agenda
2. 03-31-2021 Housing Committee Meeting Minutes
3. 05-06-2021 Legal Representation Committee Meeting Minutes
4. 06-03-2021 Community Engagement Committee Meeting Minutes
5. 06-03-2021 Legal Representation Committee Meeting Minutes
6. 06-04-2021 Accessibility Committee Meeting Minutes
7. 06-04-2021 Housing Committee Meeting Minutes
8. 06-17-2021 HRC Regular Meeting Minutes
9. 07-15-2021 HRC Regular Meeting Minutes
10. 08-05-2021 Community Engagement Committee Meeting Minutes
11. 08-05-2021 Housing Committee Meeting Minutes
12. Monthly OHR Staff Report
13. Draft Resolution A21-1 HRC Advocacy and Action
14. Draft Resolution HR21-1 Legal Representation for Parties to a Complaint
15. Human Rights Ordinance with Revisions for FHAP and Other Amendments

Attachment 1



**Human Rights Commission
AGENDA
Regular Meeting
August 19, 2021
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. 03-31-2021 Housing Committee Meeting Minutes
- b. 05-06-2021 Legal Representation Committee Meeting Minutes
- c. 06-03-2021 Community Engagement Committee Meeting Minutes
- d. 06-03-2021 Legal Representation Committee Meeting Minutes
- e. 06-04-2021 Accessibility Committee Meeting Minutes
- f. 06-04-2021 Housing Committee Meeting Minutes
- g. 06-17-2021 HRC Regular Meeting Minutes
- h. 07-15-2021 HRC Regular Meeting Minutes
- i. 08-05-2021 Community Engagement Committee Meeting Minutes
- j. 08-05-2021 Housing Committee Meeting Minutes

4. BUSINESS MATTERS

- a. CHAIR UPDATE
- b. OHR STAFF REPORT

5. WORK SESSION

- a. AD-HOC COMMITTEE UPDATES
 - i. Accessibility Committee
 - ii. Community Engagement Committee
 - iii. Housing Committee
 - iv. Legal Representation Committee
- b. Resolution A21-1 HRC Advocacy and Action
- c. Resolution HR21-1 Legal Representation Fund for Parties to a Complaint

- d. 2022 General Assembly Legislative Recommendations to City Council
- e. Human Rights Ordinance Revisions for FHAP and Other Amendments

6. MATTERS BY THE PUBLIC

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

7. COMMISSIONER UPDATES

8. NEXT STEPS & ADJOURN

* ACTION NEEDED

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

Attachment 2



**Human Rights Commission
Meeting Minutes
Housing Committee
March 31, 2021
Virtual/Electronic Meeting
6:00 pm**

Link to rebroadcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

1. WELCOME

- a. CALL TO ORDER
 - i. Committee Chair, Shantell Bingham, called the meeting to order at 6:05 pm
- b. ROLL CALL
 - i. Shantell Bingham
 - ii. Tobiah Mundt
 - iii. Mary Bauer
 - iv. Wolfgang Keppley
- 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 March 17, 2021 Housing Committee Meeting
 - i. Motion to approve as written
 1. Mary
 - ii. Second
 1. Tobiah
 - iii. Discussion
 1. None.
 - iv. Vote
 1. In favor: 3
 2. Can live with: 0
 3. Opposed: 0
 4. Abstained: 0

4. BUSINESS MATTERS

- a. Michael Monaco Community Services Coordinator for Piedmont Housing Alliance (PHA) presented information regarding PHA's eviction prevention program
 - i. See attached PowerPoint presentation
 - ii. Commissioner questions
 1. Are residents directed to resources for court costs for evictions?

- a. Prior to COVID PHA would waive late fees and court fees
 - b. PHA absorbs those costs
 2. What are the legal fees for evictions and about how many people are affected?
 - a. \$57 for court filings – PHA would cover
 - i. This applied to 12 to 15 people in eviction prevention in 2020
 - b. Not all tenants in eviction prevention had an open court case but most had late fees – PHA would waive these
 3. How many units does PHA manage within the City of Charlottesville?
 - a. About 340
 4. Did any of the tenants who were evicted have an attorney?
 - a. Unknown
 5. Of the 45 families in eviction prevention did any have attorneys?
 - a. Some people had representation through Legal Aid
 - b. The exact number is unknown but could be determined
 6. What are the costs associated with getting evicted and what do they pay for?
 - a. Legal fees cover filing with the court
 - b. PHA does not provide financial supports to residents for legal representation
- iii. Committee Chair offers the public the opportunity to ask Michael questions
 1. None.
- b. Commissioner updates regarding outreach to potential partners
 - i. Shantell
 1. Plans to contact CLIHC
 - a. Emily Dreyfus and Elaine Poon are aware of the work
 - ii. Tobiah
 1. Invited Michael Monaco
 2. Contacted Emma Goehler at DSA
 - a. Committed to pushing Council to provide legal support to tenants facing evictions
 - b. Asked for suggestions as to how DSA can support the HRC's efforts
 - iii. Mary
 1. Attended Council budget meeting on 3/17/21
 - a. There was \$117K set aside in the budget
 - b. Councilor Snook noted that there had only been a handful of eviction trials, so he thought the amount should be smaller
 2. Reached out to Jake Gold about the actual number of eviction cases
 - a. Number of eviction cases, not just those that make it trial, was 700 average per year prior to the pandemic
 3. Reached out to John Pollock about calculating costs
 - a. Works at the National Right to Counsel

- b. Has helped other cities develop right to counsel programs
- c. Several decisions can lead to budgeting decisions
 - i. Is the an income cut-off?
 - 1. 200% of poverty level or below
 - a. Average 80% of tenants in other cities with right to counsel programs met this criteria
 - ii. What is the predicted default rate?
 - 1. 50% is typical for other cities
 - a. In Charlottesville that would mean about 350 (out of 700) cases would still be successfully matched with lawyers
 - b. Assuming 20% of people would be over the income threshold, that would be about 300 cases
- 4. Asked Legal Aid Justice Center (LAJC) how many lawyers they thought it would take to handle 300 cases
 - a. LAJC suggested that 1 lawyer could handle about 100 cases
 - b. This means 3 full-time lawyers
 - c. \$120K = salary + benefits + overhead
 - d. Total cost = \$360K
 - i. This did not include outreach or other coordination
- 5. Did not contact Central Virginia Legal Aid Society (CVLAS)
 - a. Assumes that the numbers would be similar
- 6. Other cities include subsidy terminations in their plans
 - a. Including administrative proceedings that terminate vouchers
 - b. Could include those types of cases, as well
 - c. Would need to ask for that data from CRHA
 - i. How many subsidy terminations happen outside the court system?
- 7. Takeaways
 - a. \$117K is not enough for the initial year
 - b. \$360K may be a good starting point
 - c. Cases may go up or down depending on outreach and situation
 - d. LAJC may be willing to accept the funding and do the work
- iv. Todd
 - 1. Emailed Kaki Dimock
 - a. Asked about the support system
 - 2. Emailed Dr. Kathryn Howell
 - a. Awaiting a response
 - 3. Emailed Dr. Barbara Brown-Wilson

- a. RVA eviction lab could potentially help with data
- b. suggested collaboration between Equity Center, Eviction Lab, DSA
 - i. For data and policy examples
- c. Potential actions
 - i. Write a letter citing the evidence for a higher amount
 - 1. Seek support from other organizations
 - 2. **Mary will draft the letter by Friday**
 - 3. Total amount should be more than \$360K to account for outreach and coordination
 - ii. Speak at the April 5 Council budget meeting
 - 1. **Shantell will request that other speak in support**
 - a. DSA
 - b. CLIHC
 - c. PHA
 - d. CRHA
 - e. PHAR
 - f. TJACH
 - g. RVA Eviction Lab
 - h. Equity Center
 - i. City Human Services
 - iii. Mention in letter that RVA Eviction Lab, DSA, and Equity Center might support data collection to show the impact of the work
 - 1. **Todd to ask RVA Eviction Lab for case results with and without lawyers**
 - iv. Continue to speak with Human Services about potential assistance with outreach and connecting people to the program

5. MATTERS BY THE PUBLIC

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

6. NEXT STEPS

- a. **Mary will draft the letter to City Council by Friday**
- b. **Shantell will send a summary email to all listed in 4.c.ii.**
 - i. **Send on Thursday ahead of letter**
- c. **Todd will ask RVA Eviction Lab for case results with and without lawyers**

7. ADJOURN

- a. Meeting adjourned at 7:00 pm.

Attachment 3



**Human Rights Commission
Meeting Minutes
Legal Representation Committee
May 6, 2021
Virtual/Electronic Meeting
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

1. WELCOME

- a. CALL TO ORDER
 - i. Meeting called to order at 2:10 pm
- b. ROLL CALL
 - i. Jessica Harris
 - ii. Kathryn Laughon

2. WORK SESSION

- a. OHR staff
 - i. Origin of the idea
 - 1. Complainants typically do not have and cannot afford legal representation
 - 2. Respondents typically have legal representation or the means to get it
 - 3. Commissioners brought up the idea of Complainant legal representation during a committee meeting regarding public hearings
 - 4. Potential to model after the tenant right to counsel program being supported by the HRC and City Council
 - 5. No similar legal representation programs in other municipalities in Virginia that have HRC/OHRs
 - ii. OHR staff has a draft resolution recommending a legal representation program to share with the committee
- b. Commissioner discussion
 - i. Suggestion to seek other potential models in other states
 - ii. Note that intention of program is not to provide additional funds to Respondents who can already afford legal counsel
 - iii. Suggests UVA or other universities that provide counsel assistance in Title IX complaints
 - 1. Kathryn will look into the legal representation model used by the UVA Title IX office
- c. OHR staff
 - i. Notes that income and net worth limits are included in the resolution
 - 1. Some respondents may also qualify

3. MATTERS BY THE PUBLIC

- a. PUBLIC COMMENT
 - i. None
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
 - i. None
- 4. NEXT STEPS**
 - a. OHR staff will provide access to the draft resolution via Box.com:
 - i. <https://app.box.com/s/htbjbpwbi8tv9o1tjpcsa72kusvcy1md>
 - b. Kathryn will look into the legal representation model used by the UVA Title IX office
 - c. Jessica and Lyndele will review draft resolution
 - d. Jessica will provide the committee update at the next HRC regular meeting
- 5. ADJOURN**
 - a. Meeting adjourned at 2:18 pm

Pending HRC Approval

Attachment 4



**Human Rights Commission
Meeting Minutes
Community Engagement Committee
June 3, 2021
Virtual/Electronic Meeting
5:00 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

1. WELCOME

- a. CALL TO ORDER
 - i. Committee Chair, Jessica Harris, called the meeting to order at 5:11 pm
- b. ROLL CALL
 - i. Jessica Harris
 - ii. Lyndele von Schill
 - iii. Andy Orban
- 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 05-26-2021
 - i. Vote
 1. In favor: 3
 2. Can live with: 0
 3. Opposed: 0
 4. Abstained: 0

4. WORK SESSION

- a. OHR staff presents draft of guidelines for public engagement resolution.
 - i. OHR staff has written first draft
 - ii. Subcommittee to review draft
 - iii. Doc is provided as starting point, language is taken from previous resolutions "whereas language"
 - iv. Example resolution intended to provide guidelines for future public engagement from HRC chair and provide clear protocol
 - v. Subcommittee to recommend approval to full HRC when draft is finished.
 - vi. Provided on the Box document website for editing by subcommittee.
- b. Lyndele: Is this language required?
 - i. Can we use plain language? That kind of officious legal language can be daunting.
 - ii. Is it inaccessible to have legal language?
 - iii. If not required, can we make it more legible, easier to read?

- c. OHR staff response
 - i. Language is from previous resolutions, based on convention.
 - ii. Don't know if it's required.
 - iii. **Will follow up and ask.**
- d. Jessica: A lot of our work is words, maybe we need graphics to explain.
 - i. Combination of graphics and simple terms, i.e. infographic.
 - ii. Difficult to understand wording also creates a language barrier
 - iii. Should we create supplementary documents in non-technical terms?
- e. OHR staff response
 - i. We do now have a website we can add materials as "companion documents"
 - ii. Would need to run more sensitive stuff by Allyson [Davies, City Attorney's Office]
- f. Jessica: Can we start on one document, like the HRC Ordinance?
- g. OHR staff response
 - i. Keep in mind the ordinance will need to be revised with the FHAP language which may add something like 15 addition pages, so may not be the best place to start
- h. Jessica: Maybe the community engagement plan?
 - i. Go with a two-pronged approach, develop the draft detailed language while also preparing infographic
 - ii. Jeanette had offered at last meeting to prepare a draft resolution
 - iii. Ask Todd to share HRO community outreach flyers he prepared recently
- i. OHR staff response
 - i. Current and old materials are available on the Box website
 - ii. Continuing to work on revising old materials
 - iii. Re-entry resource guide has not been added to the Box website
- j. Jessica: Mentions handing out brochures with Todd at Friendship Court.
 - i. "One thing I love about doing outreach is you actually don't know what you don't know or what you're not presenting most effectively until you're talking to people and then you're like, Oh, I need to change this I need to adapt that"
 - ii. Brochure possibly missing something to provoke a person to reach out to the HRO. What do we do, why would you reach out?
 - iii. Can we look at the HRO outreach brochure that we were giving out at Friendship Court?
- k. Todd: screenshare of 2 page brochure
<https://app.box.com/s/hrsdwb4xhgyo8lxohuh0347kx2hacb29>
 - i. larger [previous] brochure had more details about "protected classes," etc.
 - ii. This is a simplified brochure, the goal is to prompt someone to call the [Human Rights] Office.
 - iii. The people who call have stories, and no two stories are the same.
 - iv. "So that in that I do get into detail in here I just want people to call me, even if they don't know if it's discrimination."
- l. Lynde: Excellent plain language example
- m. Jessica: I really just feel like "#CallTodd" should be a thing!
 - i. Like the simple language of the brochure
 - ii. Wonder if people hesitate because they think sometimes a thing has to be a big major thing and an explicit thing that happened.
 - iii. "As a black woman, a lot of my discrimination hasn't been these big major things they've been these micro aggressions that have built up over time."
 - iv. I'm aware of them, but someone may not know. They have an experience like a hostile work environment and may not be conscious of seemingly minor triggers. We can provide something that says: "you don't know, but you feel like something's not right." Then follow up with a call to Todd/ HRO.
- n. Todd: Great idea, can add that to the brochure.
 - i. A way to tell people not to hesitate, just call if you feel in your gut that something is not right.
- o. Lynde: Instead of the City logo on the brochure, maybe a graphic of someone looking

- concerned.
- p. Todd: has stock image
 - i. could add pictures with a tag line like "Has something happened that makes you feel that you've been discriminated against? Call me."
- q. Jessica: Could it be something more durable, like laminated brochure or refrigerator magnet?
 - i. Is there budget for it?
- r. Todd: We do have magnets but they're out of date.
 - i. Should consider #CallHumanRightsOffice or something not tied to one person.
 - ii. Send me ideas of the design and I can look into printing them.
- s. Jessica: **will follow up with graphics and language for magnet.**
 - i. Post flyers in public spaces
- t. Human Rights Ordinance distilled into poster form
- u. Lyndele: **Will start document of simplified ordinance language and put it on the Box website.**
 - i. Will start drafting a communications plan. (Where to put posters, and other outreach material.) Add to Box website.
- v. Todd: Would need to develop resolution for full HRC approval in order to codify steps we are taking. A document we can refer back to & cover our bases.
- w. **Reach out to Jeanette to see if we can get a draft of the community engagement resolution for the next subcommittee meeting.**

5. MATTERS BY THE PUBLIC

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

6. NEXT STEPS

- a. **OHR Staff**
 - i. **Will ask if the standard formal resolution language is required or if it can be rephrased to be easier to understand.**
 - ii. **Will update brochure by**
 - 1. **Removing logo**
 - 2. **Adding a tag line to encourage people to call**
 - 3. **Adding photos of people**
- b. **Jessica**
 - i. **Will send ideas for an update OHR magnet**
- c. **Lyndelle**
 - i. **Will start a draft simplified language version of the Human Rights Ordinance on Box**
- d. **Not assigned**
 - i. **Follow up with Jeanette regarding draft community engagement resolution**

7. ADJOURN

- a. Meeting adjourned at 5:43pm

Attachment 5



**Human Rights Commission
Meeting Minutes
Legal Representation Committee
June 3, 2021
Virtual/Electronic Meeting
6:00 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtezuyv3iclqx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

Meeting postponed and not called to order.

Pending HRC Approval

Attachment 6



**Human Rights Commission
Meeting Minutes
Accessibility Committee Meeting
June 4, 2021
Virtual/Electronic Meeting
6:00 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Wolfgang Keppley, called the meeting to order at 6:02 pm
- b. ROLL CALL
 - i. Wolfgang Keppley
 - ii. Sue Lewis
- 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
 - i. None

3. MINUTES

- a. 03-31-2021 HRC Housing Committee Meeting Minutes
 - i. Minutes approved

4. WORK SESSION

- a. New Business
 - i. Justifying and Scoping a Language Accessibility Plan for the City
 1. Chair shares some initial background research on what Charlottesville is already doing
 - a. Since receipts of federal funding have to create and implement Language Access Plans (LAPs) for individuals with Limited English Proficiency (LEP), several departments within the City already have LAPS: CPD, Neighborhood Development Services, Transportation
 2. Sue wants to looking into the data, to learn more about language diversity in Charlottesville and what portion of the City could potentially benefit/need increase language accessibility
 - a. The 2012 census didn't capture language diversity, so the information we have access to is either dated, or only a portion of the city (data captured by City Schools, or non-profits)
 - b. We need to know this information

3. Ashley Reynolds Marshall, Deputy City Manager for REDI Office, explains the legal framework required by federal funding recipients, as well as her experience implementing a LAP with YWCA.
 - a. This sub-committee focuses on broader accessibility and inclusion rather than legal requirement, so the HRC has an opportunity to make a broader ask of the City.
 - b. Any data this subcommittee can find regarding LEP individuals in the city will likely help both OHR and the REDI Office
 4. Chair suggests that we request that the city provide Spanish-speaking interpreter services for city residents navigating all community services and for city council meetings.
 - a. Todd and Ashley share their experiences using language line services – the challenges and need to find quality specialized interpretation services.
- ii. Follow-up on work with ADA Office
 1. Chair is still discussing possibility of HRC presence in ADA Committee
 2. REDI Office is interested in being on the ADA Committee as well, and helping shape the forthcoming Transition Plan
 - iii. JAUNT Invitation
 1. HRC Sub-Committee is invited to tour JAUNT facility
 2. Sue Lewis will attend this, Chair will pass along questions to be answer by JAUNT during this meeting

5. MATTERS BY THE PUBLIC

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

6. NEXT STEPS & ADJOURN

- a. Sue Lewis will reach out to Neighborhood Development Services to inquire about the DOJ Four-Factor Analysis, as well as their use and experience implementing a LAP
- b. Chair will reach out to International Rescue Committee about their language line services and thoughts on this initiative, as well as Sin Barreras through OHR staff
- c. Chair will also reach out to CPD regarding their use and experience implementing a LAP

7. ADJOURN

- a. Meeting adjourned at 7:01 pm

Attachment 7



**Human Rights Commission
Meeting Minutes
Housing Committee
June 4, 2021
Virtual/Electronic Meeting
5:00 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclqx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

Meeting postponed and not called to order.

Pending HRC Approval

Attachment 8



**Human Rights Commission
Meeting Minutes
Regular Meeting
June 17, 2021
Virtual/Electronic Meeting
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Mary Bauer, called the meeting to order at 6:30 pm
- b. ROLL CALL
 - i. Mary Bauer
 - ii. Kathryn Laughon
 - iii. Jeanette Abi-Nader
 - iv. Ernest Chambers
 - v. Jessica Harris
 - vi. Wolfgang Keppley
 - vii. Sue Lewis
 - viii. Tobiah Mundt
 - ix. Andrew Orban
 - x. Alex Oxford
 - xi. 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 May 20, 2021
 - i. Vote
 1. In favor: 10
 2. Can live with: 0
 3. Opposed: 0
 4. Abstained: 1
 - ii.

4. BUSINESS MATTERS

- a. Dialogue with Mayor Walker and Chief Brackney
 - i. Chair acknowledges that Commission had sent letter to City Council regarding concerns about police issues, particularly nationwide violence

and the city budget

- ii. Chair asks about availability of a police budget breakdown for the department's functions and programs as requested in the letter sent to City Council
 1. Chief responds that department is service-related rather than program-related in that day-to-day actions of officers depend on 911 calls
 - a. There is civilian access to records and budget online where one can find most of an officer's time is spent on patrol
 2. Chair asks if there is a way to report on time spent on different functions
 3. Chief responds that the best way to access records of calls, incidents, etc. are through the 911 CAD system
 - a. Department does not currently have the resources to label time through percentages and numbers, but it is open to HRC working together to get this data
- iii. Commissioner follows up asking Chief what data analyst does in department and what role the new system in the department plays
 1. Chief responds that there is an intelligence analyst, but no data analyst; also, there is no new system, and the old system was not part of ECC Records Management System
- iv. Commissioner asks how CPD makes choices about staffing
 1. Chief responds that officers are staffed based on number of crimes and calls
 - a. Finding time-based data may also be difficult because exempt employees may quantify time differently
- v. Commissioner asks for more information about the availability of information published online
 1. Incident reports and charging data is published daily on CPD websites
 - a. Other data like shots fired are also published weekly (EEC produces all of this data)
 2. Commissioner asks about consideration of a more performance-based budget like the City
 3. Chief responds that City has not mentioned this budget
 - a. The City uses a zero-based budget and CPD and the City have to match goals
 4. Mayor adds that HR Director when they arrive can look at staff member performance and annual ratings, as well as formulate new strategic plan goals, but this process has not yet started
- vi. Chair asks about information officers are required to report in regard to time being spent (like time sheets)
 1. Chief responds that time sheets themselves are only for arriving and leaving
 2. Officers keep track of incidents they are involved in, but not every activity throughout a work day
 3. Chair says that other occupations do log specific hours
 4. Mayor asks if discussion is leading to how CPD decides when

to decrease budget

- a. Chair adds that it is also about what functions are necessary for officers with weapons versus functions that could be performed by other occupations
 - b. Mayor says Vice Mayor Magill, Councilor Snook, Chief Brackney, and others in a group are looking at mental health response to ensure the appropriate organizations and people are responding in order to shift interaction away from the police in the community
 - c. Chief adds that Region Ten, ECC, those with lived experience, Bridge Ministry, and various others are a part of this Marcus Alert team to address balancing adherence with current laws with decoupling policing from those going through mental health crises
 - i. Legislation has more mandates around the 911 system
 - ii. When there is an ECO or TDO response, there is a law enforcement response required where police must take individuals into custody and transport them, so the task force is limited until legislation rolls back police involvement
 - iii. It is necessary in the community to have both resources and capacity
- vii. Commissioner asks what the HRC can do in the meantime to enact community change and provide support, outreach, and education
- 1. Mayor says that another working group (“Imagining a Just Cville”) including herself, Chief Brackney, Joe Platania, Liz Murtagh, Kaki Dimock, and various community members with lived experience, is taking the Disproportionate Minority Contact (DMC) study to see where influential individuals can change in those systems
 - a. There will be a community meeting in likely August, presentation for feedback, and presentations to Council for funding requests
 - b. Group has already begun doing work
 - 2. Chief says that Oct 2018 was the first time investigative detention was posted on website about officer interactions, especially officer-initiated encounters
 - a. They are looking into officer discretion-- what influences officers to introduce or not introduce an individual into the criminal legal system
 - b. A non-local intern is working on a social justice project looking at 2019/2020 records about circumstances during which officers did or did not choose to arrest an individual through the final outcomes to see the full impact of being introduced into the criminal legal system
 - 3. Commissioner clarifies previous question about how the HRC can conduct outreach
 - 4. Chief refers to HRC’s current handouts about what to do when

- encountering the police as well as the National Organization of Black Law Enforcement Executives' (NOBLE) community training
- a. Collaboration and regular dialogue between HRC and CPD is necessary to explore programs and outreach
5. Mayor adds that there are conflicting requests for Charlottesville policing, so creating new policies is challenging
 - a. She wants to make sure that police are responding to the right situations, and in those situations, they are handling them as best as possible
 6. Chief empathizes with Commissioner's situation and reminds HRC that collaboration and communication is necessary to enact change
- viii. Commissioner wants to know if there is discussion about decreasing armed response calls
1. Chief says there are no efforts to unarm officers, though there are efforts to increase community service officers
 2. Work groups are discussing a co-responder model and working together with other resources to change the types of calls CPD responds to
- ix. Commissioner leaves chat message asking how often officers use weapons
1. Chief responds that every use of force in detail is posted on the website, including use of hands
 - a. The number of instances is very low
- x. Commissioner asks if the Chief believes there is adequate staffing in the budget
1. Chief responds that budget allows for 119 sworn officers; right now, there are around 106, so they are short-staffed
 2. Now, some positions (such as intelligence analyst) are civilianized to rethink how CPD engages the community
 - a. This allowed for a decrease in the budget and an increase in pay for civilian workers
 - b. Understaffing costs more to hire officers at a time and a half and bring in officers on overtime
 3. Mayor adds that staff salary increases are for positions that have been long underpaid
 4. Commissioner asks Chief to confirm CPD as short-staffed
 - a. Chief confirms this and adds that decreasing CPD's budget also gets rid of civilian workers
- xi. Commissioner asks if UVA is involved in the mental health task force
1. Chief responds that UVA has been in and out
 2. Region Ten has the primary role and has been part of discussion for a long time
 3. Commissioner follows up suggesting UVA would be a good resource to help with capacity, such as providing money
 - a. Chief responds that UVA would then have to decide to add more beds
 4. Commissioner follows up to ask about UVA's mental health

- expertise resources, as well as more information about officer discretion data
- a. Mayor responds that she has had conversations with Chief of Diversity and Community Engagement at UVA, who has said he is committed to figuring out what resources UVA is willing to allocate
5. Commissioner asks about “Imagining a Just Cville”
- a. Chief says this work group meets every other week, while the Marcus Alert work group meets during the weeks in between
- xii. Commissioner asks about status of meeting regarding HRC’s policy review
1. Chief responds that request must have occurred before she got there, as she is not familiar with anyone reaching out
 - a. Charlene Green had a few interactions with Chief Brackney, but none about what Commissioner was referring to
 2. Todd Niemeier of OHR recalls that Charlene and the HRC was interested in reviewing the Bias-Based Policing Policy, Use of Force, and general Police Constitutional Policy with end goal of having conversation with Police Chief, City Manager, and City Attorney at the time
 - a. However, all four parties could not make it work and the meeting got lost in turnover
 - b. Todd confirms that review was not a request from CPD
 3. Chief invites Commission to look over the policies outlined on the CPD website, and Todd will look into next steps to meet with CPD about policy suggestions
 4. Mayor suggests that HRC should look into working with incoming PCRB, as this person will also play a role in policy review
- xiii. Commissioner asks what, if any, criteria would prevent CPD from working with another department (ex. joint training)
1. Chief explains that initial training comes from a joint Central Shenandoah Valley Academy
 - a. Virginia Department of Criminal Justice Services (DCJS) then mandates what training officers throughout the state receive
 - b. Then, CPD has created a 7-week curriculum where they may be gaps in community engagement, etc.
 - c. After, officers go through 3 months of field training
 - i. During these trainings, officers also receive supplementary crisis intervention training, negotiations training, etc.
 - ii. The state only mandates 40hrs of training every two years; CPD mandates training 40hrs every year and ensures all officers are trained in the same curriculum
 2. Commissioner refers to bike patrol training with RPD

- a. Chief explains that International Police Mountain Bike Association (IPMBA) training is through certified national trainers, not the department
- xiv. Commissioner asks for Chief Brackney's thoughts on community groups like the Buck Squad and Peace in the Streets and how they complement or challenge crisis situation police work
 - 1. Mayor says that Buck Squad and Peace in the Streets have been grassroots approaches to community healing
 - 2. They are on budget for funding and Council is trying to give them a more comfortable space
 - 3. Peace in the Streets has especially been stepping up to support the community by looking at a youth mentorship approach
 - 4. Councilors have been in communication with these groups, as the city is interested in having other avenues to make the community a better place
- xv. Commissioner references previous ad-hoc committee finding that most policies are geared toward internal understanding, and they should be more suited for public understanding
 - 1. Asks who should be reviewing policies between the HRC and PCRB
 - 2. Recommends to the Mayor that next time someone is added to PCRB, they are from the HRC
 - 3. Chief responds that online availability of policies online gives community members and organizations the opportunity to read and review
- xvi. Chair asks if CPD has looked at options for having traffic enforcement (parking) being handled by another entity besides CPD
 - 1. Chief responds this is already done by non-sworn civilians (CSOs)
 - a. If there are moving violations, this is governed by legislature and handled by police depending on if it is a criminal offense
- xvii. Commissioner asks for navigation on website
 - 1. CPD website is available via the city's website (charlottesville.org/police)
 - a. Data is available via "Crime Statistics" then "Department Data"
- xviii. Chair thanks Mayor Walker and Chief Brackney for their time and says HRC will be back in touch for follow-up and potential future collaboration
- b. Chair update
 - i. Housing committee did not meet due to insufficient attendance, though there is interest in reconvening the committee, as the human rights perspective is valuable
- c. OHR Staff report
 - i. Staff notes that report is attached
 - ii. Staff suggests that Commission proposes standing days for ad hoc committee meetings during this meeting
 - 1. **Todd will propose to Communications the 1st and 2nd Thursdays 6:30-8:30 for committee meetings**
 - 2. Committees will do their own minutes
 - 3. **Each committee will discuss among itself another time if that works better**
 - 4. Committee meetings must occur in person when possible; this will not likely be until after Labor Day
 - iii. Ashley Reynolds Marshall, Deputy City Manager for REDI, has invited Todd to be on the PCRB interview panel

5. WORK SESSION

- a. Committee Reports
 - i. Accessibility (Committee Chair – Wolfgang)
 - 1. Committee Chair reports that committee had a successful meeting during which it put together a plan for outreach
 - 2. ADA coordinator quit this week, making it 5 ADA coordinators in 3 years
 - a. Committee Chair asks if is this a concern
 - ii. Community Engagement (Committee Chair – Jessica)
 - 1. Committee Chair reports that committee had a successful meeting during which it had some action items:
 - a. Worked on drafting resolution
 - b. Worked on documents using plain English, as well as brochures
 - iii. Housing
 - 1. Tobiah has indicated she cannot continue serving as Chair
 - 2. Committee did not meet
 - 3. **Will reconvene this coming month and elect a new chair**
 - 4. Kathryn is willing to Chair
 - iv. Legal Representation
 - 1. Jessica reports committee did not meet

6. MATTERS BY THE PUBLIC

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

7. COMMISSIONER UPDATES

- a. Sue
 - i. VAHR update
 - 1. Virginia Association for Human Rights (VAHR) held annual meeting (first Saturday in June)
 - a. Meeting approved new bylaws
 - 2. **Sue will convert these to the correct format and send them out to Commissioners**
 - 3. New year for VAHR begins July 1; VAHR needs a representative from each HRC for its Board of Directors
 - a. Sue is on the Executive Committee as Parliamentarian
 - b. **Who will be point person for VAHR?**
 - i. **Put on agenda for next meeting**
- b. Jessica
 - i. **HRC Chair suggests to schedule time next meeting for following up about today's meeting with Mayor Walker and Chief Brackney—maybe a committee?**
 - ii. Jessica suggests social media presence or interaction with the public may help with communication difficulty
- c. Subtitle update
 - i. Todd says Lachen Parks has been experiencing technical difficulties, which is why there have not been subtitles during this meeting

8. NEXT STEPS

- a. **Meeting with CPD regarding policy review**
 - i. **Todd will look into next steps to meet with CPD about policy suggestions**
- b. **Committee meeting dates**
 - 1. **Todd will propose to Communications the 1st and 2nd Thursdays 6:30-8:30 for committee meetings**
 - 2. **Each committee will discuss among itself another time if that works better**

- c. Housing Committee
 - i. Will reconvene this month and elect a new chair
 - d. VAHR
 - i. Sue will convert new bylaws to the correct format and send them out to Commissioners
 - e. Next month's agenda
 - i. Identify a point person for VAHR
 - ii. Follow up about this meeting's conversation with Mayor Walker and Chief Brackney
- 9. ADJOURN**
- a. Meeting adjourned at 8:31pm

Pending HRC Approval

Attachment 9



**Human Rights Commission
Meeting Minutes
Regular Meeting
July 15, 2021
Virtual/Electronic Meeting
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

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. Ernest Chambers
 - v. Jessica Harris
 - vi. Sue Lewis
 - vii. Wolfgang Keppley
 - viii. Tobiah Mundt
 - 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.*
- d. Agenda amendments
 - i. Chair suggests adding to the work session agenda a discussion of a follow-up response to the meeting with Mayor Walker and Chief Brackney in regards to additional advocacy HRC could perform

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 June 17, 2021
 - i. May minutes instead of June minutes were inserted into this meeting's attachment packet
 - ii. June minutes are viewable in a previous email sent individually to Commissioners, and **OHR staff will also resend them**
 - iii. Commissioners agree to review June minutes next meeting

4. BUSINESS MATTERS

- a. Chair update

- i. Follow-up on strategic planning session from the winter
 1. HRC organized to push the city to provide attorneys to tenants in eviction proceedings and was very successful
 2. Chair suggests having a discussion during HRC's August meeting to identify a new ambitious goal to organize for the rest of the year
- ii. Circulation of ideas for next strategic planning session
 1. Commissioner suggests having notes from the previous planning session would help inform the next one
 2. Chair is concerned about how attorneys for evicted tenants are paid for with one-time money, and this process is not codified in law
 - a. Suggests OHR passes ordinance to get money allocation codified
 3. Chair also suggests looking into the new comprehensive housing plan and having HRC weigh in from an equity perspective
 4. Commissioner suggests starting discussion about equity-based budgeting in the city
 - a. This would be a long-term goal
 - b. Chair expresses support for this idea and suggests continuing this discussion during the next meeting
 5. Commissioner suggests that completing the PSA project about disability awareness and access could be a good smaller goal to focus on, especially for the community engagement and accessibility committees
- iii. Commissioner suggests discussion about August's planning session could continue later this meeting, and follow-up to last month's discussion with the Mayor and Police Chief is a matter of the Chair
 1. Chair is okay with Mayor and Police Chief follow-up to be discussed now and the August planning session discussed later
- iv. Response to Mayor Walker and Chief Brackney
 1. Chair opens by asking Commission members how they would want to follow up to the Mayor and Chief in terms of advocacy in addition to thanking them for their time
 - a. Is still unclear about the functioning of the police budget; suggests following up on this issue
 2. Commissioner suggests that Commission should have focused less on budgetary concerns and more on the police violence letter that did not get to Chief Brackney
 - a. Chair says letter was sent
 - b. Commissioner expresses gratitude for Mayor Walker and Chief Brackney attending the meeting and feels that they are willing to work with the Commission on future projects
 - i. Suggests that working with them on various issues could be beneficial for the Commission to achieve its goals
 3. Commissioner agrees that discussing decreasing police

interactions with the public in certain areas is a more important follow-up topic than budget details

- a. Suggests identifying police activities that are concerning to the Commission and partnering with agencies and other city organizations to decrease these kinds of interactions
- b. Does not think a discussion with Chief Brackney is necessary to begin searches on alternative city resources that are not the police
4. Commissioner has questions that did not get answered during the meeting
 - a. Wants to know what has happened with work on polices that HRC has done and if there is still reason to push it forward
 - i. Says this is clearly within HRC's domain
 - b. Is happy to advocate about police budget as a human rights issue, though it is difficult to coordinate with PCRB
 - c. Wants to clear up issues around responsiveness between the Commission and CPD
5. Commissioner agrees that budget details are not most important, though having a general idea of how the budget works is necessary to shift services to other departments or agencies to avoid underfunding
6. Commissioner says that with new Commission members, HRC has not looked at policies it had come up with previously, and it is worth a work session to review these policy change suggestions in order to send them out to relevant people
7. Chair asks for thoughts on how the HRC will present these points to the Mayor and Chief
 - a. Commissioner suggests scheduling a work session to take a look at policies that were developed by HRC and making changes, if necessary
 - i. May help clarify where HRC's position is in relation to the PCRB
 - ii. May take a separate meeting or even a sub-committee
 - iii. **Chair will send out these policy suggestions for Commissioners to read before next meeting**
8. Commissioner suggests someone pull police budget information from the website so that Commission can better construct questions relating to the budget
 - a. Would like to invite Chief Brackney back more regularly to keep her in the loop
9. Chair says that more specificity on how people spend their time should be possible
 - a. This is important information to know for outsourcing certain services (i.e. traffic stops vs. violent crime) to other agencies

- b. Commissioner agrees that generally understanding how police officers spend their time is critical, especially during conversations about cutting the police budget
- 10. Commissioner notes that Commission is interested not in the salaries and money of the budget so much as how much time officers spend doing certain activities
 - a. This information can come from 911 calls and dispatch information
 - b. Another Commissioner adds that this current discussion includes more targeted, specific questions, which are more effective than broadly asking the Chief about what officers do day-to-day
 - i. This is why finding information on the website first would be useful to formulate more specific questions
- 11. Commissioner agrees that reaching out to Chief Brackney is a good opportunity to get answers, as police chiefs prior have largely been less willing to work with the Commission
 - a. Suggests that the Commission could take the role of data-gathering and reviewing policies to establish a more productive relationship with the Chief
- 12. Commissioner says that Commission should refocus what it wants to know from the Chief, as current discussion is not necessarily aligning with what was asked during the meeting
 - a. Suggests developing a different set of questions to ask the Chief, as HRC is looking more into redistributing effort and reducing reliance on police than how money is being spent—the money will follow
- 13. Commissioner adds that Commission wants to know how much less people and equipment in a different department would need for certain services, and the money, salaries, etc. would follow from there
- 14. Chair sees how the budget is directly related to redistributing police services, though is very willing to reframe their questions
 - a. Asks if the next step is a letter to the Chief
- 15. Commissioner notes he is not concerned about time spent on the time spent on certain activities so much as policies and how the police interact with city residents
 - a. Notes that Chief Brackney said they were short-staffed, which may change the hours officers work
- 16. Another Commissioner reiterates the Commission should express gratitude in the letter to Chief Brackney for her being willing to work with HRC, as well as apologize for the police violence letter never getting to her; suggests resending the letter
- 17. OHR staff answers a few previous questions
 - a. Reports that before the first round of PCRB interviews, Chief Brackney expressed to Todd clear interest in policy review

- the month could be used as a publicly-noticed joint meeting between the HRC and PCRB
 - b. Bellamy Brown, PCRB Chair, and Bill Mendez, PCRB Vice Chair have been in contact
 - c. Chair expresses support and says the HRC should reach out and try to coordinate this meeting
 - 20. Commissioner asks if formulating a sub-committee is necessary before meeting jointly with the PCRB to do some preliminary policy review work
 - a. Chair is concerned about the large number of existing sub-committees, though is open to this idea if there are people able to participate
 - b. OHR notes that from a scheduling perspective, the HRC is using first and second Thursdays 6:30-8:30, which would be August 5th and 12th, and August 12th is also the PCRB meeting time
 - 21. There is general support for reviewing the policies before the next meeting
 - a. HRC will also send a letter inviting PCRB representatives to collaborate during a future meeting
- v. Summary of Next Steps regarding Mayor Walker and Chief Brackney
 - 1. Chair will send out policy change suggestions for Commission members to review before the next HRC meeting
 - 2. Chair (or someone else) will draft letter to Mayor Walker and Chief Brackney to thank them for their time, invite them to return, and set up a positive working relationship for the future
 - a. Include police violence letter
 - 3. HRC will send a letter inviting PCRB representatives to collaborate during a future meeting to establish further questions when reaching out to the Mayor and Chief
- b. OHR Staff report
 - i. Monthly summaries for January and February are included in the report
 - ii. Next opportunity for service provision outreach will be August 6 from 3:30pm-5:30pm South 1st St.
 - 1. Will be tabling collaborative community cleanup event—let Todd know if interested in participating
 - iii. FHAP agreement with HUD
 - 1. Sent off another ordinance draft to Eric Steinecker
 - 2. Want to make sure housing discrimination piece is subsectioned off so changes do not affect the rest of the ordinance
 - iv. No request for quarterly or annual reports from Council yet
 - 1. All information included in annual report is included in departmental scorecard
 - 2. If longer report is required, Mary and Todd can work together to provide a narrative report on the HRC's activities over the 2020 calendar year
 - a. Components to include are located at the bottom of the ordinance
 - v. Commission document subpage on the website will be added soon

- vi. Facebook page has previously been taken down; now trying to figure out how to get it back up
 - 1. Same thing with email
 - a. There is a policy in works to make emails available for Commission
- vii. Notice must be posted tomorrow (7/16/2021) for setting up publicly-noticed sub-committee meetings
 - 1. Commission can decide during this meeting which sub-committees will meet during which days
- viii. Chair asks about status of Director hiring
 - 1. Staff responds that last round of PCRB interviews took place today, 7/15/2021, so scheduling for HRC Director interviews should begin once PCRB Director is chosen
- ix. Chair asks for which committees would like to meet August 5
 - 1. Community Engagement
 - a. Will start at 7:00
 - 2. Housing
 - a. Will start at 6:30
 - 3. No committee meetings August 12
- x. Commissioner asks when in-person Commission meetings will resume
 - 1. OHR staff says September

5. WORK SESSION

- a. Committee Reports
 - i. Accessibility (Committee Chair – Wolfgang)
 - 1. Committee Chair provides update from June meeting
 - 2. Major push toward drafting proposal to Council for a language accessibility plan for the city
 - a. Wolfgang met with IOC interpreter services to talk about feasibility of structure and costs
 - b. Sin Barreras and will have data soon
 - c. IRC will have data soon concerning non-primarily English language speakers
 - 3. Trying to get in contact with Neighborhood Development about their language access plan because of changing ADA Coordinators
 - 4. OHR staff says NDS person (Jack) can provide an overview of the scope of the ADA coordinator's responsibilities
 - a. There are many technical oversight responsibilities in addition to receiving complaints, so it may be helpful
 - ii. Community Engagement (Committee Chair – Jessica)
 - 1. Committee Chair provides update from June meeting
 - 2. Is reviewing language within HRC ordinance documents
 - a. Figuring out how to break down the language for common understanding
 - 3. Will look through brochures to make potential changes
 - a. Could hand them out or post them on social media
 - b. Jeanette is putting together a resolution for the next sub-committee meeting
 - 4. May bring back magnet

5. OHR staff notes the ordinance is currently becoming more complex due to becoming a FHAP, though a companion document to translate the ordinance will be possible
 - a. Pulling out complicated resolution language is a legal question
- iii. Housing (Committee Chair – Kathryn)
 1. Did not meet (will meet in August)
- iv. Legal Representation
 1. Currently no Chair
 2. Did not meet
 3. OHR staff says draft resolution outlining potential fund for legal representation for parties to a complaint in an allegation of discrimination is available for review
 - a. Would not cost much
 - b. OHR staff is currently trying to find pro-bono attorneys
 4. Chair says resolution can be circulated in attachments for next meeting, and Commission can make a determination at the next meeting if changes are still needed
- b. New business
 - i. Commissioner asks if it is possible for Commission to issue statement offering condolences to those harmed by the August 2017 events
 1. **Chair responds she can draft this statement**
 2. OHR staff notes this statement can be written as a proclamation to be read by Council
 - a. **OHR staff will look into how to draft a proclamation and get back to Mary**
 - b. Commissioner suggests adding what actions the Commission is taking to move forward
 - c. Another Commissioner suggests the proclamation tool could replace interest in Facebook, etc. if this is a current tool
 - d. Another Commissioner adds the proclamation is connected to work the HRC has done in the past; it can simultaneously acknowledge the pain the community have gone through and the work the Commission has been doing
 - e. Chair says she can draft proclamation, but some help for historic Commission work would be helpful
 - i. Sue volunteers as a member of the Blue Ribbon Commission representing the HRC
 3. Commissioner asks if it is possible to request that people in the city cannot fly Confederate flags on vehicles
 - a. This is not legally feasible

6. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

i. None.

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

i. None.

7. COMMISSIONER UPDATES

- a. Sue
 - i. Attended Virginia Association of Human Rights (VAHR) meeting the first Saturday in June
 - ii. VAHR approved bylaw changes
 - iii. Sue will send them out
- b. Ernest and Jeanette thank those involved in advocating for and implementing statue removal

8. NEXT STEPS

- a. Next steps regarding follow-up with Mayor Walker and Chief Brackney
 - i. Mary will send out policy change suggestions for Commission members to review before the next HRC meeting
 - ii. Mary (or someone else) will draft letter to Mayor Walker and Chief Brackney to thank them for their time, invite them to return, and set up a positive working relationship for the future
 - 1. Include police violence letter
 - iii. HRC will send a letter inviting PCRB representatives to collaborate during a future meeting to establish further questions when reaching out to the Mayor and Chief
- b. August 12 Proclamation
 - i. Mary will draft proclamation with help from Sue for HRC's history
 - ii. OHR staff will give information to Sue on how to draft a proclamation
 - iii. OHR staff says proclamation may need to be done by July 22 for August 2 meeting
- c. Annual report
 - i. Mary and Todd will work together to provide a narrative report on the HRC's activities over the 2020 calendar year
- d. OHR staff will resend 20219617 minutes for review next meeting
- e. Sue will send out approved VAHR bylaw changes
- f. Contact Todd if interested in helping table August 6 community outreach event
- g. August 5 Community Outreach and Housing committee meetings

9. ADJOURN

- a. Meeting adjourned at 7:50 pm

Attachment 10



**Human Rights Commission
Meeting Minutes
Community Engagement Committee Meeting
August 8, 2021
Virtual/Electronic Meeting
7:00 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzezyv3iclxx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

Meeting postponed and not called to order.

Pending HRC Approval

Attachment 11



**Human Rights Commission
Meeting Minutes
Housing Committee Meeting
August 5, 2021
Virtual/Electronic Meeting
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclkx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

1. WELCOME

- a. CALL TO ORDER
 - i. Chair, Kathryn Laughon, called the meeting to order at 6:30 pm.
- b. ROLL CALL
 - i. Kathryn Laughon
 - ii. Mary Bauer
 - iii. Ernest Chambers
- 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.*
 - i. Commissioners chose to bypass mission statement.

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 3/31/21
 - i. Commissioners chose to bypass review of minutes.

4. BUSINESS MATTERS

- a. Chair update
 - i. None.
- b. OHR Staff report
 - i. None.

5. WORK SESSION

- a. Next steps regarding eviction right-to-counsel program
 - i. Chair believes work to continue is a short-term commitment to a pilot using federal money—wants to move forward in a year or so to ensure program becomes permanently included in City's budget
 - ii. Commissioner asks if it is possible to request a legal analysis from the City about whether HRC can push for passage of ordinance
 1. OHR staff says Commission could write recommendation to Council and also add in that the program should become a line item in the City's budget
 2. Commissioner suggests that due to Council not approving entire

amount, HRC can also include that the program may become more expensive over time

3. **Mary volunteers to write this letter.**
4. Chair suggests that including LAJC statistics concerning right to counsel would be helpful
 - a. **Mary offers contacting LAJC about this data**
5. Commissioner asks how much money City Council allocated
 - a. \$300,000 per year for one year
 - i. Chair thought that money was for three years--
Mary will confirm by crafting short letter for review
- b. Chair proposes asking Sunshine Mathon (Head of Piedmont Housing Alliance) and/or Dan Rosensweig (Head of Habitat for Humanity) to come talk to the Commission regarding their proposed changes to the Land Use map and other work anchored in equity
 - i. Could also ask the consultants who have been leaving the project to talk to the Commission
 1. One of HRC's roles is to educate how seemingly mundane topics like zoning contribute to white supremacy
 - ii. Commissioner suggests that having Sunshine and Dan come to a Housing Committee meeting would possibly unnecessarily delay the talk
 - iii. Chair agrees that they can come to just the general HRC meeting
 - iv. **Kathryn will ask them if they are available to come to the September HRC meeting and sit down with them to talk about the discussion**
 1. Commissioner would like to know how the HRC can support their work
- c. Commissioner notes that even if it is not possible to make big changes in fixing zoning issues right now, it is necessary to put pieces in place so that HRC is ready when an opportunity arises
 - i. Expresses concern about unknown projects or other obstacles that could deter progress
 1. Chair notes that the biggest deterrent for progress is the slow progress
 - ii. OHR staff suggests asking John Sales (Executive Director of CRHA) to sit on the panel with Sunshine and Dan, as CRHA and PHA are currently the new developers of subsidized and affordable housing
 - iii. Chair asks if a panel vs. new guests one at a time over the course of multiple meetings is more helpful
 1. There is general agreement that a panel would be more helpful due to timing concerns and the benefit of having multiple groups sharing ideas in the same space
 - iv. Chair asks OHR staff if there is anyone else who should be on the panel
 1. Staff responds that in terms of who has control of land development, the people already listed are best to ask
- d. OHR staff asks if Committee wants to begin reading the draft ordinance for substantial equivalent of Federal Fair Housing Law (which is still pending review with Eric Steinecker and HUD) before it goes to the rest of the Commission
 - i. **Chair will begin reading the draft ordinance**

6. MATTERS BY THE PUBLIC

a. PUBLIC COMMENT

i. Brandon Collins

1. Enthusiastic that Commission is learning more about the Future Land Use map
2. Encourages them:
 - a. To support Sunshine and Dan's overlay design that addresses many concerns, like questions if design will provide affordable housing, will desegregate, etc.
 - b. To include overlay on actual Future Land Use map in some way rather than just as a narrative
 - c. To take a very broad leadership role
 - i. Feels that City Council and Planning Commission are supportive of positive changes rolling back segregation, but does not feel that Charlottesville leadership has made this clear to the public
 - ii. Believes there needs to be voices selling changes to the broader public

ii. Adrienne Dent

1. Echoes everything Brandon said
2. Suggests the fund allocation to explore affordable housing is oriented toward understanding the past and how the past has situated the city—the comprehensive plan can only move forward by understanding this past
3. Suggests the Commission use united voices to put equity at the forefront when going forward with this project
4. May email a link that contains Arlington's work in 2020 that applied equity to different aspects of policy, especially housing

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

- i. Chair says that another complication is that the process is very complex—people are having trouble finding a way to engage, so giving concrete tasks may increase involvement and move the project forward
 1. OHR staff adds that Commission could be powerful navigators for understanding public policy
 2. Commissioner adds that there is a lot of important work to be done, and the Commission can be a voice for equity and racial justice in the community
 3. OHR staff asks HRC Chair Mary if anyone from HRC is on CLIHC
 - a. Mary is unsure
 - b. OHR staff suggests reaching out to Emily and Elaine to fill gaps
 - c. **Mary will ask Elaine about CLIHC while asking about right to counsel matters**

7. COMMISSIONER UPDATES

- a. None.

8. NEXT STEPS

- a. **Kathryn**
 - i. **Will ask Sunshine Mathon, Dan Rosensweig, and John Sales to attend**

September regular HRC meeting to talk on panel about Future Land Use Map and equity plans about land development around the City

- ii. Will begin reading FHAP draft ordinance
- b. Mary
 - i. Will draft letter to City Council regarding legal analysis request and right-to-counsel line item concern
 - ii. Will contact LAJC about right-to-counsel data
 - iii. Will draft short letter confirming allocation for right-to-counsel program for review
 - iv. Will ask Elaine about CLIHC when asking about right-to-counsel matters

9. ADJOURN

- a. Meeting adjourned at 6:59 pm.

Pending HRC Approval

Attachment 12

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Primary Service: Outreach Coordination</i>	0	0	0	0	1	0	0	0	0	0	0	0	1
<i>Primary Service: Public Hearing</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Primary Service: Volunteer Coordination</i>	0	0	0	0	0	1	0	0	0	0	0	0	1
<i>Primary Service: Helpline - COVID Response</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Total Formal Investigations: - Employment</i>													0
<i>Total Formal Investigations: - Housing</i>													1
<i>Total Formal Investigations: - Public Accommodation</i>													1
<i>Total Formal Investigations: - Credit</i>													0
<i>Total Formal Investigations: - Private Education</i>													0

Administrative and Reporting:

- 2020 Departmental Scorecard update completed
 - Link to Scorecard: [Human Rights \(clearpointstrategy.com\)](https://clearpointstrategy.com)
 - OHR Interns Ginny and Lily, as well as community volunteer Kraig Chapman completed the satisfaction survey calls. Unfortunately, the response rate was so low that the data may not be all that representative. OHR staff will review with Deputy City Manager for Racial Equity Diversity and Inclusion to determine next steps. We may need to revamp the current satisfaction survey system.
- 2020 Annual Report in progress
 - Will use Departmental Scorecard as basis for the annual report
 - No requests from Council yet for annual or quarterly reports
 - No progress made on the report this month, as intake and service provision continue to dominate staff time
- Amendments to Charlottesville Human Rights Ordinance for FHAP substantial equivalence in progress
 - The current draft is included in the agenda packet
 - At the time of this report, Erik Steinecker (HUD Fair Housing Attorney) was finalizing his informal review of the draft. If completed, it will also be in the agenda packet.
- No new work on FEPA agreement, as FHAP process take precedence
 - Recall that the FHAP agreement provides substantial opportunities and resources to expand and improve the OHR, whereas the FEPA really only just increases workload with insufficient support to increase staffing or training

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
 - Conciliation agreement reached with pro bono assistance from local attorney
- Case 2020-2
 - Housing discrimination on the basis of race
 - Investigation in progress
 - All interviews completed
 - All requested supplemental information received
 - All Complainant and Respondent notarized affidavits received
 - Investigative report in progress
- Case 2021-4
 - Employment discrimination on the basis of sex
 - Investigation authorized 05-03-2021
 - Investigation in progress
- Case 2021-5
 - Employment discrimination on the basis of sexual orientation and race
 - Investigation authorized 07-22-2021

Active Fact-finding Inquiries:

- All Fact-finding Inquiries have shifted to Offers of Mediation

Active Offers of Mediation:

- Case 2021-2
 - Employment discrimination on the basis of race
 -
 - Complainant has agreed to mediate
 - Respondent has not replied to offer of mediation
 - OHR staff continues to follow up for response
- Case 2021-3
 - Public Accommodation discrimination on the basis of sex and disability
 - Complainant and Respondent have agreed to mediate
 - Mediation set for 8/31/2021

Outreach:

- Service Provision
 - Most outreach on hold given staff capacity to address the overwhelming volume of active and incoming inquiries
 - Next opportunity for Commissioners to participate in outreach
 - September 24th, Westhaven, 3:30pm to 5:30pm
 - Will be tabling the event and doing community clean-up work
 - Come join me at the table to talk to residents!
- Education & Awareness
 - On hold due to staff capacity.
- Facilitation & Leadership
 - Outdoor Equity
 - Beginning work on a developing a version of Charlene's Racial & Ethnic History of Charlottesville presentation that focuses on land and outdoor recreational space use
 - OHR interns are researching historical land use in open spaces in Charlottesville, Albemarle and the Blue Ridge
 - This information will be condensed into a presentation that parallels the Racial and Ethnic History of Charlottesville Presentation
 - The intent is to present this information publicly to community members attempting to take action to make public outdoor spaces more welcoming
 - No new progress on this project in August
 - Public Housing Association of Residents – Residents for Respectful Research (RRR)
 - MOUs with UVA completed and awaiting final signatures from the IRB
 - Cecilia Barber hired as RRR Coordinator
 - Developing process to hire and train RRR Resident Research Reviewers
 - Affordable Housing
 - Thomas Jefferson Planning District Commission (TJPDC) awarded the Virginia Eviction Reduction Pilot (VERP) planning grant
 - OHR staff asked to serve on VERP advisory committee, as the alternative dispute resolution representative, to provide guidance regarding program development
 - Piedmont Housing Alliance awarded grant to start a Financial Opportunity Center & Housing Hub
 - OHR staff engaged to provide input regarding barriers to affordable housing and perspective on housing navigation
 - The FOC & Housing Hub may serve as the future home of the affordable housing database developed by Code of Charlottesville in partnership with PACEM and the OHR
 - CRHA Resident Services Committee – Neighborhood Crisis Intervention sub committee
 - OHR staff participating in discussions around coordination of efforts across multiple sectors to address conflict intervention involving residents of public and subsidized housing

Attachment 13

RESOLUTION TO ESTABLISH PROCEDURES FOR ADVOCACY AND ACTION
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION
RESOLUTION #: A21-1

WHEREAS, the Charlottesville Human Rights Ordinance, hereinafter “the Ordinance,” states that 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 Ordinance states that the Commission will collaborate with the public and private sectors for the purpose of providing awareness, education and guidance on methods to prevent and eliminate discrimination citywide (City code Article XV. Sec. 2-433.b); and

WHEREAS, the Ordinance states that the Commission will 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 City code Article XV. Sec. 2-433.c); and

WHEREAS, the Ordinance states that the Commission will prepare recommendations to City Council as to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modifications of operating procedures approved by City Council (City code Article XV. Sec. 2-433.f); and

WHEREAS, the Ordinance states that the Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that may not constitute unlawful discriminatory practices but nevertheless which produce disparities that adversely impact or 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 (City code Article XV. Sec. 2-435.a.2); therefore

BE IT RESOLVED that the Commission hereby declares its intent to take specific action as a strong advocate for human and civil rights; and

BE IT FURTHER RESOLVED that the Commission will undertake specific advocacy action following a majority vote of approval during a publicly-noticed regular meeting of the Commission, except in limited situations between regular meetings of the Commission, when a systemic human or civil rights issue requires prompt action that must occur before the Commission can convene in a publicly noticed meeting, in which case the Commission authorizes the Commission Chair to take advocacy action, on behalf of the whole Commission, without a prior majority vote of approval during a publicly-noticed regular meeting; and

BE IT FURTHER RESOLVED that specific advocacy action, proclaiming the Commission’s position on an issue related to human and/or civil rights, may include one or more of the following:

1. Letters to
 - a. City Council
 - b. The City Manager
 - c. Non-profit organizations or other community groups
 - d. State government officials
 - e. Federal government officials
 - f. Local media outlets
2. Online petitions
3. Sign-on letters
4. Public Service Announcements
5. Attendance and participation in public events including but not limited to
 - a. Protests
 - b. Counterprotests
 - c. Rallies
 - d. Marches
 - e. City Council meetings.

Dated this _____ of _____, 2020.

Mary Bauer, Chair, Human Rights Commission

Attachment 14

**RESOLUTION TO ESTABLISH A LEGAL REPRESENTATION FUND FOR PARTIES TO A COMPLAINT OF DISCRIMINATION
CHARLOTTESVILLE HUMAN RIGHTS COMMISSION
RESOLUTION #: HR21-1**

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,” states that the Commission will assist individuals who believe they are the victim of an act of unlawful discrimination in the City (City code Article XV. Sec. 2-433.b.); and

WHEREAS, the Ordinance states that the Commission will prepare recommendations to City Council as to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modification of operating procedures approved by City Council (City code Article XV. Sec. 2-433.f.); and

WHEREAS, the Ordinance states that the Commission will be responsible for identifying and reviewing policies, practices and systems of an institutional nature that may not constitute unlawful discriminatory practices but nevertheless produce disparities that adversely impact 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 (City code Article XV. Sec 2-435.a.2.)

WHEREAS, the staff of the Office of Human Rights, including the Director of the Human Rights Commission, hereinafter “OHR staff,” are neutral parties to the complaint and cannot provide legal advice to the Complainant or Respondent at any stage before, during, or after the investigation, mediation, determination of cause, appeal, or public hearing of the Commission regarding the complaint;

BE IT RESOLVED that the Commission hereby supports the creation of a legal representation fund to provide equitable access to legal services for parties to complaints of discrimination filed with the Charlottesville Office of Human Rights, provided such complaints have been authorized for further action by the Director of the Human Rights Commission.

The HRC recommends that the legal representation fund be available to both Complainants **and Respondents** who meet the following criteria:

1. The applying party must be the named Complainant or named Respondent in a case that has been authorized by the Director of the Commission for further action. Qualifying actions shall include one or more of the following:
 - a. Mediation
 - b. Investigation
 - c. Public Hearing
2. Individual Complainants shall have a household income of no more than 250% of the federal poverty guidelines.
3. **Respondents shall meet one of the following criteria:**
 - a. **Individual Respondents, representing only themselves and not affiliated with a larger corporate entity, shall have a household income of no more than 250% of the federal poverty guidelines.**

- b. Respondents that are entities incorporated with the Virginia State Corporation Commission, shall have a corporate net worth of no more than \$XXX.

The HRC further recommends that the following restrictions apply to the legal representation fund:

1. Funds shall only be used to employ the services of an attorney barred in the Commonwealth of Virginia.
2. Funds shall only be used to employ the services of an attorney for matters directly related to the complaint of discrimination for which the Director of the Commission has authorized further action.
3. The maximum amount of funding awarded to a single qualifying party shall not exceed \$XXX,000.
4. Payment for legal services will be made directly to the designated legal representative of the qualifying party upon provision of documentation detailing the specific legal services provided to the party.

The HRC further recommends that the following exclusions apply to the legal representation fund:

1. Legal services provided to a party to a complaint prior to application for and approval of funding from the legal representation fund shall not be reimbursable.
2. Legal services provided to a party to a complaint after the case has been deemed Dismissed or otherwise Closed shall not qualify for payment.
3. Legal services provided to a party related to the filing or litigation of a private civil suit in General District Court, seeking court-mandated relief related to an active, closed, or dismissed complainant, even if said complaint was previously approved for funding, shall not qualify for payment.

Dated this _____ of _____, 2020.

Mary Bauer, Chair, Human Rights Commission

Attachment 15

Purple is new content created by OHR staff

Purple with green highlighting shows a new section number.

Red is directly copied federal housing statute (red ~~striketrough~~ indicates removed language)

Red with green highlighting indicates subchapter references that may need changing

Yellow highlighting is newly added text not recommended by the HRC but inserted by Council

Blue highlighting is text that had grammar problems that needed fixing

AN ORDINANCE

AMENDING AND REENACTING CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, ARTICLE XV (HUMAN RIGHTS) SEC. 2-431 (UNLAWFUL DISCRIMINATION PROHIBITED); SEC. 2-432 (HUMAN RIGHTS COMMISSION); SEC. 2-433 (ROLE OF THE HUMAN RIGHTS COMMISSION); SEC. 2-437 (DUTIES AND RESPONSIBILITIES- INVESTIGATION OF INDIVIDUAL COMPLAINTS AND ISSUANCE OF FINDINGS); AND SEC. 2-439.1 (ENFORCEMENT AUTHORITY-THE ROLE OF THE COMMISSION) TO UPDATE THE ORDINANCE TO REFLECT 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, AS AMENDED.

WHEREAS, by recorded vote, the Human Rights Commission initiated certain amendments to the text of the City's Human Rights Ordinance, Sections 2.431; 2-434; 2-433; 2-437; and 2-439.1 ("Proposed Text Amendments"); and

WHEREAS, a public meeting was held to discuss and receive comments on the Proposed Text Amendments on June 18, August 20, and September 17, 2020 and the proposed amendments were presented to, discussed and approved at the October 15, 2020 public meeting of the Human Rights Commission for recommendation to Charlottesville City Council; and

WHEREAS, after consideration of the Human Rights Commission recommendations and other factors and considerations, this Council is of the opinion that that the Proposed Text Amendment has been designed to comply with 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 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, and general welfare require the Proposed Text Amendment, and (ii) the Proposed Text Amendment is consistent with the Council's vision of the City as a leader in social justice; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that: Sections 2.431; 2-

434; 2-433; 2-437; and 2-439.1 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

Article XV. Human Rights

Sec. 2-430.1. Short title.

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

Sec. 2-430.2. Interference, coercion, intimidation, or retaliation prohibited.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this ordinance. ~~section 3603, 3604, 3605, or 3606 of this title.~~

Sec. 2-430.3 Definitions.

- (a) 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.
- (b) 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.
- (c) 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. 2-431.1 Unlawful employment discrimination prohibited.

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

Sec. 2-431.2 Unlawful housing discrimination prohibited.

It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of ~~race, color, religion, sex, familial status, or national origin~~ race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of ~~race, color, religion, sex, familial status, or national origin~~ race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on ~~race, color, religion, sex, familial status, or national origin~~ race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of ~~r-race, color, religion, sex, familial status, or national origin~~ race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular ~~race, color, religion, sex, handicap, familial status, or national origin~~ race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.
- (f) Furthermore, it shall be unlawful and a violation of this article for any person, partnership, corporation or other entity
 - (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a ~~handicap~~ disability of—
 - (A) that buyer or renter,
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that buyer or renter.
 - (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a ~~handicap~~ disability of—
 - (A) that person; or
 - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (C) any person associated with that person.
 - (3) For purposes of this subsection, discrimination includes—
 - (A) a refusal to permit, at the expense of the ~~handicapped person~~ person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford

such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

- (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - (C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that—
 - (i) the public use and common use portions of such dwellings are readily accessible to and usable by ~~handicapped persons~~; **people with disabilities**;
 - (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by ~~handicapped persons in~~ **people with disabilities** requiring the use of wheelchairs; and
 - (iii) all premises within such dwellings contain the following features of adaptive design:
 - (I) an accessible route into and through the dwelling;
 - (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
 - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
 - (4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of paragraph (3)(C)(iii).
 - (5) As used in this subsection, the term “covered multifamily dwellings” means—
 - (A) buildings consisting of 4 or more units if such buildings have one or more elevators; and
 - (B) ground floor units in other buildings consisting of 4 or more units.
 - (6) Nothing in this **subchapter** ordinance shall be construed to invalidate or limit any ~~state or federal law or City ordinance of a State or political subdivision of a State, or other jurisdiction in which this subchapter shall be effective~~, that requires dwellings to be designed and constructed in a manner that affords ~~handicapped persons~~ **people with disabilities** greater access than is required by this subchapter.
 - (7) Nothing in this **subsection** ordinance requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (g) In general, it shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making

available such a transaction, or in the terms or conditions of such a transaction, because of ~~race, color, religion, sex, handicap, familial status, or national origin~~ race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

- (1) As used in this section, the term “residential real estate-related transaction” means any of the following:
 - (A) The making or purchasing of loans or providing other financial assistance—
 - (i) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (ii) secured by residential real estate.
 - (B) The selling, brokering, or appraising of residential real property.
- (2) Nothing in this subchapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than ~~race, color, religion, sex, handicap, familial status, or national origin~~ race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

(h) After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of ~~race, color, religion, sex, handicap, familial status, or national origin~~ race, color, religion, national origin, sex, elderliness, familial status, source of funds, sexual orientation, gender identity, status as a veteran, or disability.

Sec. 2-432. Unlawful public accommodation, credit, and private education prohibited.

It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in 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 status as a veteran, or disability.

Sec. 2-431. Unlawful discrimination prohibited.

~~It shall be unlawful and a violation of this article for any person, partnership, corporation or other entity to engage in discrimination in 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 status as a veteran, or disability.~~

~~(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 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.~~

~~(b) 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.~~

~~(c) 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.~~

~~(d) 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, the members of which shall be appointed by the City Council. **Effective March 1, 2022, the appointed membership of the Commission shall consist of nine (9) members.** The Commission membership shall be broadly representative of the City's 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; with priority given to City residents, and to applicants with significant and demonstrable ties to the City. **At least two members will have professional expertise in employment or housing discrimination, have personal experience with employment or housing discrimination, or identify as a member of a group that experiences discrimination.** 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.
- (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. The Commission may adopt bylaws and procedures to govern the conduct of its meetings; provided, however, that 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 adopted "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. A candidate proposed for appointment as the Director must demonstrate significant prior professional experience performing one or more of the activities or roles described in sections 2-433(a)-(b), 2-434, 2-435(a), 2-437 and 2-439.1 of this article. The Director will be responsible for and report to the Commission ~~in~~ on the ~~day to day~~ day-to-day operational conduct of the Human Rights Commission. ~~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.

Commented [NT1]: Reminder: Check for continuity in cross-referenced sections following amendments.

- (g) The City Council shall establish policies and procedures for the performance by the Commission of the roles, duties and responsibilities set forth within this article (“operating procedures”). 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.
- (i) The Commission shall make quarterly reports to the City Council concerning the operation of the Commission and the status of the Commission’s performance of the duties, responsibilities and roles set forth within this article. One of the required quarterly reports shall be an annual report. The schedule for submission of these reports, and the required contents of the reports, shall be as specified within the Commission’s operating procedures.

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;
- (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;
- (d) Seek work share agreements with the Equal Employment Opportunity Commission (“EEOC”) and the Department of Housing and Urban Development (“HUD-FHAP”) to conduct investigations of employment and housing discrimination on their behalf, and enter into such agreement(s) subject to approval of City Council upon a finding that the agreement(s) would be in the best interest of the City.
- (e) Make recommendations regarding the City’s annual legislative program, with an
- (f) emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination; and

- (g) Prepare recommendations to City Council as to policies and procedures the Commission believes are necessary for the performance of the roles, duties and responsibilities assigned to the Commission within this article, and for modifications of operating procedures approved by City Council.

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 will 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 to City Council concrete, actionable reforms that will eliminate discriminatory practices or the adverse effects of lawful other practices. On and after July 1, 2021, the Commission will conduct at least one such research project or review every two years. The Commission will report the status of its ongoing project(s) or review(s) to City Council within its quarterly and annual reports.

Sec. 2-436. ~~Reserved.~~ Office of Human Rights.

- (a) There is hereby created in the City of Charlottesville an Office of Human Rights.
- (b) The Director of the Commission will be responsible for, and report to the Commission on, the day-to-day operational conduct of the Office of Human Rights.

(c) The role of the Office of Human Rights is to:

- (1) Provide administrative support to the Human Rights Commission;
- (2) Receive, investigate, and issue findings on individual complaints of discrimination within the jurisdiction of the City of Charlottesville;
- (3) Conduct community outreach related to human rights. Such outreach may include:
 - (A) Providing information to the public regarding the services provided by the Office of Human Rights and the Human Rights Commission;
 - (B) Hosting or participating in educational events for the purpose of raising public awareness around human rights issues;
 - (C) Facilitating, leading, or participating in collaborative meetings and events with community partners for the purpose of addressing human rights issues.

Commented [NT2]: What is the OHR's role in navigation and advocacy regarding inquiries that do not involve at allegation of discrimination but may relate to a protected activity?

Sec. 2-437. Duties and responsibilities – Investigation of individual complaints of employment discrimination 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 employment practice in the City.
- (b) 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. 2-437.1\(a\)](#). 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) Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine if the Complainant presents a prima facie case. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. 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 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, 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 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. If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation. 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(c).
- (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. 2-437.2 Duties and responsibilities – Investigation of individual complaints of housing discrimination and issuance of findings.

(a) Complaints and Answers

- (1) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a written complaint with the Secretary Office of Human Rights, alleging such discriminatory housing practice. The Secretary Director of the Human Rights Commission, on the Secretary's Director's own initiative, may also file such a complaint.
- (2) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary-Director requires.
- (3) The Secretary Director may also investigate housing practices to determine whether a complaint should be brought under this section.
- (4) Upon the filing of such a complaint—
- (5) the Secretary Director shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this subchapter;

- (6) the ~~Secretary~~ Director shall, not later than 10 days after such filing or the identification of an additional respondent under ~~paragraph (2)~~, serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this subchapter, together with a copy of the original complaint;
- (7) each respondent may file, not later than 10 days after receipt of notice from the ~~Secretary~~ Director, an answer to such complaint; and
- (8) the ~~Secretary~~ Director shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint ~~(or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action)~~, unless it is impracticable to do so.
- (9) If the ~~Secretary~~ Director is unable to complete the investigation within 100 days after the filing of the complaint ~~(or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action)~~, the ~~Secretary~~ Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (10) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.
- (11) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the ~~Secretary~~ Director.
- (12) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the ~~Secretary's~~ Director's belief that the person to whom the notice is addressed is properly joined as a respondent.

Commented [NT3]: "Paragraph 2": Unclear which paragraph this references. Perhaps Sec. 2-437.2.(b)?

(b) Investigative report and conciliation

- (1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the ~~Secretary~~ Director, the ~~Secretary~~ Director shall, to the extent feasible, engage in conciliation with respect to such complaint.
- (2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the ~~Secretary~~ Director.
- (3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.
- (4) Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the ~~Secretary~~ Director determines that disclosure is not required to further the purposes of this subchapter.
- (5) At the end of each investigation under this section, the ~~Secretary~~ Director shall prepare a final investigative report containing—
 - (A) the names and dates of contacts with witnesses;

- (B) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
 - (C) a summary description of other pertinent records;
 - (D) a summary of witness statements; and
 - (E) answers to interrogatories.
- (6) A final report under this paragraph may be amended if additional evidence is later discovered.

(c) Failure to comply with conciliation agreement

- (1) Whenever the ~~Secretary~~ Director has reasonable cause to believe that a respondent has breached a conciliation agreement, the ~~Secretary~~ Director shall refer the matter to the ~~Attorney General~~ City Attorney with a recommendation that a civil action be filed under section 2-437.2.(h). and 2-437.2(i). of this ordinance ~~3614 of this title~~ for the enforcement of such agreement.

(d) Prohibitions and requirements with respect to disclosure of information

- (1) Nothing said or done in the course of conciliation under this subchapter may be made public or used as evidence in a subsequent proceeding under this subchapter without the written consent of the persons concerned.
- (2) Notwithstanding paragraph (1), the ~~Secretary~~ Director shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the ~~Secretary's~~ Director's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(e) Prompt judicial action

- (1)** If the ~~Secretary~~ Director concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this subchapter, the ~~Secretary~~ Director may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such an authorization, the ~~Attorney General~~ City Attorney shall promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and sections 2-437.2.(h) and 2-437.2.(i) of this ordinance. ~~3612 of this title~~.
- (2) Whenever the ~~Secretary~~ Director has reason to believe that a basis may exist for the commencement of proceedings against any respondent under sections 2-437.2.(h) and 2-437.2.(i) of this ordinance ~~3614(a) and 3614(c) of this title~~ or for proceedings by any governmental licensing or supervisory authorities, the ~~Secretary~~ Director shall transmit the information upon which such belief is based to the ~~Attorney General~~ City Attorney, or to such authorities, as the case may be.

Commented [NT4]: This authority currently resides with the City Attorney and City Council. This will require further dialogue with City leadership.

(f) Reasonable cause determination and effect

(1) The ~~Secretary~~ Director shall, within 100 days after the filing of the complaint (~~or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action~~), determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the ~~Secretary~~ Director has approved a conciliation agreement with respect to the complaint. If the ~~Secretary~~ Director is unable to make the determination within 100 days after the filing of the complaint (~~or, when the Secretary takes further action under subsection (f)(2) with respect to a complaint, within 100 days after the commencement of such further action~~), the ~~Secretary~~ Director shall notify the complainant and respondent in writing of the reasons for not doing so.

(2) If the ~~Secretary~~ Director determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the ~~Secretary~~ Director shall, except as provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under sections 2-437.2.(h) and 2-437.2.(i) of this ordinance ~~3612 of this title~~. Such charge—

- (A) shall consist of a short and plain statement of the facts upon which the ~~Secretary~~ Director has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;
- (B) shall be based on the final investigative report; and
- (C) need not be limited to the facts or grounds alleged in the complaint filed under section 2-437.2.(a) ~~subsection (a)~~.

(3) If the ~~Secretary~~ Director determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the ~~Secretary~~ Director shall immediately refer the matter to the ~~Attorney General~~ City Attorney for appropriate action under sections 2-437.2.(h) and 2-437.2.(i) of this ordinance ~~3614 of this title~~, instead of issuing such charge.

(4) If the ~~Secretary~~ Director determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the ~~Secretary~~ Director shall promptly dismiss the complaint. The ~~Secretary~~ Director shall make public disclosure of each such dismissal.

(a) The ~~Secretary~~ Director may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(g) Service of copies of charge

(1) After the ~~Secretary~~ Director issues a charge under this section, the ~~Secretary~~ Director shall cause a copy thereof, together with information as to how to make an election under section 2-437.2.(h) of this ordinance ~~3612(a) of this title~~ and the effect of such an election, to be served—

- (i) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and

Commented [NT5]: Is this referencing "Failure to Comply with Conciliation" Sec. 2-437.2.(c)?

(ii) on each aggrieved person on whose behalf the complaint was filed.

(h) Election of judicial determination

(1) When a charge is filed under section 2-437.2.(a) of this ordinance ~~3610 of this title,~~ a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under section 2-437.2.(a) ~~subsection (e)~~ in lieu of a conciliation hearing under ~~subsection (b)~~ section 2-437.2.(b). The election must be made not later than 20 days after the receipt by the electing person of service under section 2-437.2.(g) of this ordinance ~~3610(h) of this title~~ or, in the case of the ~~Secretary~~ Director, not later than 20 days after such service. The person making such election shall give notice of doing so to the ~~Secretary~~ Director and to all other complainants and respondents to whom the charge relates.

(i) Civil action for enforcement when election is made for such civil action

(1) If an election is made under section 2-437.2.(h) ~~subsection (a);~~ the ~~Secretary~~ Director shall authorize, and not later than 30 days after the election is made the ~~Attorney General~~ City Attorney shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. ~~Venue for such civil action shall be determined under chapter 87 of title 28.~~

(2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

(3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under 42 U.S.C. § 3613. ~~section 3613 of this title.~~ Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under 42 U.S.C. § 3613 ~~section 3613 of this title~~ shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

(j) Civil action by private persons

(1) Under 42 U.S.C. § 3613, an ~~An~~ aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this subchapter, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

(1) The computation of such 2-year period shall not include any time during which an administrative proceeding under this subchapter was pending with respect to a complaint or charge under this subchapter based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

- (2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 2-437.2(a) of this ordinance ~~3610(a) of this title~~ and without regard to the status of any such complaint, but if the ~~Director~~ ~~Secretary or a State or local agency~~ has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.
- (3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the ~~Director~~ ~~Secretary~~ if an administrative law judge has commenced a hearing on the record under this subchapter with respect to such charge.

(k) Relief which may be granted

- (1) In a civil action under ~~subsection (a)~~ section 2-437.2(i) of this ordinance, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d), may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).
- (2) In a civil action under subsection (a), the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.
- (3) Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the ~~Secretary~~ ~~Director~~ or civil action under this subchapter.

(l) Intervention by Attorney General

- (1) Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under 42 U.S.C. § 3614 ~~section 3614(c) of this title~~ in a civil action to which such section applies.

~~Sec. 2-437.2~~ Duties and responsibilities – Investigation of individual complaints of public accommodation, credit, or private education discrimination 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 public accommodation, credit, or private education practice in the City.

- (b) 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. 2-437.3.(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) Upon determination that an alleged unlawful discriminatory practice falls within the enforcement jurisdiction of the City, the Director or other designated professional staff will conduct, as authorized by this ordinance, an initial fact-finding inquiry to determine if the Complainant presents a prima facie case. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance or is otherwise deficient on its face. 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 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, 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 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. If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation. 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(c)**.
- (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 regarding individual complaints of employment, public accommodation, credit, or private education discrimination.

- (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.

Commented [NT6]: This section may have been in conflict with substantial equivalence to federal fair housing law, so it is now set apart for protected activities other than housing.

(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 they deem 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 they would be but for respondent's violation(s) of this ordinance.

Commented [NT7]: This section may have been in conflict with substantial equivalence to federal fair housing law, so it is now set apart for protected activities other than housing.

(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 regarding individual complaints of employment, public accommodation, credit, or private education discrimination.

- (a) If the Commission finds that a respondent has committed a violation of this ordinance
- (b) 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.
- (c) 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.

Commented [NT8]: This section may have been in conflict with substantial equivalence to federal fair housing law, so it is now set apart for protected activities other than housing.

Commented [NT9]: This section may have been in conflict with substantial equivalence to federal fair housing law, so it is now set apart for protected activities other than housing.

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
February 1, 2021



Kyna Thomas, CMC
Clerk of Council