



**Human Rights Commission  
Regular Meeting  
September 15, 2022  
Virtual/Electronic Meeting  
6:30pm**

**Agenda Packet Attachments**

1. Agenda
2. 06/28/2022 DRAFT HRC Housing Committee Meeting Minutes
3. 08/18/2022 DRAFT HRC Regular Meeting Minutes
4. 08/30/2022 DRAFT HRC Community Engagement Committee Meeting Minutes
5. CY2021 HRC & OHR Annual Report & Council Memo
6. Memo regarding meeting requirements for City Boards and Commissions
7. Standard Operating Procedure, Policy No. 100-02
8. DRAFT revised HRC Rules & Procedures
9. DRAFT Council Memo: Proposed Human Rights Ordinance Revisions
10. DRAFT Revised Human Rights Ordinance

# Attachment 1



**Human Rights Commission  
AGENDA  
Regular  
September 14, 2022  
Virtual/Electronic Meeting  
6:30pm**

Please take Notice that this virtual meeting of the Human Rights Commission is for the purposes of planning, developing and drafting management and administration documents for the Human Rights Commission. For the purpose of addressing issues during the quarantine, this virtual meeting will be a limited public forum to discuss the agenda items presented 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 or that pertain to topics outside the scope of this Agenda. This will be a virtual/electronic meeting open to the public and registration information is available at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom).

The Commission welcomes comments and questions and commits to listening carefully and thoughtfully to what is presented. A maximum of sixteen public comment time slots are allotted per meeting. Each speaker will have three minutes to speak. The Commission requests that members of the public refrain from engaging in personal attacks against Commissioners and staff members and asks that comments and questions focus on matters related to human rights within the City.

**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. 06-28-2022 Housing Committee Meeting Minutes\*
- b. 08-18-2022 Regular Meeting Minutes\*
- c. 08-30-2022 Community Engagement Committee Meeting Minutes\*

**4. BUSINESS MATTERS**

- a. General Assembly legislation review with Delegate Sally Hudson
- b. CHAIR UPDATE
- c. OHR STAFF REPORT
- d. CY2021 HRC & OHR Annual Report & Council Memo\*
- e. Standard Operating Procedures for City Council-appointed Boards and Commissions

**5. WORK SESSION**

- a. HRC Rules & Procedures
- b. AD-HOC COMMITTEE UPDATES

**6. MATTERS BY THE PUBLIC**

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

**7. COMMISSIONER UPDATES**

**8. NEXT STEPS & ADJOURN**

\* ACTION NEEDED

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto: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 Equity Committee  
June 28, 2022  
Virtual/Electronic Meeting  
6:30 pm**

Click [HERE](#) to access rebroadcasts of past Human Rights Commission meetings on YouTube.

Click [HERE](#) to access an archive of past Human Rights Commission work on the City website.

**1. WELCOME**

- a. CALL TO ORDER
  - i. Committee Chair, Wolfgang Keppley, called the meeting to order at 6:42 pm
- b. ROLL CALL
  - i. Wolfgang Keppley
  - ii. Mary Bauer
- 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. None

**4. WORK SESSION**

- a. Emergency housing and service provider referrals
  - i. Commissioner raises possibility of research project looking at success for those seeking emergency housing while struggling with mental health/substance abuse
    1. HRC has worked with Code for Charlottesville in the past, which created the Charlottesville Housing Hub, allowing housing agencies to share resources with one another
      - a. Commission might be able to do something similar
    2. Potential HIPAA issue of sharing mental health resources
    3. Commissioner asks Todd about potential of getting in contact with Code for Charlottesville
  - ii. OHR Director defines wraparound services (mental health/substance use disorder/etc. supports) and says that examining this continuum of care system would be a good idea
    1. Asks Commissioner to elaborate on their ideas about the Code for Charlottesville system
  - iii. Commissioner suggests different ideas for addressing housing equity in

Charlottesville:

1. Identifying service providers involved in continuum of care and provide wraparound services
  - a. Community outreach; qualitative approach asking service providers about gaps in the system
2. Creating a diagram of where people are often referred to and a flow chart detailing the process
3. Asking Code for Cville to work with the HRC to create a platform for service providers to communicate with each other
- iv. Commissioner suggests the Commission look at the broader system of care to find causes of gaps in the system
  1. OHR Director agrees that getting background information is important
- v. OHR Director summarizes similar work already done in this area:
  1. Ashley Reynolds-Marshall has in the past held three large meetings with TJACH and 40+ service providers creating a list of priorities
    - a. First two called "Rumbles"; last was a summit
    - b. In a previous meeting's agenda packet
  2. Thomas Jefferson Area Coalition for the Homeless (TJACH) led by Anthony Haro has an assessment of the system of care that is a few years old
    - a. Currently in a strategic planning process
    - b. Would be a good idea to invite Anthony Haro and others in the continuum of care system to talk about their plans
    - c. Anthony Haro delivered a presentation to Council recently that is likely available online
  3. Homelessness Management Information System (HMIS) managed by TJACH already exists as a system for care providers to communicate
    - a. Currently has ~25 partners, but not all wraparound services are on it
  4. Director suggests Commission spend time with providers like TJACH, look at notes from the summit, look at notes from the two meetings TJACH held with people experiencing homelessness, and examine any past TJACH studies to get a better idea of the current situation and circulating ideas
    - a. Could also invite other agency leaders providing wraparound services
- vi. Commissioner says filling gap of communication may not be needed at this moment, but the Commission could likely help in different ways
- vii. Commissioners recognize that this is not their area of expertise, so accessing these resources would be helpful
  1. TJACH listening sessions were probably not recorded to maintain privacy, but the takeaway notes should be available
  2. OHR Director can send the notes from both listening sessions, which are attached in the 5/19/2022 regular meeting agenda
  3. OHR Director has a diagram not for public consumption for what he identifies as holes in the system

- a. Will check with Deputy City Manager to see if this diagram can be more widely shared
- viii. Commissioner asks OHR Director for any significant priorities decided upon at the Rumbles or summit
  - 1. Director reads priorities from summit notes:
    - a. Need for year-round emergency shelter (some specialized to address specific physical/mental health needs)
    - b. Wraparound services, including transportation, should be bolstered for the population
    - c. Operational needs, like capacity of service providers
    - d. Need for planning and coordination
    - e. Funding
  - 2. These themes are fairly common across conversations with other service providers
- ix. Commissioner raises what the Commission can do to be helpful and effective without inserting itself into these issues having not had previous knowledge or experience
  - 1. Goal is to support service providers' work

## 5. MATTERS BY THE PUBLIC

### a. PUBLIC COMMENT

#### i. Anna Mendez

- 1. Executive Director of Partner for Mental Health
- 2. Works closely with the OHR
- 3. Addresses Commissioner's concern about the HRC's place in the conversation and agrees with OHR Director's comments and suggestions
- 4. Says that the Commission could possibly help with an analysis of barriers or social factors preventing individuals from accessing housing
  - a. Understanding commonalities between people barred from housing will help providers recognize the cracks in the system

#### ii. Commissioner asks Anna about how people get barred

- 1. PMH does not turn anyone away
- 2. Every service provider has their own rules regarding which people they bar and what process their clients must go through
- 3. PMH has had four clients barred from emergency shelter because they were deemed by service providers as "unsafe"
  - a. PMH was able to find these individuals long-term room at affordable suites
  - b. Indicative of a pattern that some people who could be served under the current system are being barred

#### iii. Commissioner recognizes it would be difficult to obtain information about individuals, though it is probably possible to obtain information from each service provider on the nature and consequences of their requirements for service provision

- 1. Anna says individual information is supposed to reside in the HMIS

2. Not all individuals' profiles are complete/comprehensive
  3. OHR does not currently have access to HMIS, though the OHR could possibly request a report from TJACH on individuals who have been barred
    - a. Information can be de-identified before being released to the OHR
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
- i. Chair brings up other topics to be addressed by the committee:
    1. Housing Opportunities Made Equal (HOME) testing
      - a. Some other Virginian HRCs had conducted testing with HOME; could look into this for Charlottesville to look at landlords
      - b. OHR Director says the Commission could invite Directors from the Northern VA HRCs who have done HOME testing to a Charlottesville HRC meeting
        - i. They have not done testing in-house because it requires many people
        - ii. They have only been doing testing by phone since the pandemic
      - c. Commissioner says it may still be worthwhile to get in contact with a NoVA OHR to have the option in the future and ask about how they conduct their testing
      - d. Another Commissioner supports looking for more information about HOME testing
      - e. OHR Outreach Specialist has asked briefly about HOME testing, but nothing in depth
      - f. Could reach out to the Offices of Human Rights in Alexandria, Arlington, Fairfax, and Prince William to see how any of those Offices with enforcement power are testing
        - i. VA Beach/Newport News Offices have staff liaisons instead of Directors
      - g. Current questions:
        - i. When do these Commissions believe they will be able to return to non-phone testing?
        - ii. What is the cost, timeline, and recommended scale of testing given the Charlottesville OHR's size?
        - iii. Do they do anything with testing landlord responsiveness during a lease instead of the initial extension of a lease?
          1. Maybe not necessarily a home tester, but perhaps they have a way to measure systemic discrimination
      - h. OHR staff can reach out to other OHRs with these questions
    - ii. Wolfgang and Mary will look through the information that is publicly available about the TJACH report and Anthony Haro's Council presentation



- iii. Chair asks for other ideas for action items
  - 1. Could reach out to Anthony Haro to ask about what the HRC can do to support housing equity in the city
    - a. Can talk to HRC Chair about having the full Commission meet with Anthony Haro for August regular meeting
    - b. OHR Director says FHAP amendments may take up the entire August meeting, so this communication could possibly start with asking Anthony in what capacity he would like to meet
    - c. Committee Chair will reach out to Anthony Haro and keep other committee members and Director informed

## 6. NEXT STEPS

- a. Wolfgang
  - i. Look through previous information regarding housing inequity and barriers to housing in Charlottesville (notes from Rumbles, notes from summit, TJACH report and other studies, Anthony Haro's presentation to Council)
  - ii. Reach out to Anthony Haro about setting up a meeting with Commissioners regarding housing equity and the Commission's place in ameliorating the system
- b. Mary
  - i. Look through previous information regarding housing inequity and barriers to housing in Charlottesville (notes from Rumbles, notes from summit, TJACH report and other studies, Anthony Haro's presentation to Council)
- c. Todd
  - i. Reach out to other Virginian OHRs with questions about HOME testing:
    - 1. When do these Commissions believe they will be able to return to non-phone testing?
    - 2. What is the cost, timeline, and recommended scale of testing given the Charlottesville OHR's size?
    - 3. Do they do anything with testing landlord responsiveness during a lease instead of the initial extension of a lease?
      - a. Maybe not necessarily a home tester, but perhaps they have a way to measure systemic discrimination
  - ii. Ask Ashley about sharing of service provider/systemic gaps diagram

## 7. ADJOURN

- a. Meeting adjourned at 7:31 pm

# Attachment 3



**Human Rights Commission  
Meeting Minutes  
Regular Meeting  
August 18, 2022  
Virtual/Electronic Meeting  
6:30 pm**

Click [HERE](#) to access rebroadcasts of past Human Rights Commission meetings on YouTube.

Click [HERE](#) to access an archive of past Human Rights Commission work on the City website.

**1. WELCOME**

- a. CALL TO ORDER
  - i. Chair, Jessica Harris, called the meeting to order at 6:36 pm
- b. ROLL CALL
  - i. Jessica Harris
  - ii. Ernest Chambers
  - iii. Kathryn Laughon
  - iv. Andrew Orban
  - v. 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 Community Engagement Committee meeting minutes from 06/08/2022 (2 out of 5 present Commissioners attended this meeting)
  - i. Vote
    1. In favor: 2
    2. Opposed: 0
    3. Abstained: 3
- b. Review of regular meeting minutes from 06/16/2022 (4 out of 5 present Commissioners attended this meeting)
  - i. Vote
    1. In favor: 4
    2. Opposed: 0
    3. Abstained: 1
- c. Review of Housing Committee meeting minutes from 06/28/2022
  - i. No present members of the Commission attended this meeting, so review of minutes will be postponed
- d. Review of Equity in City Government Committee meeting minutes from 07/12/2022 (2 out of 5 present Commissioners attended this meeting)

- i. Vote
  - 1. In favor: 2
  - 2. Opposed: 0
  - 3. Abstained: 3
- e. Review of Community Engagement Committee meeting minutes from 07/14/2022 (2 out of 5 present Commissioners attended this meeting)
  - i. Vote
    - 1. In favor: 2
    - 2. Opposed: 0
    - 3. Abstained: 3

#### 4. BUSINESS MATTERS

- a. CHAIR UPDATE
  - i. Shares Summary of HRC Work Jan 2021-April 2022 document to review what the HRC has gotten done in the past year and a half
    - 1. HRC has taken action in the area of resolutions, Council recommendations, letters, community engagement, panelist & special meetings, and others
- b. OHR STAFF REPORT
  - i. OHR Outreach Specialist
    - 1. OHR now has completed printed brochures for fair housing, the OHR, and an OHR one-pager in English and Spanish
      - a. Have been bringing the brochures to other offices
    - 2. The OHR has resumed attending in-person events like Westhaven Day
      - a. More outreach with Region 10 and Soul of Cville
      - b. Future events to attend include Cville Sabroso and Pride
    - 3. Hybrid/virtual educational programming is in the works, though no solid plans yet
      - a. Late September time frame for planning a program regarding the rights to fair housing's intersection with disability
    - 4. Outreach Specialist and OHR interns are working on PSAs about each protected activity
      - a. Recorded audio, and will now work on visuals to be broadcasted on television or online
  - ii. HRC Director
    - 1. CY2021 Annual Report is in the agenda packet, and schedule for upcoming approval with Council is more solidified
      - a. Commissioners should plan on reviewing the report and sending feedback to HRC Director to vote upon the final version during September's regular meeting
      - b. The Ordinance should be in September's agenda packet for review before a final Commission vote during October's regular meeting and presentation to Council
    - 2. Interns from last summer continue to work for the OHR
      - a. Two other individuals have inquired about internships, but there are no means to pay for the position at the moment

- i. HRC Director will pursue a line item for interns in a future budget
    - ii. They would be directly helping the Commission with projects, research, clerical work, notetaking on relevant Charlottesville Commission/Council meetings, etc.
  - 3. Highlights from report that the Office had more incoming and outgoing contacts in 2021 than any year prior
    - a. Now, there is an average of 14-15 incoming contacts per day
  - 4. Conclusion of the report is that if Council wants the OHR to pursue a FEPA and FHAP agreement, it must fund staff
    - a. An ideal staffing model already exists
    - b. Startup money could come from the general fund, ARPA, or passing the Ordinance
- iii. Commissioner asks for some brochures for personal reference
  - 1. Commissioners can pick up brochures at the Office

## 5. WORK SESSION

- a. AD-HOC COMMITTEE UPDATES
  - i. Community Engagement Committee (Chair: Lyndele)
    - 1. Met twice; in the recent meeting, committee decided to create a spreadsheet of the tabling events at which the OHR will be present so that Commissioners can sign up
    - 2. OHR Director suggests creating a Teams Drive for the HRC so that Commissioners can share files with one another and the Outreach Specialist, and Commissioners can collaborate on the community engagement spreadsheet
      - a. Also makes it easier to find for FOIA purposes
      - b. Commissioner asks about instead using Office 365
        - i. IT recommends Teams for its sharing purposes; can experiment with the best platform
        - ii. HRC Director, Outreach Specialist, and Lyndele will meet after this meeting to go over Teams setup
    - 3. Worked on A22-1 plain language document and flyer, which are attached in the agenda packet to discuss and/or approve
      - a. Director clarifies that there is a plain language resolution already in existence that says documents will be written in plain language and/or translated to plain language; there is only one version of the Community Engagement Resolution, and it is in plain language
      - b. Will change the language on A22-1 to take out "version" in "Plain Language Version"
      - c. Director clarifies that this document is different from the Language Access Plan recommendation to Council from last year
    - 4. Having another listening session is on the table with having either an established topic or an open forum
      - a. Director advises Commissioners to pick a topic that

- aligns with the Commission's goals or is from the survey
- b. Community Engagement committee can identify focuses for the four listening sessions (two in person, two virtual), and then Commission can decide upon the timeframe at the next meeting
- 5. Community Engagement committee decides to meet on 8/30/22 at 12pm (subject to change depending on committee member availability)
- 6. Director suggests voting on A22-1 on this meeting, as well as using a listening session to solicit ideas for legislative agenda ideas
  - a. Vote on Resolution A22-1 (with earlier amendment in the title)
    - i. Motion to approve: Jessica
    - ii. Second: Ernest
    - iii. Vote
      - 1. In favor: 5
      - 2. Opposed: 0
      - 3. Abstained: 0
- 7. Commission decides that it wants to print out flyers for community engagement tabling opportunities
  - a. Commissioner suggests printing different flyers on a front and back of a page
  - b. Can use regular paper and the printer from the City Manager's Office
  - c. Director will look into the several flyers that the HRC has on file to print them for future community engagement
- 8. Commissioner suggests sharing flyers/resolutions on the City's social media
  - a. Director will ask Communications if this is possible
  - b. The HRC has been advertising events on City social media so far; a potential problem with using social media is the possibility of advocating for a particular viewpoint contrary to other departments
  - ii. Housing Committee: not present
  - iii. Equity in City Government Committee (Chair: Kathryn)
    - 1. Committee members will correspond with each other about timing for an informal meeting to talk about ideas (rather than do work)
- b. Language Access Plan Council Recommendation Letter
  - i. Commissioners review the letter
  - ii. Commissioner observes that the request to Council seems rather broad
    - 1. Director says that a specific policy recommendation would probably be difficult for the HRC to draft; this letter is mostly to urge Council to take some kind of action
    - 2. Commissioner suggests that the letter have a more specific follow-up request
    - 3. Director responds that usually the process for letters in the past

has been sending one to Council, then following up about it at the next Council meeting's public comment

- a. During this time, the HRC can offer to set up a time to further discuss or hear from a Councilor who is especially interested
4. Commissioner suggests breaking down the letter or providing examples to make it more digestible to Councilors
- iii. Chair can email the letter to Council and follow up with Councilor Payne to find a Councilor to support the Language Access Plan
- iv. Commissioner advises that this is a great time to send the letter given budget season
  1. Says that it will be Council's responsibility to decide what the plan will look like
- v. Commissioner recommends making the last statement more specific in requesting to meet with Council about the Language Access Plan
  1. Director says that Commissioner can use her power as Chair to modify this statement
  2. **Chair will make this change and send it out to Commissioners for final comments, then send both the letter and Resolution A22-1 to Council via email**
    - a. Asks Director to resend the letter to her
- c. Recommendations to City Council for Legislative Agenda
  - i. Director summarizes that legislative agenda recommendations are a responsibility outlined in the Ordinance that is never asked, but occurs around this time so Council can send recommendations to the Thomas Jefferson Area Planning District
    1. Could think about these recommendations in an ad-hoc committee and compile recommendations throughout the year into a recommendation letter around this time
    2. Past letters are on the HRC documents website
  - ii. Commissioner asks if there is a legislator with whom the HRC can connect
    1. Director says he talked to at Sally Hudson at Westhaven Day; suggests the HRC invite her to an HRC meeting
    2. **Director will reach out to Sally and copy HRC Chair about Sally attending an HRC meeting**
  - iii. **Director asks Outreach Specialist to work with Community Engagement Committee to develop another poll to ask the public about potential focus areas for legislation recommendations**
- d. Commissioner asks Director about HRC's livestreaming capabilities
  - i. There are a few Commissions that have extra requirements to livestream by law
  - ii. The current process is to record the meeting then send it to Communications to publish to YouTube; cannot livestream at this time
    1. The link is present at the top of meeting minutes
  - iii. CitySpace has the capability to do livestreaming and hybrid meetings, though there is no date set yet for going to in-person meetings

## **6. MATTERS BY THE PUBLIC**

- a. PUBLIC COMMENT

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

**7. COMMISSIONER UPDATES**

- a. Ernest
  - i. Reminds Commission about the beginning of Charlottesville City Schools next week, meaning there will be more children pedestrians and more cars on the road, which will require more City cooperation
    - 1. There is currently a bus driver shortage
    - 2. Drivers are hired by the City, not the schools

**8. NEXT STEPS**

- a. Housing Committee minutes from 6/29/22 still need approval
- b. Upcoming committee meetings
  - i. Community Engagement: 8/30/22 at 12pm
- c. All Commissioners
  - i. Send comments about the CY2021 Annual Report to HRC Director by 9/5/22
- d. Victoria
  - i. Assist Community Engagement Committee in drafting a poll for the public to give input about legislative recommendations
- e. Todd
  - i. Email Sally Hudson and copy Jessica and Ernest about meeting with the HRC in September or October to talk about legislative recommendations
  - ii. Look for HRC's old flyers to print for future community engagement opportunities
  - iii. Ask Communications about posting resolutions/flyers on City social media
- f. Jessica
  - i. Make last statement in Language Access Plan letter to Council more specific in requesting a meeting and send to Commission for final approval
  - ii. Send letter and Resolution A22-1 to Council via email

**9. ADJOURN**

- a. Meeting adjourned at 8:08 pm



# Attachment 4



**Human Rights Commission  
Meeting Minutes  
Community Engagement Committee  
August 30, 2022  
Virtual/Electronic Meeting  
12:30 pm**

Click [HERE](#) to access rebroadcasts of past Human Rights Commission meetings on YouTube.

Click [HERE](#) to access an archive of past Human Rights Commission work on the City website.

**1. WELCOME**

- a. CALL TO ORDER
  - i. Chair, Lyndele Von Schill, called the meeting to order at 1:33 pm
- b. ROLL CALL
  - i. Lyndele Von Schill
  - ii. Andrew Orban
  - iii. Jessica Harris
- 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. None

**4. WORK SESSION**

- a. Creating an HRC Teams space for document sharing
  - i. HRC Director has created the Teams drive
    1. Can use it to review the draft document
  - ii. Commissioners navigate technology to access shared Teams drive
    1. Does not seem to be working for Commissioners
  - iii. Director will re-evaluate Teams capabilities
- b. Resolution A22-1 follow-up
  - i. Resolution has been voted upon and signed
  - ii. **HRC Director just needs to upload it to the website**
- c. Community survey
  - i. Idea is to send out HRC survey to ask for their input about legislative priorities
    1. Need to add ability to add opinions about the HRC, as well as add guiding statement
  - ii. Committee Chair asks OHR Outreach Specialist to create poll with questions about demographic information and blank space for additional comments, as well as draft of guiding statement
    1. Director suggests including a section from the Ordinance (2-

- 33e?) for the guiding statement
  - a. For the survey, the Commission is asking for suggestions for what to recommend to Council
  - b. Advises survey go out before the 9/15/22 meeting to get feedback from Sally Hudson
- iii. Committee alters guiding statement and structure of the community survey draft to maintain plain language while accurately reflecting the role of the HRC and the survey
- iv. Commissioner suggests adding previous legislative agendas to give viewers a frame of reference
  - 1. These are currently posted online
  - 2. Links added to survey draft
- v. This will be an open poll—not multiple choice
  - 1. Director suggests adding a character limit
- vi. Commissioners decide to make the poll only about legislative priorities rather than also asking for general thoughts about the HRC
- vii. Committee Chair asks if poll should ask for demographic information like “Are you a Charlottesville resident?”
  - 1. Director recommends not including other demographic questions besides this one
  - 2. Poll will be going out on the City’s website
  - 3. Could restrict the poll to only Charlottesville residents, but it would be difficult to truly prove, and there must be a balance between accepting all people’s opinions and taking feedback from people in the area
  - 4. Commissioners decide to use “Are you a City of Charlottesville resident?” question without restricting the rest of the poll
- viii. Can give respondents the option to include contact information at the end
  - 1. Director reminds Commissioners that allowing respondents to ask to be contacted means that Commissioners would have to commit to this
  - 2. Could instead allow respondents to leave contact information in case the Commission would like to follow up with their response (rather than promising a follow-up)
  - 3. Can also provide the OHR’s contact information in case respondents want to get in touch
- ix. Survey cutoff will be 10/1/22 since gathering data before the September meeting would be too soon
- x. Summary of survey questions:
  - 1. City residence status
  - 2. Thoughts about legislative priorities (only main question)
  - 3. Additional optional comments
  - 4. Optional contact information
- xi. Director and Outreach Specialist will discuss how to use Microsoft Forms
- xii. **Lynde will finalize the beginning first paragraph of the survey and send it to committee members to review**
  - 1. Director says that October meeting will be the only chance to

approve legislative recommendations unless the Commission calls a special meeting

2. Director will confirm whether there is a time limit for presenting recommendations
3. Will say in survey that Commissioners will begin preparing recommendations at the October regular meeting

d. Upcoming events

- i. Director asks if Commissioners will join the OHR at any of the events listed in the Excel spreadsheet
- ii. Lyndele passes Committee Chair duties to Jessica for the remainder of the meeting
- iii. Chair asks Outreach Specialist to resend the September events so that Commissioners can sign up
  1. Commissioners discuss how to access OneDrive and Teams and share the spreadsheet
- iv. Director tells Commissioners to use email for now while he asks IT about how to use shared drives
  1. Event sign-up document and Outreach Specialist's events calendar can be circulated via email after the most updated version is created
- v. No deadline for signups before the events themselves

e. New business

- i. None

**5. MATTERS BY THE PUBLIC**

a. PUBLIC COMMENT

- i. Paola Covarrubias
  1. Introduces self as working for the Public Housing Association of Residents as a Community Organizer

b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

- i. Thanks Paola for joining the meeting

**6. NEXT STEPS**

a. Lyndele

- i. Edit survey and send out to Commissioners for feedback
  1. Collaborate with Victoria to publish on City website
- ii. Finalize Excel spreadsheet for September events signups and send to Commissioners

b. Todd

- i. Upload Resolution A22-1 to City website
- ii. Confirm whether there is a time limit for lifting legislative recommendations to Council

c. Victoria

- i. Finalize events calendar and send to Commissioners
- ii. Create survey on Microsoft Forms

**7. ADJOURN**

- a. Meeting adjourned at 1:21 pm

# Attachment 5

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 7, 2022
Action Required:	CY2021 Human Rights Commission & Office of Human Rights Annual Report review and consideration of staffing recommendations.
Presenter:	Jessica Harris, Chair, Human Rights Commission Todd Niemeier, Director, Human Rights Commission
Staff Contacts:	Todd Niemeier, Director, Human Rights Commission
Title:	<b>Human Rights Commission &amp; Office of Human Rights CY2021 Annual Report</b>

**Background:**

The Charlottesville Human Rights Commission, in partnership with the Office of Human Rights, acts as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville), outlines the roles, duties, and responsibilities of the Human Rights Commission (HRC) and the Office of Human Rights (OHR). Per Sec. 2-433. of the Charlottesville Human Rights Ordinance, following the passage of the amended Ordinance on February 1, 2021, it is the role of the HRC and OHR to:

- (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 (“FEPA”) 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 emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.*
- (f) *Prepare recommendations 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 or operating procedures approved by City Council.*

As required by Sec. 2-441. of the Charlottesville Human Rights Ordinance, the attached report provides an overview of the work of the HRC and OHR during calendar year 2021 as it relates to the roles listed above.

### **Discussion:**

In previous annual reports, the work of the HRC and OHR has been summarized separately. While reporting in this manner is helpful for distinguishing the specific accomplishments of each body, it makes it more difficult to understand how the work of the HRC and OHR overlap to fulfill the roles set forth in Sec. 2-433. of the Charlottesville Human Rights Ordinance. This report provides a summary of the work done to fulfill each role outlined in Sec. 2-433. and highlights both the combined and independent work done by the HRC and OHR. By organizing the report in this fashion, it is easier to see how the actions of both bodies interrelate and tie directly back into City code and City Council's Vision and Strategic Plan.

The data and information presented in this report is collected throughout the year through a variety of means. The work completed by the HRC is documented in meeting minutes and recordings, as well as in the written work products of the HRC itself, which include resolutions and letters to Council and other community organizations. Data related to services provided to individuals by the OHR is entered into a Microsoft Excel-based database and is then reported in aggregate. Aggregating service data maintains the confidentiality of individuals seeking support and reveals trends in service provision as it relates to the activities and classes protected by the Charlottesville Human Rights Ordinance. Complaints that are approved for further action are recorded in an additional Excel-based database which facilitates tracking cases that remain active for more than one year. Data reflecting community outreach and engagement work done by both the HRC and OHR is also entered into an Excel-based database, allowing for data aggregation and presentation that shows alignment with the Charlottesville Human Rights Ordinance.

In 2018, per the initiative encouraged across all City Departments, the OHR created a Department Scorecard. To maximize reporting efficiency and clarity between the Department Scorecard and the Annual Report, the Objectives and Measures in the Department Scorecard have been refined to match the sections in the Annual Report. Some of the charts, graphs, and other visual representations of the data found in the Annual Report were generated using the ClearPoint interface, which is used to create the Department Scorecard. For some datasets, Excel proved more effective than the ClearPoint interface for creating charts and graphs. In those situations, the Excel-based charts and graphs were used in both the Departmental Scorecard and the Annual Report.

The HRC and OHR present the CY2021 Annual Report in conjunction with the recommended amendments to the Charlottesville Human Rights Ordinance. The recommended amendments reflect the work of the HRC and OHR to pursue a Fair Housing Assistance Program (FHAP) workshare with the Housing and Urban Development (HUD) Fair Housing Office per Sec. 2-433. (d) of the Charlottesville Human Rights Ordinance. Presenting these two documents simultaneously provides City Council with the information necessary to make strategic decisions about the future organizational structure and mission of the HRC and OHR.

### **Alignment with City Council's Vision and Strategic Plan:**

The work done by the HRC and OHR aligns with City Council's vision of Charlottesville as a "leader in social and economic justice, and healthy race relations" that is "flexible and

progressive in anticipating and responding to the needs of our citizens” and is a “united community that treasures diversity.” Adopting the recommendations proposed below helps ensure that Charlottesville moves toward becoming a “Community of Mutual Respect” with a “Smart, Citizen-Focused Government” that supports and protects “Quality Housing Opportunities for All,” as well as “Economic Sustainability.”

**Community Engagement:**

The table below shows planned dates, events, and engagement opportunities for the community to review and provide feedback on the CY2021 HRC & OHR Annual Report.

<b>Date</b>	<b>Event</b>	<b>Engagement Opportunity</b>
August 18, 2022	HRC Regular Meeting	This memo and the annual report will be included in the HRC Regular Meeting agenda packet, which will be publicly posted on the City website.  Members of the public are welcome to provide public comment during the meeting.
September 15, 2022	HRC Regular Meeting	This memo and the annual report, with the addition of any edits or recommendations provided by the HRC, will be included again in the HRC Regular Meeting agenda packet, which will be publicly posted on the City website.  Members of the public are welcome to provide public comment during the meeting.
October 20, 2022	HRC Regular Meeting	If the HRC did not vote to adopt this memo and the annual report for recommendation to Council at a previous meeting, both documents will again be included in the HRC Regular Meeting agenda packet, which will be publicly posted on the City website.  Members of the public are welcome to provide public comment during the meeting.

**Budgetary Impact:**

Temporary funding for the additional OHR staffing recommended below could potentially come from American Rescue Plan Act funds or through capacity-building funds provided by HUD, if the City is approved for interim certification for the FHAP workshare.

Within the City’s current position descriptions, the position most similar to a Human Rights Intake Counselor may be the Senior Social Services Assistant, a Non-Exempt, Technical, Zone 3, Hiring Level II position. The posted hourly wage midpoint for this position is \$23.60. At this wage, a civilian position with a defined benefits plan would cost an estimated \$75,524.39, per



year. This position will also require one-time funding for a laptop computer and computer software. Funding may also potentially be needed for office furniture, if furniture is not provided when the OHR moves locations in the fall of 2022. The additional cost for these items is estimated to be \$1,700.

Within the City's current position descriptions, the position most similar to a Human Rights Investigator may be the DSS Senior Benefit Program Specialist and Fraud Investigator, a Non-Exempt, Professional, Zone 2, Hiring Level II position. The posted hourly wage midpoint for this position is \$27.90. At this wage, a civilian position with a defined benefits plan would cost an estimated \$87,632.24, per year. This position will also require one-time funding for a laptop computer, computer software, and a cell phone. Funding may also potentially be needed for office furniture if furniture is not provided when the OHR moves locations in the fall of 2022. The additional cost for these items is estimated to be \$2,300.

The current Community Outreach and Administration Specialist in the OHR is also a Non-Exempt, Professional, Zone 2, Hiring Level II position, with the same salary range as the DSS Senior Benefit Program Specialist and Fraud Investigator. The FY22 personnel budget for the OHR was insufficient to offer the individual hired for this position the midpoint wage. Considering class and compensation equity between the Intake and Administrative Specialist, Outreach and Administrative Specialist, and Investigator positions will be an essential step in the process of building this team.

### **Recommendation:**

To maintain efficient and effective service provision to the community, the HRC and OHR recommend that City Council consider appropriating funding for two additional full-time OHR staff positions, as follows:

#### Human Rights Intake Counselor

- The person in this position would be responsible for receiving and screening incoming phone, email, and walk-in contacts.
- This individual would be responsible for entering service provision data into the OHR service provision database and may assist with preparing minutes for publicly noticed meetings of the HRC, and other clerical duties as needed. These duties are currently held by two part-time Interns.
- This individual would also assume the daily intake and referral duties. These responsibilities are currently held by the Community Outreach and Administrative Specialist and the Director, in addition to the specific duties required of those positions.
- Upon successful interim certification into the FHAP workshare, this individual would also be responsible for entering service provision data into the HUD Enforcement Management System (HEMS). This individual would also submit the required service provision data to the EEOC should the City enter a FEPA workshare.

#### Human Rights Investigator

- The person in this position would be responsible for investigating complaints of discrimination and compiling investigative reports.
- This individual would assume the investigative duties currently held by the Director, which would allow the Director to assume the duties of authorizing cases for further action and rendering findings, thereby relieving the Deputy City Manager for Racial Equity, Diversity, and Inclusion of this responsibility.

- It is assumed that, upon successful interim certification into the FHAP workshare, the OHR will see an uptick in the number of housing discrimination cases it receives. Based on the workload during the three-year FHAP interim certification period, the City should evaluate whether a second investigator should be hired prior to entry into a FEPA workshare.

**Alternatives:**

Should City Council elect not to fund the additional staffing recommended above, the HRC and OHR do not believe the City can successfully enter into the FHAP or FEPA workshare agreements nor maintain efficient and effective service to the community, thereby impairing the OHR's ability to uphold City Council's vision and stated goals.

**Attachments:**

CY2021 Human Rights Commission & Office of Human Rights Annual Report.

**CITY OF CHARLOTTESVILLE, VIRGINIA  
HUMAN RIGHTS COMMISSION & OFFICE OF HUMAN RIGHTS  
CALENDAR YEAR 2021 ANNUAL REPORT**

**Introduction:**

The Charlottesville Human Rights Commission, in partnership with the Office of Human Rights, acts as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights. The Charlottesville Human Rights Ordinance (Chapter 2, Article XV of the Code of the City of Charlottesville) outlines the roles, duties, and responsibilities of the Human Rights Commission (HRC) and the Office of Human Rights (OHR). Per Sec. 2-433 of the Charlottesville Human Rights Ordinance, following the passage of the amended Ordinance on February 1, 2021, it is the role of the HRC and OHR to:

- 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 (“FEPA”) 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 emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.*
- f) Prepare recommendations 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 or operating procedures approved by City Council.*

As required by Sec. 2-441 of the Charlottesville Human Rights Ordinance, the following report provides an overview of the work of the HRC and OHR during calendar year 2021 (CY2021). Data and information within this report can also be found in the Human Rights Department Scorecard on the City website.

## **Overview:**

During CY2021, the HRC and OHR resumed many activities that had been limited by the COVID-19 pandemic in 2020. In January 2021, the HRC elected Mary Bauer as Chair and Kathryn Laughon as Vice Chair. Commissioners held their annual retreat on February 27, 2021, during which they identified the following goals and strategies for their work in 2021:

- 1. Continue advocating for increased accessibility and ADA compliance of all City services.**
  - a. Finish the disability/visibility project
  - b. Build back the relationship with the City ADA office
  - c. Reduce barriers for residents to communicate with the City
    - i. Add captions to online and broadcasted City meetings
    - ii. Provide access to documents in multiple languages
    - iii. Improve awareness of in-person ASL interpretation services
  - d. Advocate for continued consideration of accessibility in improved City infrastructure and transportation
    - i. Sidewalks and walkways
      1. ADA-compliant sidewalks
      2. Seasonal walkway accessibility
      3. Accessibility considerations during construction and roadwork changes
    - ii. Improvements to CAT and JAUNT services (reliability, timeliness)
- 2. Address barriers to housing.**
  - a. Strengthen our city's capacity to support issues of housing by developing pipelines for legal representation during eviction cases
  - b. Amplify the work of housing advocates by putting Commission support behind strategies that will heal legacies of discrimination
  - c. Support tenants by advocating for a policy entitling people in eviction proceedings to legal counsel.
    - i. Gather data of how many evictions proceedings occur in a year and how many tenants lack representation.
      1. Track the outcomes of eviction without lawyers
      2. Seek partnerships to gather data and advocate to City Council
  - d. Advocate for legal representation also for those who bring complaints to Commission
- 3. Pursue a Fair Employment Practices Agency (FEPA) workshare agreement with the Equal Employment Opportunity Commission (EEOC).**
- 4. Pursue a Fair Housing Assistance Program (FHAP) workshare agreement with federal department of Housing and Urban Development (HUD).**

This report will examine how the goals and strategies identified by the HRC, and the actions taken by the HRC and OHR in 2021, align with the roles and responsibilities specified in the Charlottesville Human Rights Ordinance.

On June 1, 2021, the OHR reopened to walk-in and in-person appointments after being closed since March 16, 2020 due to the COVID-19 pandemic. The reopening coincided with Lily Gates and Ginny Helmandollar starting work as volunteer OHR Interns. Throughout the summer of 2021, Lily and Ginny contributed a combined 24 hours per week to the OHR. While they assisted with a variety of tasks, they assumed full responsibility for entering data into the OHR Service Provision database and transcribing minutes for the HRC’s public meetings. Their service to the OHR proved invaluable throughout the summer. In the fall of 2021, Lily and Ginny were able to continue to work for the OHR as paid interns while also attending college. Without their support, keeping the OHR open and functioning would not have been feasible given OHR staffing levels and the volume of incoming contacts during the second half of the year.

The following is a list of the main takeaways and trends observed from the work of the HRC and OHR in CY2021. Detailed information regarding this work and other actions can be found in the body of the report.

Key Takeaways and Observed Trends
<ul style="list-style-type: none"><li>• In CY2021, the OHR received 1,962 incoming contacts: more incoming contacts than during any previous year in the OHR’s history.</li><li>• In CY2021, the OHR received 62 new inquiries and complaints originating in Charlottesville.</li><li>• Over the past four years, <b>housing</b> was the most often identified protected activity in inquiries and complaints received by the OHR.</li><li>• Over the past four years, <b>race</b> was the most frequently identified protected class in inquiries and complaints received by the OHR.</li><li>• Most referrals to other service providers in CY2021 involving a housing concern did not include an allegation of housing discrimination; more frequently, an individual sought assistance with rent or deposit relief, housing navigation, utility relief, or homelessness.</li><li>• The current staffing and organizational structure of the OHR is not sustainable and results in delayed complaint investigation. OHR staff recommends hiring full-time employees for all components of the complaint and enforcement process.</li></ul>

The HRC and OHR are committed to improving accessibility to information about their work. This report has been made accessible for the visually impaired, and it uses plain language as much as possible to ensure its contents are understandable. Alternative text is included for graphs, charts, and some tables that may not be accessible for the visually impaired. Technical terms are defined as they appear in each section of the report. A complete list of technical terms used in this report can be found in the OHR Data Dictionary (Attachment 1). Upon request, the OHR can provide additional information or clarification for graphics that are not accessible.

This report complements the Human Rights Department Scorecard, which can be found on the City website via the City Council or Human Rights webpages. Throughout this report there are references to corresponding Objectives and Measures in the Department Scorecard. City

Councilors and members of the public are encouraged to contact OHR staff with any questions about the contents of the report or for more information about the services provided by the HRC and OHR.

HRC & OHR staff contact: Todd Niemeier, Director, Human Rights Commission

Phone: 434-970-3023

Email: [humanrights@charlottesville.gov](mailto:humanrights@charlottesville.gov)

OHR Webpage: [www.charlottesville.gov/665/Human-Rights](http://www.charlottesville.gov/665/Human-Rights)

HRC Webpage: [www.charlottesville.gov/963/Human-Rights-Commission](http://www.charlottesville.gov/963/Human-Rights-Commission)

Human Rights Department Scorecard: <https://publish.clearpointstrategy.com/146/humanrights/>

**Charlottesville Human Rights Ordinance Sec. 2-433. (a)**  
*(Objective 1 in the Department Scorecard)*

*Sec. 2-433. (a) Assist individuals who believe they are the victim of an act of unlawful discrimination within the City.*

Term(s) used in this section	Definition(s)
<b>Unlawful Discrimination</b>	The denial of a person’s opportunity to engage in a daily life activity that is protected by law.

***HRC Actions***

Most activities involving individual assistance rest with the OHR under *Sec. 2-437. Duties and responsibilities – Investigation of individual complaints and issuance of findings*. The HRC has a specific role pertaining to public hearings, as explained in *Sec. 2-439.1. Enforcement Authority – The Role of the Commission*. In the history of the HRC, only one complaint has required the HRC to hold a public hearing. No cases of discrimination required the HRC to hold a public hearing in CY2021.

Term(s) used in this section	Definition(s)
<b>Public Hearing</b>	A service provided by the Human Rights Commission and coordinated by the Office of Human Rights, as specified by the Charlottesville Human Rights Ordinance, involving the recommendation of remedies related to either a determination of probable cause after the formal investigation of a complaint <i>or</i> a review of a determination of no probable cause for which a complainant seeks an appeal.

The HRC partnered with the OHR in 2021 to address concerns presented by residents of Midway Manor, a local subsidized housing complex for people of advanced age and people with disabilities. On November 10, 2021, the HRC Chair, representatives of Legal Aid Justice Center, and OHR staff visited Midway Manor to listen to resident concerns about the conditions in their building. The HRC subsequently voted to hold a public panel on public and subsidized housing, which was scheduled for February 22, 2022. The OHR wrote a letter to the property owner summarizing the concerns residents expressed and requesting an in-person meeting with corporate representatives to discuss solutions. The property changed ownership at the end of 2021, so the same letter was sent to the new owners. At the time of the writing of this report in 2022, some of the concerns in the letter have been addressed by management, while others, including the requested meeting between tenants and corporate representatives, have not. The OHR continues to stay in touch with residents at Midway Manor and is working with other community partners to help amplify their concerns to property management.

The HRC’s use of community-based dialogue outside of regular HRC meetings as a method to address concerns aligns with both Sec. 2-433. (a) and Sec. 2-434., as well as the HRC’s own strategic goal of addressing barriers to housing (Goal 2). This is a new use of the HRC’s authority and could prove to be an effective tool for assisting residents who may not be able to easily or effectively present their concerns to those with the power to affect change.

***OHR Actions***

Individual service provision remains the primary function of the OHR. After reopening the OHR for in-person appointments on June 1, 2021, there was a dramatic increase in the number of daily contacts by people seeking assistance. The data below is an overview of types of services provided to individuals. The OHR CY2021 Individual Service Data table (Attachment 2) provides detailed individual service data by month.

<b>Term(s) used in this section</b>	<b>Definition(s)</b>
<b>Contact</b>	Any communication with an individual seeking services from the Office of Human Rights, including walk-ins, appointments, phone calls, text messages, and emails. <b>Incoming</b> contacts are initiated by individuals seeking assistance from the Office of Human Rights, while <b>outgoing</b> contacts are initiated by Office of Human Rights staff.
<b>Complaint</b>	An incoming contact in which an individual wishes to pursue action regarding an allegation of discrimination that falls within the jurisdiction of the Office of Human Rights, as defined by the Human Rights Ordinance.
<b>Client Follow-up</b>	An incoming contact from an individual who has an open inquiry or complaint.
<b>General Contact</b>	An incoming contact that involves outreach coordination, event planning, volunteer coordination, or general information.
<b>Inquiry</b>	An incoming contact involving services provided to an individual by the Office of Human Rights <i>and/or</i> an individual allegation of discrimination that falls outside the jurisdiction of the office, as defined by the Charlottesville Human Rights Ordinance.
<b>Staff Follow-up</b>	An outgoing contact in which staff communicates with an individual who has previously contacted the Office.
<b>Third-Party Incoming Contact</b>	An incoming contact with a person other than the individual directly involved with an inquiry or complaint being discussed.
<b>Third-Party Outgoing Contact</b>	An outgoing contact with a person other than the individual directly involved with an inquiry or complaint being discussed. The person directly involved must give verbal or written consent for staff to initiate a third-party outgoing contact.



## Total Incoming Contacts

(Objective 1, Measure 1 in the Department Scorecard)

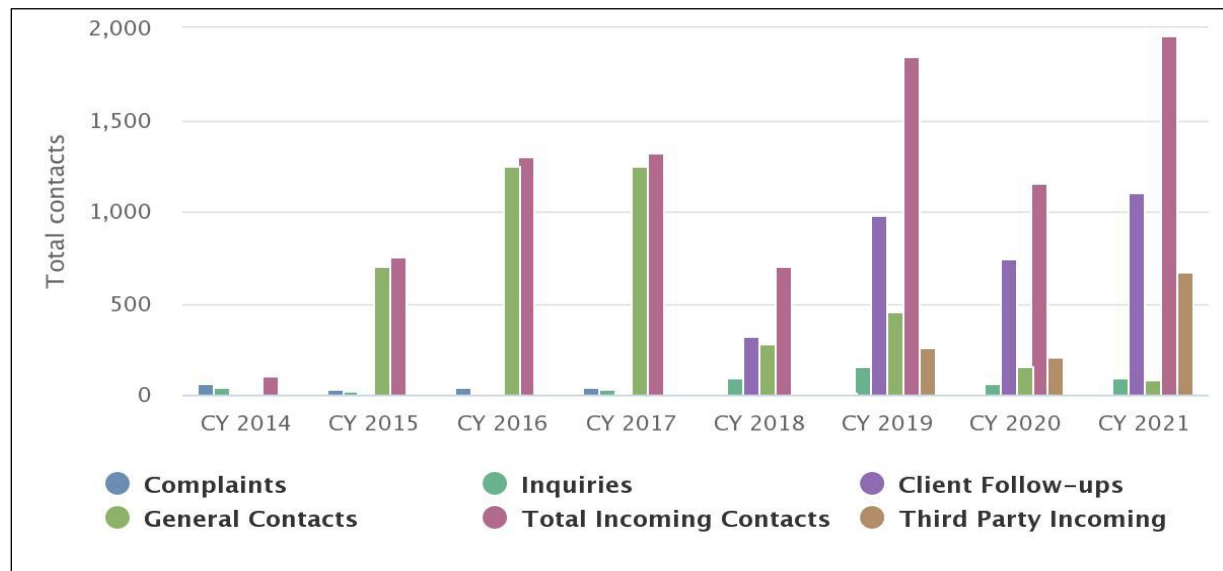
### Key Takeaways and Observed Trends

In CY2021, the OHR received 1,962 incoming contacts: more incoming contacts than during any previous year in the OHR's history.

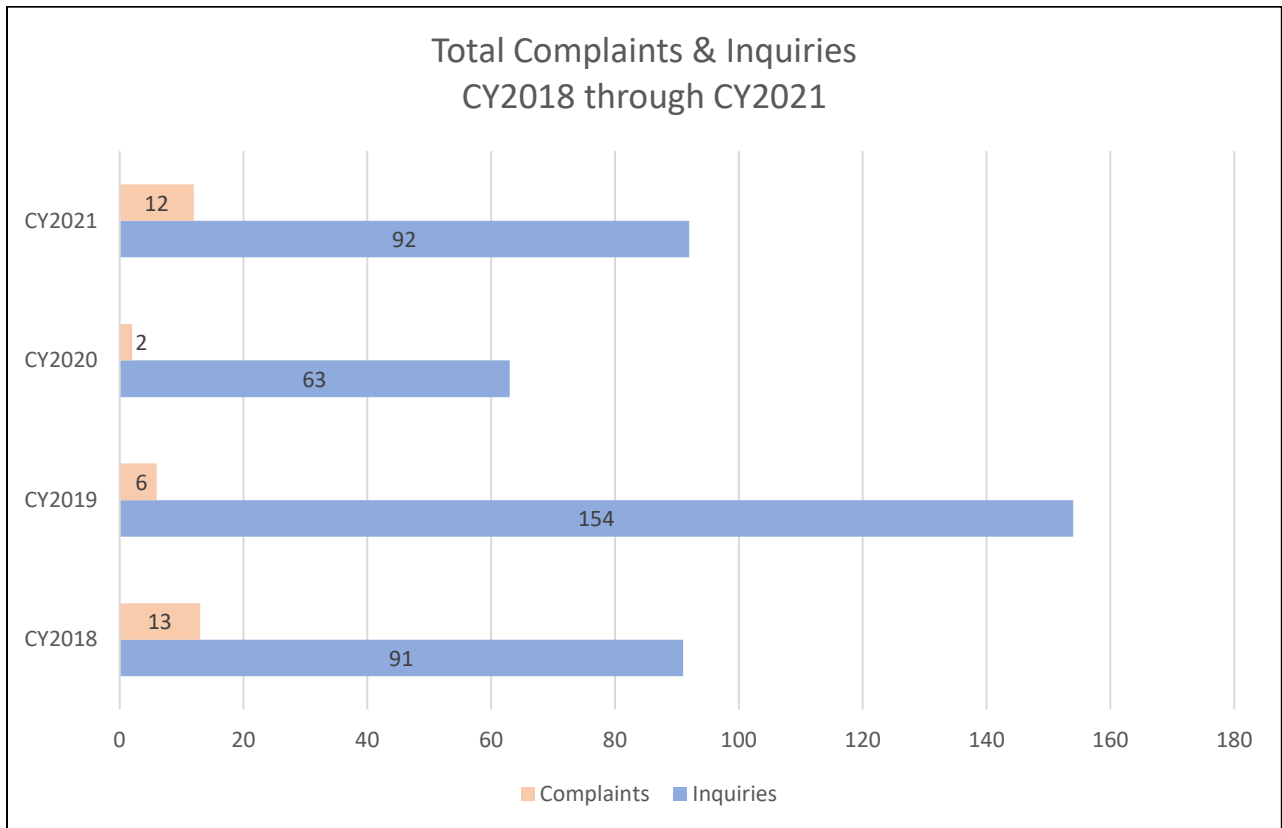
From January through May, the office received an average of 4 incoming contacts per day. From June through December when the Office resumed in-person activities, the office received an average of 11 incoming contacts per day. The Office received an average of 8 incoming contacts per day for the full year. During CY2021, the OHR received the following incoming contacts:

Contact Type	Total Number
New Complaints	12
New Inquiries	92
Client Follow-ups	1,103
General Contacts	84
Third Party Incoming	671
<i>Total Incoming Contacts</i>	<i>1,962</i>

The bar chart below shows the CY2021 contact data in relation to that of previous years. Data prior to CY2018 was reanalyzed and redistributed into the contact categories listed above for ease of comparison. The data pertaining to CY2014 complaints was reviewed by jurisdiction, and contacts listed as complaints that fell outside the jurisdiction of the OHR were reclassified as inquiries.



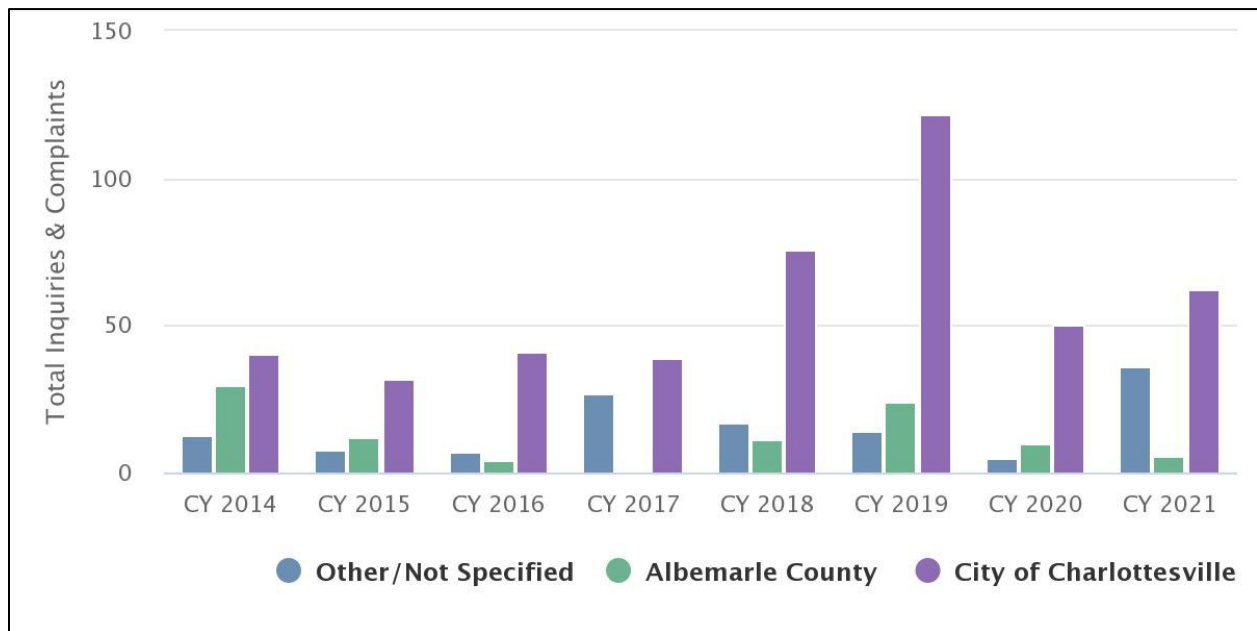
Because the number of client follow-ups and general contacts is much higher than the number of inquiries and complaints received each year, inquiry and complaint values for some years are too small to be visible in the chart above. The chart below isolates the number of inquiries and complaints received over the past four years. During this period, the OHR used a consistent data collection and classification system to log incoming contacts, making the data more easily comparable. As is evidenced by the data, the OHR receives far more inquiries than formal complaints.



**Total Inquiries and Complaints by Location**  
*(Objective 1, Measure 2 in the Department Scorecard)*

**Key Takeaways and Observed Trends**  
 In CY2021, the OHR received 62 new inquiries and complaints originating in Charlottesville.

Despite fluctuations in number over the years, most inquiries and complaints received by the OHR involve an incident or concern that occurred in Charlottesville. While the Charlottesville Human Rights Ordinance only gives the HRC and OHR express authority to process formal complaints of discrimination originating in Charlottesville, the OHR regularly receives inquiries from Albemarle County and beyond, demonstrating a potentially unmet need for services outside of Charlottesville. The OHR refers such inquiries to the appropriate service provider and/or state or federal agency. The chart below shows the combined number of inquiries and complaints originating in Charlottesville, Albemarle County, or a different or unspecified locality since CY2014.



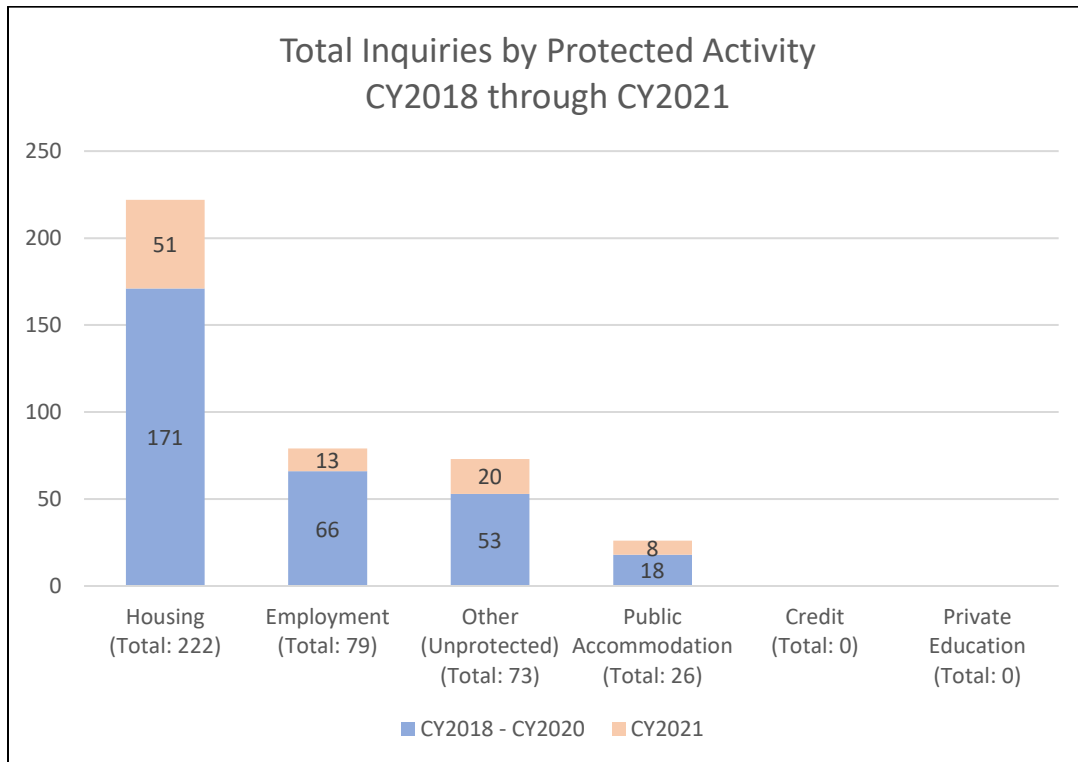
**Total Inquiries by Protected Activity**  
*(Objective 1, Measure 3 in the Department Scorecard)*

Key Takeaways and Observed Trends
Over the past four years, housing was the most often identified protected activity in inquiries received by the OHR.

Term(s) used in this section	Definition(s)
<b>Protected Activity</b>	An activity of daily life in which a person who identifies as a member of a protected class can participate without fear of discrimination. The Charlottesville Human Rights Ordinance lists the following activities as protected: housing, employment, public accommodation, credit, and private education.

In CY2021, the OHR received a total of 92 contacts classified as inquiries within the protected activities of Housing, Employment, Public Accommodation, Credit, and Private Education.

The chart below shows a summary of the protected activities identified in inquiries received by the OHR from CY2018 through CY2021. Housing is the most often identified protected activity in inquiries received by the OHR, followed by Employment and Public Accommodation.

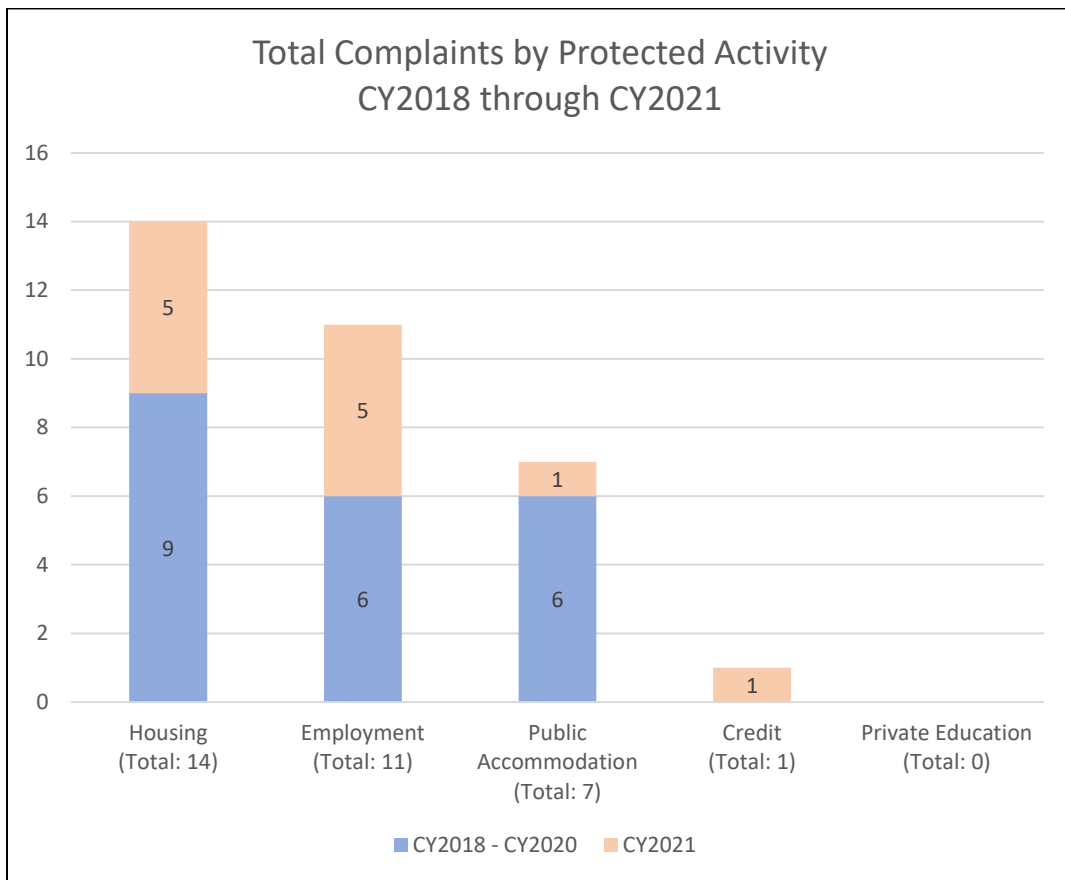


**Total Complaints by Protected Activity**  
*(Objective 1, Measure 4 in the Department Scorecard)*

**Key Takeaways and Observed Trends**  
 Over the past four years, housing was the most often identified protected activity in complaints received by the OHR.

In CY2021, the OHR received a total of 12 contacts classified as complaints. The chart below shows a summary of the protected activities identified in complaints received by the OHR, from CY2018 through CY2021. Housing is the most often identified protected activity in complaints received by the OHR, followed by employment and public accommodation.

In CY2021, the OHR received one formal complaint identifying credit as the protected activity. This complaint was later determined to be non-jurisdictional but was still classified as a dismissed complaint rather than an inquiry because it was filed as a formal complaint requiring a jurisdictional evaluation prior to dismissal.

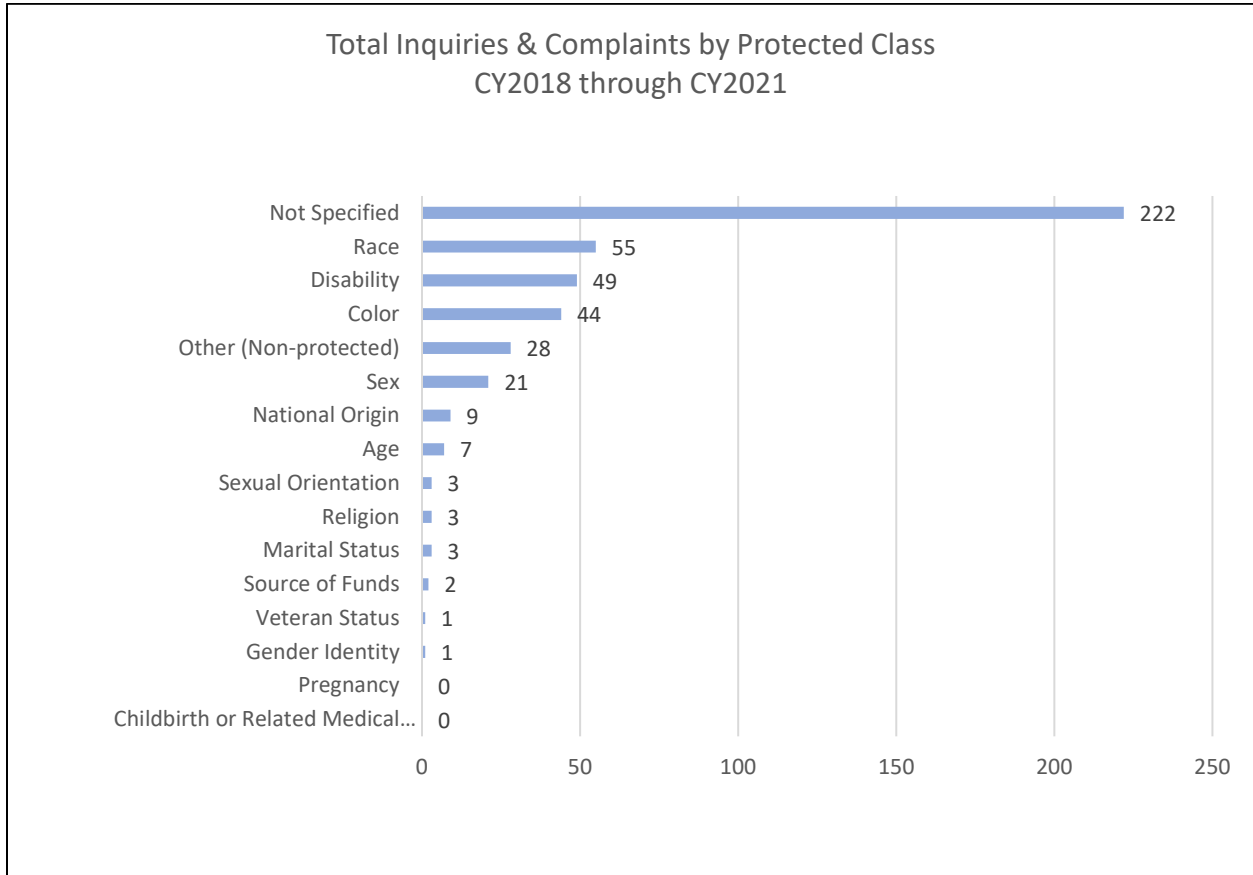


**Total Combined Inquiries and Complaints by Protected Class**  
*(Objective 1, Measure 5 in the Department Scorecard)*

<b>Key Takeaways and Observed Trends</b>
Over the past four years, race was the most frequently identified protected class in all inquiries and complaints received by the OHR.

<b>Term(s) used in this section</b>	<b>Definition(s)</b>
<b>Protected Class</b>	<p>A grouping of people, as defined by state and federal law, of which an individual either self-identifies as a member or is perceived to be a member, that is protected from discrimination when an individual is participating in a protected activity. The Charlottesville Human Rights Ordinance lists the following classes as protected:</p> <ul style="list-style-type: none"> <li>• Age/Elderliness</li> <li>• Childbirth or related medical conditions</li> <li>• Disability</li> <li>• Familial Status (in housing)</li> <li>• Gender Identity</li> <li>• Marital Status</li> <li>• National Origin</li> <li>• Pregnancy</li> <li>• Race</li> <li>• Religion</li> <li>• Sex</li> <li>• Sexual Orientation</li> <li>• Color</li> <li>• Source of Funds (in housing)</li> <li>• Status as a Veteran</li> </ul>

The chart below shows a summary of the protected classes identified in inquiries and complaints received by the OHR, from CY2018 through CY2021. Race is the most often identified protected activity in inquiries and complaints received by the OHR, followed by disability and color, which is identified as a separate protected class from race in state law.



## Total Employment Discrimination Complaints by Protected Class

(Objective 1, Measure 6 in the Department Scorecard)

### Key Takeaways and Observed Trends

Over the past four years, race was the most often identified protected class in employment discrimination complaints received by the OHR.

This section provides more details about the employment discrimination complaints received during the calendar year. Receiving and attempting to resolve complaints of discrimination is one of the most complex and labor-intensive duties of the OHR. In CY2021, the OHR received 10 total allegations of employment discrimination, 6 of which originated in Charlottesville, 5 of which were initially accepted as jurisdictional complaints for which the Complainant wished to pursue further action, though 1 was dismissed as non-jurisdictional after review.

Term(s) used in this section	Definition(s)
<b>Case</b>	A complaint of unlawful discrimination that has been accepted for further action by the Office of Human Rights.
<b>Complainant</b>	An individual or group of individuals who have filed a formal complaint of unlawful discrimination with the Office of Human Rights.
<b>Determination or Finding</b>	A decision made by the Director, based on the evidence presented in an investigative report regarding a complaint of unlawful discrimination, whether there is cause to believe that a violation of the Charlottesville Human Rights Ordinance has occurred.
<b>Dismissed Complaint</b>	A complaint that has been closed by staff due to the case being too far outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff, prior to the complainant providing enough information to decide if the complaint presents a jurisdictional, prima facie case of discrimination.
<b>Further Action</b>	Steps taken to address a complaint of discrimination that may include informal conciliation, mediation, and investigation.
<b>Informal Conciliation</b>	A method of resolving a complaint of unlawful discrimination in which the Director engages in an informal dialogue with the complaint and respondent and a non-binding agreement is reached that resolves the complaint to the complainant's satisfaction.

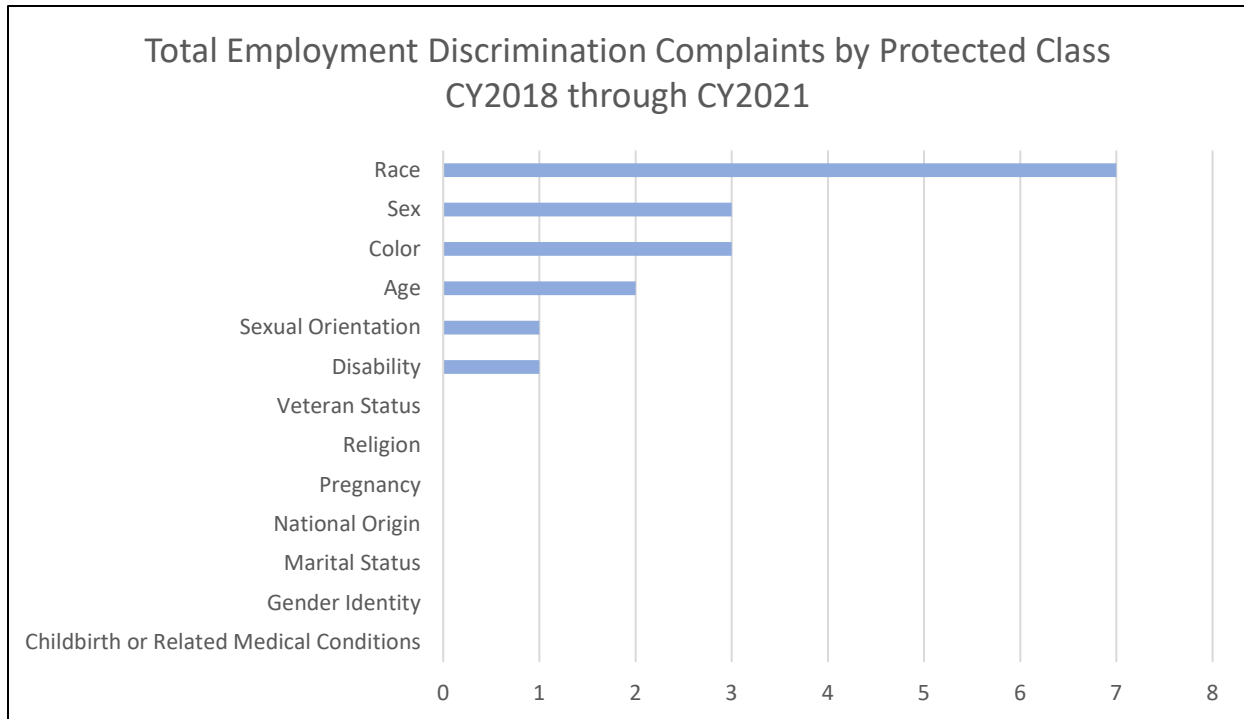


<b>Term(s) used in this section</b>	<b>Definition(s)</b>
<b>Investigation</b>	The formal process of gathering factual evidence regarding a complaint of discrimination. Fact gathering can include interviewing the complainant, respondent, and witnesses. It may also include gathering other evidence such as documents, audio recordings, video footage, or physical evidence.
<b>Jurisdiction</b>	The geographic and legal scope of enforcement authority as defined by the Charlottesville Human Rights Ordinance.
<b>Mediation</b>	A method of resolving a complaint of unlawful discrimination in which a third-party, licensed mediator facilitates a formal dialogue and negotiation between the complainant and respondent. If mediation is successful, the resulting settlement agreement is a private, legally binding contract between the complainant and respondent that is enforceable through civil action in the appropriate court.
<b>Prima facie</b>	<p>A term used to define whether a complaint presents an actionable allegation of discrimination “on its face.” In a prima facie case, the following criteria must be met:</p> <ul style="list-style-type: none"> <li>• Complainant was engaged in a protected activity.</li> <li>• Complainant either self-identifies or is perceived by Respondent to be a member of a protected class.</li> <li>• There is testimonial or documentary evidence of a practice or policy to exclude or otherwise adversely treat individuals in Complainant’s protected class.</li> <li>• There are specific harms identified by Complainant, resulting from the alleged discrimination.</li> </ul>
<b>Respondent</b>	An individual, group of individuals, or agency that is named by the complainant in a formal complaint of unlawful discrimination as responsible for a discriminatory act against the complainant.

Below is a summary of the employment discrimination cases active in CY2021. Case numbers refer to the year the case was opened followed by the order in which it was received. For example, Case 2021-2 was opened in 2021 and was the second case opened that year. Note that ongoing cases not opened in the current calendar year are not counted in the total number of cases received during the current calendar year.

Case #	Protected Class(es)	CY2021 Year-end Status
2021-2	<ul style="list-style-type: none"> <li>• Race</li> </ul>	In mediation.
2021-4	<ul style="list-style-type: none"> <li>• Sex</li> </ul>	Under investigation.
2021-5	<ul style="list-style-type: none"> <li>• Sexual orientation</li> <li>• Race</li> </ul>	In mediation.
2021-7	<ul style="list-style-type: none"> <li>• Race</li> </ul>	Settlement reached through mediation.
2021-10	<ul style="list-style-type: none"> <li>• Race</li> <li>• Color</li> <li>• Sex</li> </ul>	Dismissed as non-jurisdictional after review.

The chart below shows a summary of the protected classes identified in employment complaints received from CY2018 through CY2021. Note that some complaints may allege discrimination based on more than one protected class, so the total number of identified protected classes may be larger than the total number of complaints.



**Total Housing Discrimination Complaints by Protected Class**  
*(Objective 1, Measure 7 in the Department Scorecard)*

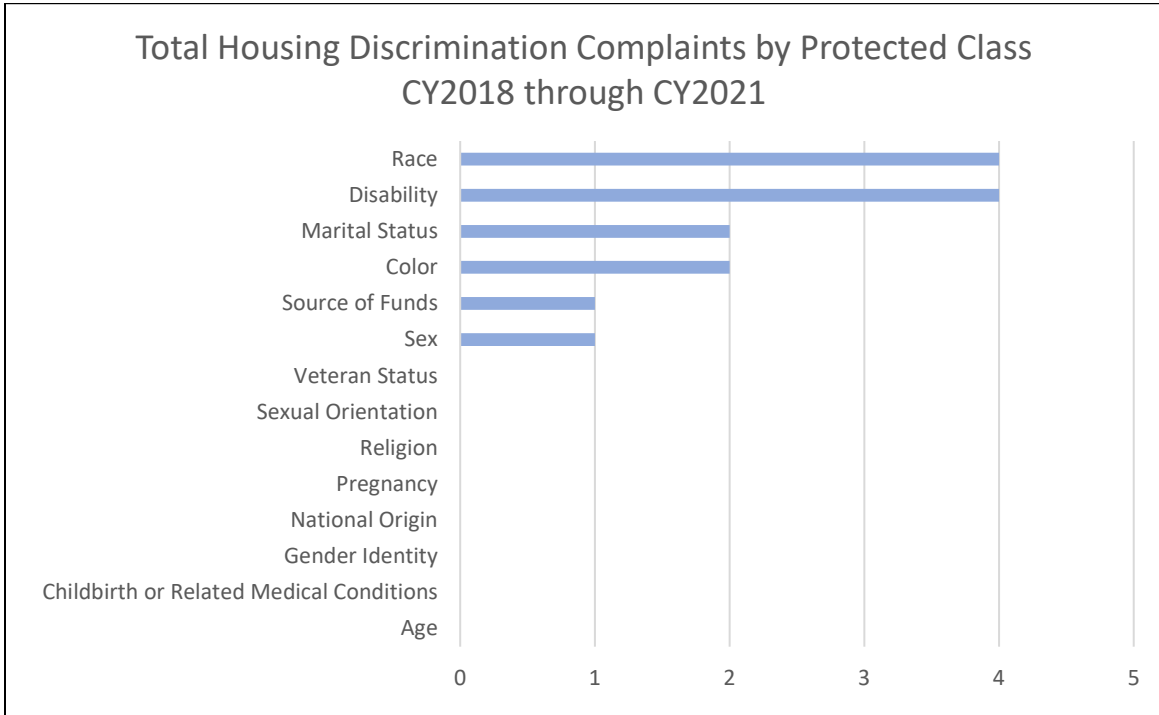
<b>Key Takeaways and Observed Trends</b>
Over the past four years, race and disability were the two most often identified protected classes in housing discrimination complaints received by the OHR.

This section provides more details about the housing discrimination complaints received during the calendar year. In CY2021, the OHR received 13 total allegations of housing discrimination, 10 of which originated in Charlottesville, and 5 of which were jurisdictional complaints for which the complainant wished to pursue further action.

Below is a summary of the housing discrimination cases active in CY2021. Note that active cases not opened in the current calendar year are not counted in the total number of cases received but are included in the summary of active cases below. Case numbers refer to the year the case was opened followed by the order in which it was received. For example, Case 2020-2 was opened in CY2020 and was the second case opened that year.

<b>Case #</b>	<b>Protected Class(es)</b>	<b>CY2021 Year-end Status</b>
2020-2	Race	<ul style="list-style-type: none"> <li>Investigation completed.</li> <li>Offer of mediation pending.</li> </ul>
2021-1	Source of Funds	<ul style="list-style-type: none"> <li>Dismissed due to respondent exemption under state law.</li> </ul>
2021-6	Race	<ul style="list-style-type: none"> <li>Resolved through informal conciliation.</li> </ul>
2021-9	Disability	<ul style="list-style-type: none"> <li>Complainant withdrew case after moving to a new location.</li> </ul>
2021-11	Disability	<ul style="list-style-type: none"> <li>Awaiting authorization for further action.</li> <li>Complainant seeks mediation.</li> </ul>
2021-12	Disability	<ul style="list-style-type: none"> <li>Unresolved due to inability to reach Complainant for follow-up information needed to establish a prima facie case.</li> </ul>

The chart below shows a summary, from CY2018 through CY2021, of the protected classes identified in housing complaints. Note that some complaints may allege discrimination based on more than one protected class, so the total number of identified protected classes may be larger than the total number of complaints.

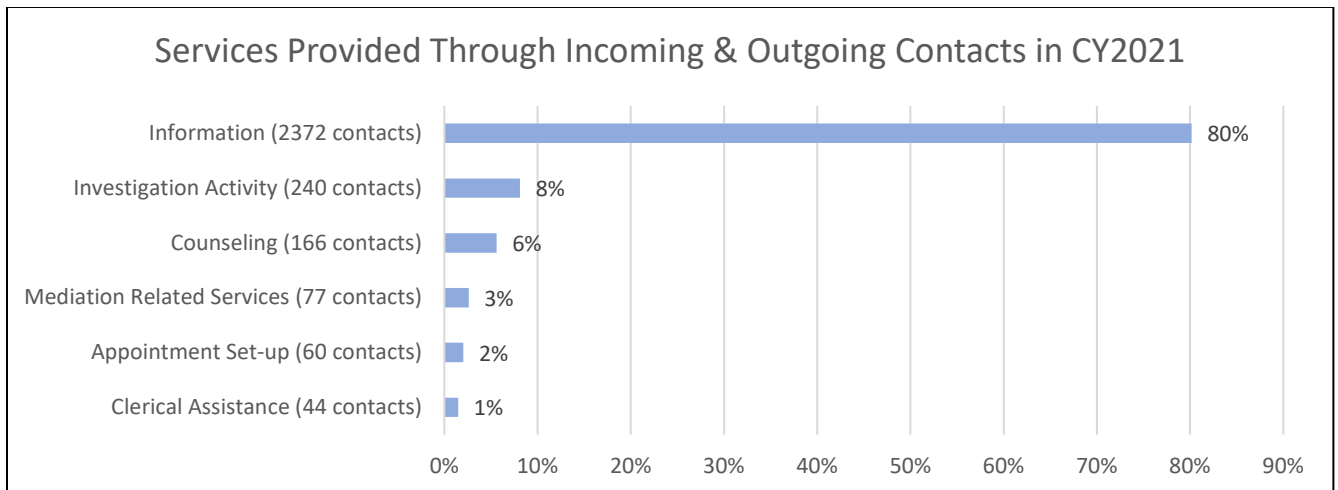


**Services Provided Through Individual Contacts**  
*(Objective 1, Measure 10 in the Department Scorecard)*

**Key Takeaways and Observed Trends**  
 While most incoming and outgoing contacts handled by the OHR in CY2021 involved information sharing, investigation activity and counseling regarding inquiries and complaints were the second and third most provided services by the OHR.

<b>Term(s) used in this section</b>	<b>Definition(s)</b>
<b>Appointment Set-up</b>	A contact involving the scheduling of an appointment with the Office of Human Rights.
<b>Clerical Assistance</b>	Any activity involving creating documents or other materials on behalf or at the request of the client.
<b>Counseling</b>	Assistance provided to an individual who presents an inquiry or complaint in which staff present various courses of action to address a concern.
<b>Information</b>	A contact in which staff answers questions of a general nature or provides information regarding services, events, or programs.
<b>Investigation Activity</b>	Any activity associated with the formal investigation of a complaint.
<b>Mediation Related Services</b>	Any activity associated with the request for or coordination of mediation services, as provided by a licensed third-party mediator, in conjunction with a complaint.

In CY2021, services provided by the OHR through 2,959 incoming and outgoing contacts were classified by the primary services of Appointment Set-up, Clerical Assistance, Counseling, Information, Investigation Activity, and Mediation Related Services. The chart below shows the total number of service contacts by type and percentage of total services provided in CY2021:



Given the greater number of formal complaints received in CY2021 compared to recent years, the number of contacts involving investigation activity was higher. For the same reason, contacts involving mediation-related services were also elevated. Contacts involving information-sharing in relation to service provision nearly doubled when compared to CY2020.

Contacts related to outreach coordination, volunteer coordination, and events were few and were classified as information. Going forward, contacts related to community outreach will be tracked in a separate system to avoid mixing data with service provision.

## Referrals to Other Services

*(Objective 1, Measure 11 in the Department Scorecard)*

Key Takeaways and Observed Trends
Most referrals to other service providers in CY2021 involving a housing concern did not include an allegation of housing discrimination; more frequently, an individual sought assistance with rent or deposit relief, housing navigation, utility relief, or homelessness.

When individuals seek assistance from the OHR for services that the OHR cannot provide, staff will attempt to connect the individual to the most appropriate service provider. Listed below are the four primary service providers most closely related to the services provided by the OHR. Most referrals from the OHR are to agencies other than the primary four providers and are classified as “Other.” A list of these agencies is included below.

**EEOC (Equal Employment Opportunity Commission):** Individuals are referred to the EEOC for employment discrimination cases that are outside the jurisdiction of the Office of Human Rights, as defined by state and federal law and the Charlottesville Human Rights Ordinance.

**DPOR (Department of Professional and Occupational Regulation):** Individuals are referred to DPOR for formal fair housing discrimination investigations when the complainant expressly seeks civil action against the respondent. This is a state government department that includes the Virginia Fair Housing Office.

**CVLAS (Central Virginia Legal Aid Society):** Individuals are referred to CVLAS for assistance with a variety of legal issues raised during intake, often pertaining to the protected activities identified in the Charlottesville Human Rights Ordinance. In some cases, individuals have simultaneous cases with CVLAS and the Office of Human Rights.

**LAJC (Legal Aid Justice Center):** Individuals are referred to LAJC for assistance with a variety of legal issues raised during intake, often pertaining to the protected activities identified in the Charlottesville Human Rights Ordinance. In some cases, individuals have simultaneous cases with LAJC and the Office of Human Rights.

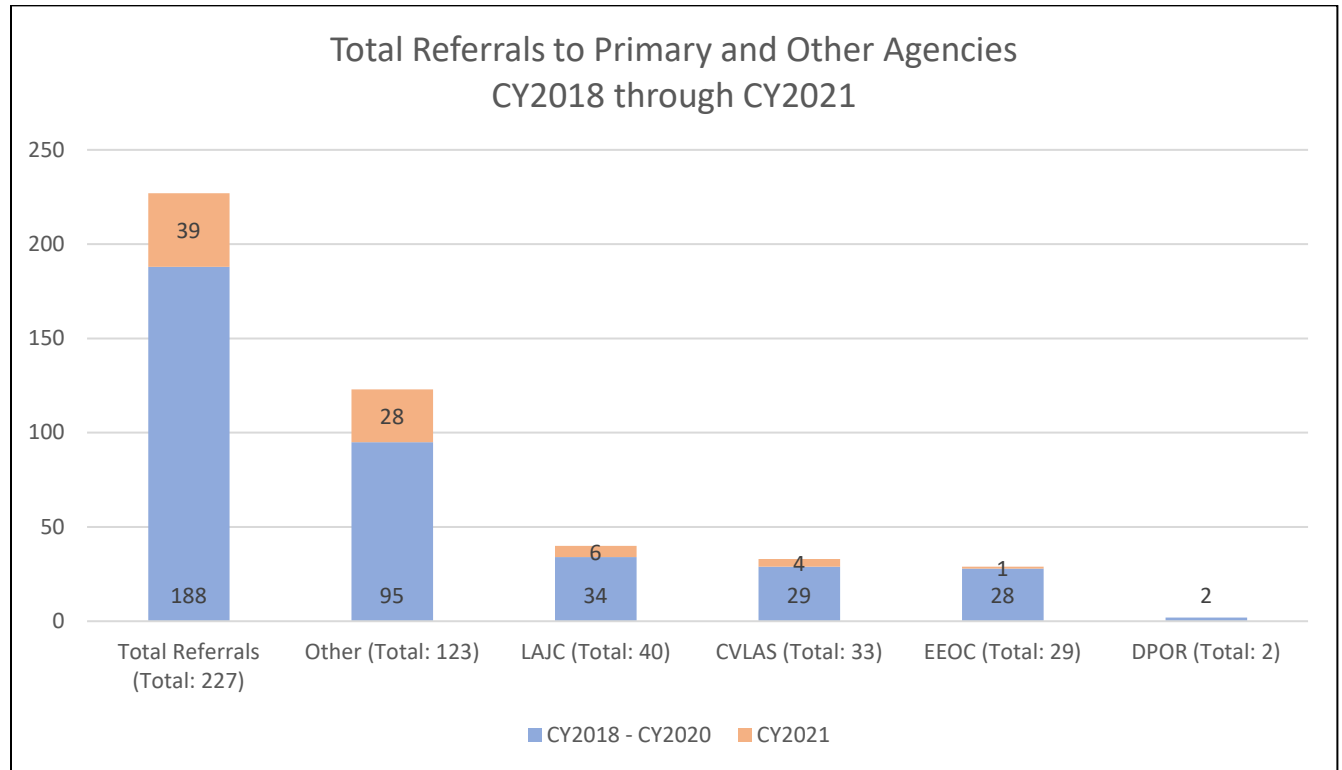
**Other:** The OHR refers individuals to a wide variety of other agencies and offices depending on their specific concerns.

Below is a list of agencies that fall into the "Other" referral category. These agencies were determined by staff during CY2021 to be a viable option for some people seeking assistance. Note that some individuals were referred to several of these organizations following a single contact with the OHR. The organizations listed below received one or more referrals in CY2021.

- Alexandria, VA, Office of Human Rights
- Charlottesville Department of Human Services
- Charlottesville FOIA Officer
- Community Resource Hotline - English
- Community Resource Hotline - Spanish
- Monticello Area Community Action Agency (MACAA)
- Network2Work
- Piedmont Housing Alliance
- The Haven
- UVA Maxine Platzer Lynn Women's Center Free Legal Clinic
- Virginia Attorney General's Office of Civil Rights
- Virginia Lawyer Referral Service
- Virginia Rent Relief Program
- Virginia Restoration of Rights Office

Most referrals over the past four years were to agencies other than the four identified primary agencies. This is due in part to the number of housing inquiries involving individuals who, rather than alleging housing discrimination, sought assistance with rent or deposit relief, housing navigation, utility relief, or homelessness. In CY2021 the OHR assumed more responsibility for processing employment and housing discrimination cases following the passage of amendments to the Charlottesville Human Rights Ordinance in February. Consequently, the need to refer cases to the EEOC and DPOR decreased. Referrals to CVLAS and LAJC were unaffected by the OHR's change in enforcement authority.

Most referrals over the past four years having been to agencies other than the primary four, as shown in the chart below:



**Disposition of Cases Closed During the Calendar Year**  
*(Objective 1, Measure 12 in the Department Scorecard)*

Key Takeaways and Observed Trends
<ul style="list-style-type: none"> <li>• Maintaining an active contract with a third-party licensed mediator is an important component of effective and efficient complaint resolution.</li> <li>• The current staffing and organizational structure of the OHR is not sustainable and results in delayed investigation of complaints. OHR staff recommends the hiring of full-time employees for all components of the complaint and enforcement process.</li> </ul>

During CY2021, the OHR had 14 active cases, which is more active cases than in the previous three years combined. At the beginning of CY2021, the OHR did not have an active contract with a third-party mediation firm. OHR staff engaged in a procurement process resulting in a new contract awarded to Resolute Mediation and Arbitration, Inc (RMA). Collaboration with RMA proved to be very effective in resolving several complaints in CY2021.



By the end of CY2021, the OHR closed the following 8 cases:

Case #	Protected Activity	Protected Class(es)	Type of Closure
2019-1	Public Accommodation	<ul style="list-style-type: none"> <li>• Race</li> </ul>	Informal conciliation.
2021-1	Housing	<ul style="list-style-type: none"> <li>• Source of Funds</li> </ul>	Dismissed: non-jurisdictional.
2021-3	Public Accommodation	<ul style="list-style-type: none"> <li>• Disability</li> <li>• Sex</li> </ul>	Settlement through mediation.
2021-6	Housing	<ul style="list-style-type: none"> <li>• Race</li> </ul>	Informal conciliation.
2021-7	Employment	<ul style="list-style-type: none"> <li>• Race</li> </ul>	Settlement through mediation.
2021-8	Credit	<ul style="list-style-type: none"> <li>• Color</li> <li>• National Origin</li> <li>• Race</li> <li>• Sex</li> </ul>	Dismissed: non-jurisdictional.
2021-9	Housing	<ul style="list-style-type: none"> <li>• Disability</li> </ul>	Complaint withdrawn.
2021-10	Employment	<ul style="list-style-type: none"> <li>• Color</li> <li>• Race</li> <li>• Sex</li> </ul>	Dismissed: non-jurisdictional.

At the end of CY2021, the following 6 cases remained open:

Case #	Protected Activity	Protected Class(es)	Status
2020-2	Housing	<ul style="list-style-type: none"> <li>• Race</li> </ul>	<ul style="list-style-type: none"> <li>• Investigation completed.</li> <li>• Offer of mediation pending.</li> </ul>
2021-2	Employment	<ul style="list-style-type: none"> <li>• Race</li> </ul>	<ul style="list-style-type: none"> <li>• In mediation.</li> </ul>
2021-4	Employment	<ul style="list-style-type: none"> <li>• Sex</li> </ul>	<ul style="list-style-type: none"> <li>• Under investigation.</li> </ul>
2021-5	Employment	<ul style="list-style-type: none"> <li>• Sexual Orientation</li> <li>• Race</li> </ul>	<ul style="list-style-type: none"> <li>• In mediation.</li> </ul>
2021-11	Housing	<ul style="list-style-type: none"> <li>• Disability</li> </ul>	<ul style="list-style-type: none"> <li>• Awaiting authorization for further action.</li> <li>• Complainant seeks mediation.</li> </ul>
2021-12	Housing	<ul style="list-style-type: none"> <li>• Disability</li> </ul>	<ul style="list-style-type: none"> <li>• Unresolved due to inability to reach Complainant for follow-up information needed to establish a prima facie case.</li> </ul>

**Charlottesville Human Rights Ordinance Sec. 2-433. (b)**  
*(Objective 2 in the Department Scorecard)*

*Sec. 2-433. (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.*

This role is shared between the HRC and the OHR. The specific duties and responsibilities of this role are further explained in *Sec. 2-434. Duties and responsibilities – Community dialogue and engagement* and *Sec. 2-435. Duties and responsibilities – Systemic issues*.

***HRC Actions***

In CY2021, the HRC engaged in 9 actions focused on public awareness, education, and guidance, and it refined the tools it uses to engage and reach the community. Below is a chart summarizing the actions taken by the HRC and their alignment with the duties and responsibilities in *Sec. 2-434.* and *Sec. 2-435.* in the Charlottesville Human Rights Ordinance and the goals Commissioners identified during their annual retreat. Documents referenced in the action summaries are publicly posted on the “Human Rights Documents” subpage within the “Human Rights” webpage on the City website.

**Total Number Community Awareness, Education, and Guidance Actions by the HRC**  
*(Objective 2, Measure 5 in the Department Scorecard)*

<b>Date</b>	<b>Alignment</b>	<b>Action</b>	<b>Summary</b>
4/19/2021	<p><b>Duties &amp; Responsibilities:</b>            Sec. 2-435            Systemic issues</p> <p><b>Annual Goals:</b>            No direct alignment.</p>	Letter of Position	The HRC presented an open letter affirming its support of Black and Brown victims of police violence locally and throughout the nation. The letter called for a detailed evaluation of functions currently handled by police, like responding to mental health crises, that could be better performed by other people or entities in the community.

Date	Alignment	Action	Summary
6/17/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-434 Community dialogue and engagement</p> <p><b>Annual Goals:</b> No direct alignment.</p>	Public Discussion	The HRC hosted a public panel discussion with Mayor Walker and Police Chief Brackney regarding police policies and practices.
8/12/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-435 Systemic issues</p> <p><b>Annual Goals:</b> No direct alignment.</p>	Letter of Position	In honor of those who worked for social justice before, during, and after the summer of 2017, the HRC called on the City to continue to push toward equity and racial justice through its policy and practice.
9/16/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-434 Community dialogue and engagement</p> <p><b>Annual Goals:</b> 2. Address barriers to housing.</p>	Public Discussion	The HRC hosted a public panel discussion with Sunshine Mathon (Piedmont Housing Alliance Executive Director) and Dan Rosensweig (Habitat for Humanity Executive Director) about the City’s Comprehensive Plan and proposed zoning revisions.
11/10/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-434 Community dialogue and engagement</p> <p><b>Annual Goals:</b> 2. Address barriers to housing.</p>	Public Discussion	The HRC Chair, representatives of Legal Aid Justice Center, and OHR staff visited Midway Manor to listen to resident concerns about the conditions in their building. The HRC subsequently voted to hold a future public panel on public and subsidized housing. The OHR wrote a letter to the property owner summarizing the concerns residents expressed and requesting an in-person meeting with corporate representatives to discuss solutions.

Date	Alignment	Action	Summary
11/18/2021	<p><b>Ordinance:</b> Sec. 2-434 Community dialogue and engagement</p> <p><b>Annual Goals:</b> 2. Address barriers to housing.</p>	Public Discussion	The HRC hosted a presentation by Anna Mendez (Partner for Mental Health Executive Director) regarding housing discrimination on the basis of mental health and substance use.
11/24/2021	<p><b>Ordinance:</b> Sec. 2-435 Systemic issues</p> <p><b>Annual Goals:</b> 2. Address barriers to housing.</p>	Letter of Position	The HRC, in collaboration with Partner for Mental Health, sent a letter to People and Congregations Engaged in Ministry (PACEM) encouraging the inclusion of substance use disorder on the list of high COVID-19 risk criteria that might qualify an individual for shelter at Premier Circle.
11/30/2021	<p><b>Ordinance:</b> Sec. 2-435 Systemic issues</p> <p><b>Annual Goals:</b> 2. Address barriers to housing.</p>	Letter of Position	The HRC, in collaboration with Partner for Mental Health, wrote an open letter to local hotels to express concern over the refusal to rent rooms to individuals based on a diagnosis or perceived diagnosis of mental illness.
12/16/2021	<p><b>Ordinance:</b> Sec. 2-434 Community dialogue and engagement</p> <p><b>Annual Goals:</b> 2. Address barriers to housing.</p>	Public Discussion	The HRC hosted a presentation by Victoria Horrock (Legal Aid Justice Center Attorney) regarding proposed amendments to the Virginia Residential Landlord & Tenant Act.

### ***OHR Actions***

Community outreach is one of the primary tools used by the OHR to both encourage citizens to report allegations of discrimination and to prevent discrimination from happening in the first place. Systemic change requires major shifts in how society operates. Societal shifts start with individual awareness, education, and a willingness to make change.

The OHR categorizes outreach in three ways:

1. Service Provision
2. Education & Awareness
3. Collaboration & Leadership

Over many years of engaging the community through a variety of community events, meetings, and presentations, OHR staff observed that this categorization system emerged naturally and made it easier to quantify and track the work.

As in CY2020, during CY2021, the OHR had only one full-time staff person in addition to two part-time Interns with highly specific duties. Given the volume of incoming individual service requests this year, outreach activities were again very limited and mostly confined to Collaboration & Leadership work.

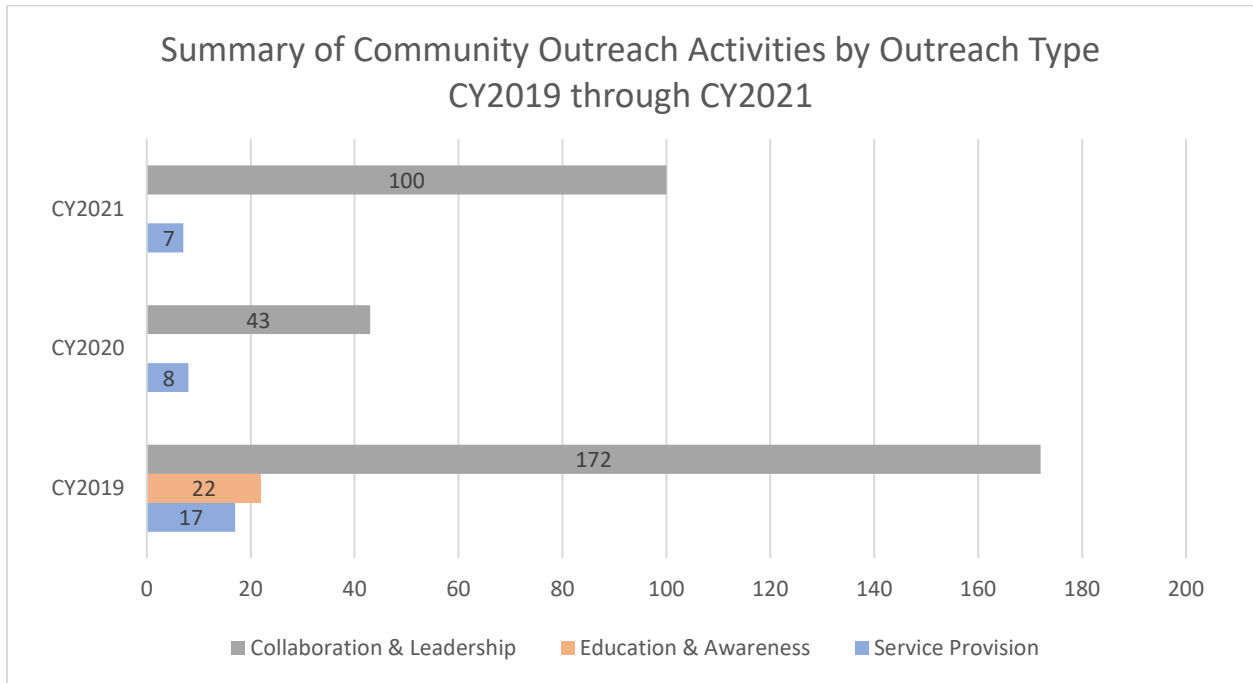
### **Total Number of OHR Community Outreach Activities by Outreach Type** *(Objective 2, Measure 1 in the Department Scorecard)*

In CY2021, OHR staff engaged in a total of 107 community outreach activities classified as the following:

Outreach Type	Total Number of Activities
Service Provision	100
Education & Awareness	0
Collaboration & Leadership	7

Over the past two years, the OHR has been unable to maintain Education & Awareness outreach. This work was primarily conducted at in-person events in previous years was primarily held by the former Director who left the OHR in March of 2020. With the hire of a Community Outreach Specialist in CY2022, the OHR plans to rebuild a regular calendar of Education & Awareness events.

The chart below shows a summary of outreach activities conducted by the OHR over the last three years:



## **Total Number of Collaborative Activities and Partner Agencies Engaged** *(Objective 2, Measure 2 in the Department Scorecard)*

As noted above, most of the OHR's outreach in CY2021 was classified as Collaboration & Leadership. The OHR engaged with a variety of community partners to organize outreach events, develop referral networks for individuals seeking services, and lead discussion in projects that serve people who engage in protected activities or are members of protected classes.

Of the 107 outreach activities conducted by the OHR in CY2021, 106 were in collaboration with other community partners. In CY2021, the OHR worked with the 27 primary collaborators listed below through a variety of meetings and collaborative events:

- BUCK Squad
- Charlottesville Department of Human Services (DHS)
- Charlottesville Low-Income Housing Coalition (CLIHC)
- Charlottesville Office of Community Solutions
- Charlottesville Office of Equity, Diversity, and Inclusion
- Charlottesville Planning Commission
- Charlottesville Public Works - Climate Action
- Charlottesville Redevelopment and Housing Authority (CRHA)
- Code for Cville
- Community Climate Collaborative (C3)
- Cultivate Charlottesville
- Just C-ville
- Northern Real Estate Urban Ventures
- Partner for Mental Health
- People And Congregations Engaged in Ministry (PACEM)
- Piedmont Environmental Council (PEC)
- Piedmont Housing Alliance (PHA)
- Prince William County Human Rights Commission
- Public Housing Association of Residents (PHAR)
- Region Ten
- Richmond Virginia (RVA) Eviction Lab
- Sin Barreras
- The Haven
- Thomas Jefferson Area Planning District (TJPDC)
- UVA Equity Center
- Visible.org
- Welcoming Greater Charlottesville

**Charlottesville Human Rights Ordinance Sec. 2-433. (c)**  
*(Objective 3 in the Department Scorecard)*

*Sec. 2-433. (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.*

This role falls primarily with the HRC, with the OHR providing administrative support. The specific duties and responsibilities under this role are further explained in *Sec. 2-435. Duties and responsibilities – Systemic issues.*

***HRC Actions***

The HRC engaged in 4 actions focused on City policies. Below is a chart summarizing the actions taken by the HRC and showing the alignment with the duties & responsibilities sections in the Charlottesville Human Rights Ordinance and the goals Commissioners identified during their annual retreat. Documents referenced in the action summaries are publicly posted on the “Human Rights Documents” subpage within the “Human Rights” webpage on the City website.

Date	Alignment	Action	Summary
9/21/2021	<b>Duties &amp; Responsibilities:</b> Sec. 2-435 Systemic issues.  <b>Annual Goals:</b> 2. Address barriers to housing.	Council Recommendation	The HRC sent a letter to City Council and the Planning Commission outlining its support for the inclusion of specific details in the Future Land Use Map (FLUM) to permit and encourage the construction of affordable housing.



Date	Alignment	Action	Summary
11/9/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-435 Systemic issues.</p> <p><b>Annual Goals:</b> No direct alignment.</p>	Council Recommendation	<p>The HRC presented a letter to City Council outlining recommendations to address systemic inequities in City employment practices, including publishing an updated organizational equity report, conducting a compensation and class study, reporting the full basis for the termination of the former Police Chief, publishing a plan to continue the internal reforms of the police department begun by the recently dismissed Chief, and reviewing the previous recommendations provided by the HRC regarding bias-based policing and constitutional procedures.</p>
11/18/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-434 Community dialogue and engagement.</p> <p><b>Annual Goals:</b> No direct alignment.</p>	HRC Resolution	<p>The HRC adopted Resolution A21-1 Advocacy and Action to codify its methods when taking action on community issues brought to its attention. This resolution also defined the scope of the Chair's ability to act on the HRC's behalf regarding urgent concerns that arise between regular meetings of the HRC.</p>
11/18/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-434 Community dialogue and engagement.</p> <p><b>Annual Goals:</b> 1. Accessibility and ADA Compliance.</p>	HRC Resolution	<p>The HRC adopted Resolution A21-2 Use of Plain Language to codify its intent to use plain language in future resolutions when possible and to create plain language versions of resolutions and other documents when the original document was written in less understandable language.</p>

**Charlottesville Human Rights Ordinance Sec. 2-433. (d)**  
*(Objective 4 in the Department Scorecard)*

*Sec. 2-433. (d) Seek work share agreements with the Equal Employment Opportunity Commission (“FEPA”) 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.*

This majority of the duties and responsibilities relating to the pursuit of a Fair Employment Practices Agency (FEPA) workshare with the Equal Employment Opportunity Commission (EEOC) and a Fair Housing Assistance Program (FHAP) workshare with the U.S. Department of Housing and Urban Development (HUD) fall to the OHR, with the HRC playing a supporting role. This role, though not further clarified within the ordinance, will have a dramatic effect on the enforcement processes detailed in *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.*

***HRC Actions***

Date	Alignment	Action	Summary
1/21/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-439.1 Enforcement authority.</p> <p><b>Annual Goals:</b> 4. Pursue FHAP workshare.</p>	Public Discussion	The HRC hosted a question-and-answer session with Erik Steinecker, Staff Attorney with the Federal Department of Housing and Urban Development (HUD) Fair Housing Office about the process of the City applying and qualifying for a Fair Housing Assistance Program (FHAP) workshare. This discussion helped inform the HRC's strategic planning and its annual retreat in February, during which Commissioners decided to pursue a FHAP workshare prior to entering a Fair Employment Practices Agency (FEPA) workshare with the Equal Employment Opportunity Commission (EEOC).

Date	Alignment	Action	Summary
2/23/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-439.1 Enforcement authority.</p> <p><b>Annual Goals:</b> 4. Pursue FEPA workshare.</p>	Work Session	<p>The HRC Chair, HRC Vice Chair, and HRC Director met with Cheryl Mabry (Director) and James Yao (Deputy Director) of State, Local, and Tribal Programs for the U.S. Equal Employment Opportunity Commission (EEOC) to discuss the process of applying and qualifying for a Fair Employment Practices Agency (FEPA) workshare agreement with the EEOC. Based on the information provided, the HRC decided to prioritize pursuit of a FHAP workshare agreement prior to pursuing a FEPA workshare agreement.</p>

***OHR Actions***

The Director began the necessary steps for entry into both the FEPA and FHAP workshares, though pursuit of the FHAP workshare was prioritized over the FEPA because simultaneous pursuit of both workshares without additional staff support was not practical. While entry into the FHAP workshare required the most initial work, including major revisions to the Charlottesville Human Rights Ordinance, interim FHAP certification also offered substantial funding for capacity building during the first three years. FEPA certification offered no additional funding for capacity building, and the reimbursement rate offered by the EEOC for completed cases was half the 2021 rate offered by HUD.

Both the FEPA and FHAP workshare agreements still require extensive action in CY2022 by the HRC and OHR, including continuing to draft the required documents and sending them for review to the City Attorney, HRC, City Council, and federal agency before final approval by the federal agency.

**CY2021 FEPA Workshare progress**

*(Objective 4 Measure 1 in the Department Scorecard)*

The chart below shows the actions taken in CY2021 to enter a FEPA workshare agreement with the EEOC.

<b>Step</b>	<b>Summary of Actions</b>
<i>OHR initiates contact with federal agency.</i>	The Director set up the above-mentioned work session with the HRC Chair, HRC Vice Chair, Cheryl Mabry, and James Yao of the EEOC.
<i>OHR drafts necessary documents for application.</i>	The Director began a draft of the required request letter for consideration by the HRC prior to submission to the EEOC for informal review. This effort was put on hold to pursue the FHAP workshare agreement with HUD.

**CY2021 FHAP Workshare Progress**

*(Objective 4 Measure 2 in the Department Scorecard)*

The chart below shows the actions taken in CY2021 to enter a FHAP workshare agreement with HUD.

<b>Step</b>	<b>Summary of Actions</b>
<i>OHR initiates contact with federal agency.</i>	The Director set up the above-mentioned question-and-answer session with the HRC and Erik Steinecker from the HUD Fair Housing Office.
<i>OHR drafts necessary documents for application.</i>	The Director drafted a revised version of the Charlottesville Human Rights Ordinance that included language necessary for substantial equivalence with federal fair housing law.
<i>OHR submits draft documents to federal agency for informal review.</i>	The Director worked with Erik Steinecker at the HUD Fair Housing Office throughout 2021 to edit the initial draft of the revised Charlottesville Human Rights Ordinance.
<i>OHR submits draft documents to City Attorney for review.</i>	The Director met with Allyson Davies in the City Attorney’s Office for an initial review of the revised Charlottesville Human Rights Ordinance. Following this meeting, the Director contacted the Fairfax County Office of Human Rights to ask questions about the practical implications of some of the duties required by substantial equivalence to federal fair housing law.
<i>OHR revises draft documents based on federal agency and City Attorney feedback.</i>	<i>Work to be continued in 2022.</i>

**Charlottesville Human Rights Ordinance Sec. 2-433. (e)**  
*(Objective 5 in the Department Scorecard)*

*Sec. 2-433. (e) Make recommendations regarding the City's annual legislative program, with an emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination.*

This role rests primarily with the HRC with support from the OHR. This role also relates to the HRC's work under *Sec. 2-434. Duties and responsibilities – Community dialogue and engagement* and *Sec. 2-435. Duties and responsibilities – Systemic issues*.

In CY2021, the HRC submitted recommendations to Council that reiterated its CY2020 priorities and included a recommendation to support SB 43, which would allow a City or County to take legal action to enforce the provisions of the Virginia Residential Landlord and Tenants Act related to health and safety.

**Charlottesville Human Rights Ordinance Sec. 2-433. (f)**  
*(Objective 6 in the Department Scorecard)*

*Sec. 2-433. (f) Prepare recommendations 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 or operating procedures approved by City Council.*

This role is shared by the HRC and OHR and relates to all other duties and responsibilities detailed in the Charlottesville Human Rights Ordinance. The table on the following page summarizes the recommendations the HRC made to Council in CY2021.

Date	Alignment	Action	Summary
1/19/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-439.1 Enforcement authority.</p> <p><b>Annual Goals:</b> No direct alignment.</p>	Policy Review	<p>The HRC adopted proposed amendments to the Code of the City of Charlottesville Chapter 2, Article XV (Charlottesville Human Rights Ordinance) for recommendation to City Council. The proposed amendments included language to bring the ordinance into alignment with recent changes to state laws governing human rights and fair housing. The proposed amendments also broadened the potential applicant pool for new Commissioners, removed gendered language from the ordinance, and clarified aspects of the enforcement process. The proposed amendments were adopted along with some revisions presented by Council on 2/1/2021.</p>
3/1/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-435 Systemic Issues</p> <p><b>Annual Goals:</b> No direct alignment.</p>	Council Recommendation	<p>The HRC provided feedback to City Management and Council regarding the hiring of a Director for the Human Rights Commission and Office of Human Rights. City Management made an offer of hire on 10/15/2021, which was accepted on 10/21/2021.</p>
4/4/2021	<p><b>Duties &amp; Responsibilities:</b> Sec. 2-435 Systemic Issues</p> <p><b>Annual Goals:</b> 2. Address barriers to housing.</p>	Council Recommendation	<p>The HRC provided recommendations regarding the establishment of a program that would ensure legal counsel for tenants facing evictions. The HRC presented data collected on local court hearings as well as national data regarding other localities with similar programs.</p>

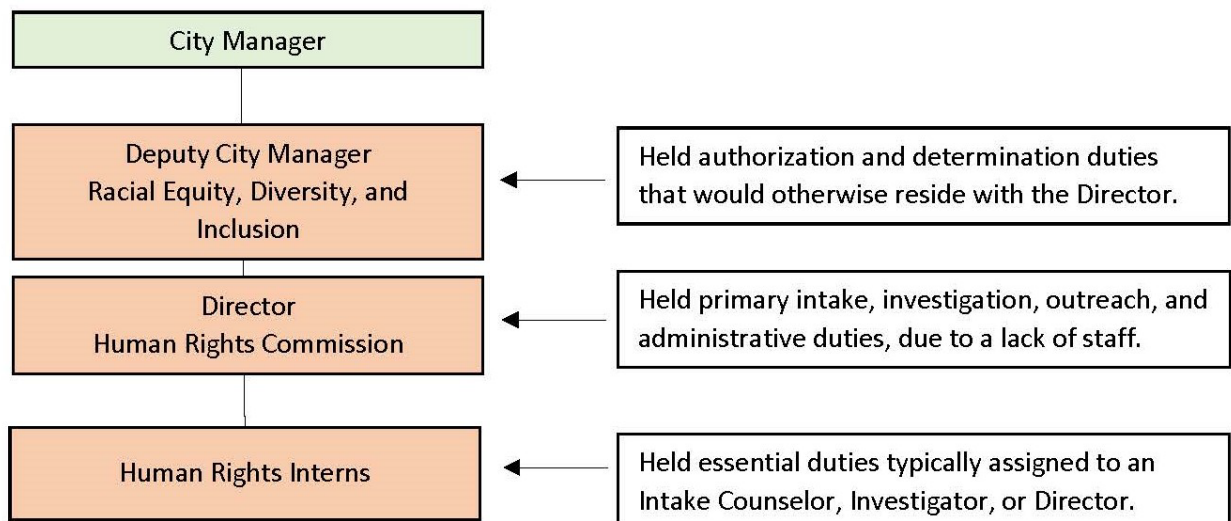
## Recommendations

In CY2021, the OHR had one full-time staff person, the Community Outreach and Investigation Specialist, authorized to receive and investigate complaints. The Community Outreach and Investigation Specialist, who was promoted to the role of Director of the Human Rights Commission in October 2021, held all intake, investigation, outreach, and administrative duties for the OHR, as well as administrative duties for the HRC. Other comparable OHRs with enforcement responsibilities have separate staff responsible for intake, investigation, outreach, and administration. This division of labor is especially essential for the separation of approving further action on complaints, complaint investigation, and rendering final determinations on complaints. To preserve the integrity of the investigation, the Investigator must remain a neutral third party to the complaint and thus typically relies on the Director to approve further action on complaints and serve as the Administrative Judge who renders a determination on the investigated complaint.

Given the lack of staffing in the OHR, the roles of approving complaints for further action and rendering final determination fell to the City Manager's Office. Throughout CY2020 and CY2021, these responsibilities were passed between several individuals within the City Manager's Office until the hire of the Deputy City Manager for Racial Equity, Diversity, and Inclusion in late April 2021. While the Deputy City Manager can hold both these roles in lieu of the Director, it is atypical for an Office of Human Rights to function in this manner and places an additional and undue responsibility on the Deputy City Manager.

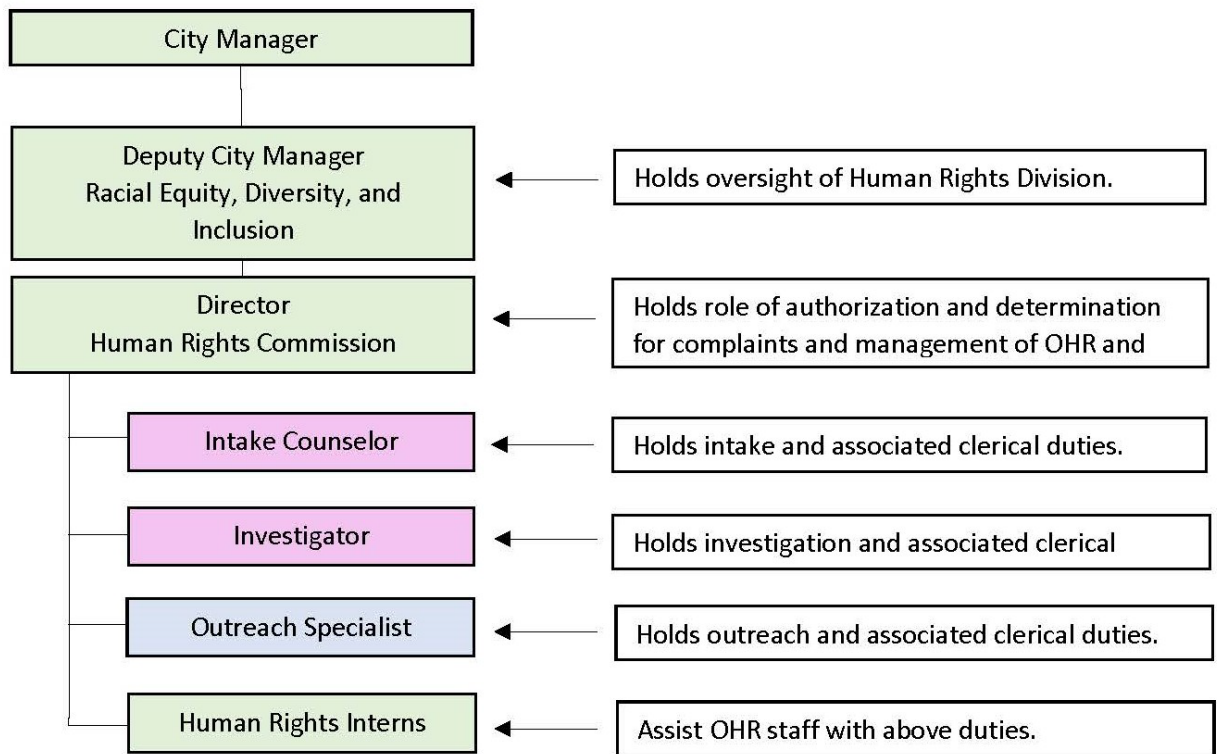
The chart below shows the OHR staff and organizational structure in CY2021. Green boxes indicate a position that holds the appropriate duties and responsibilities in relation to the OHR and HRC (City Manager). Orange boxes indicate a position that holds a duty for the OHR and HRC that is outside of that individual's prescribed role in the City (Deputy City Manager for Racial Equity, Diversity, and Inclusion; HRC Director; Human Rights Interns).

### CY2021 OHR Organizational Structure



The chart below presents the recommended organizational structure of the OHR consistent with other OHRs in Virginia. The same color scheme described above applies below with the added colors of blue to indicate a position scheduled for hiring in early CY2022 (Outreach Specialist) and lavender to indicate positions for which there was no approved funding in FY22 or FY23 (Intake Counselor, Investigator).

### **Recommended OHR Organizational Structure**



### **Conclusions**

In CY2022, the OHR will hire an Outreach Specialist to expand community engagement, continue the work begun on the FHAP workshare agreement, and continue working in partnership with the HRC to develop capacity for addressing systemic issues. With Council’s support to hire an Intake Counselor and an Investigator, the OHR will be better equipped to effectively process incoming inquiries and complaints and be prepared to enter the FHAP workshare.

### **Attachments**

1. OHR Data Dictionary
2. OHR CY2021 Individual Service Data



## 2021 Charlottesville Office of Human Rights Data Dictionary

Term	Definition
<b>Appointment Set-up</b>	A contact involving the scheduling of an appointment with the Office of Human Rights.
<b>Case</b>	A complaint of unlawful discrimination that has been accepted for further action by the Office of Human Rights.
<b>Charlottesville Human Rights Ordinance</b>	A part of the Code of the City of Charlottesville found in Chapter 2, Article XV, that explains the roles and responsibilities of the Human Rights Commission and Office of Human Rights and defines the protected activities, protected classes, and enforcement mechanisms authorized to address unlawful discrimination within the jurisdiction of the City of Charlottesville.
<b>Clerical Assistance</b>	Any activity involving creating documents or other materials on behalf or at the request of the client.
<b>Client Follow-up</b>	An incoming contact from an individual who has an open inquiry or complaint.
<b>Closed Complaint</b>	A complaint that is no longer being addressed by the Office of Human Rights. An inquiry may close due to the case being resolved to the client's satisfaction, the referral of the client to another agency that can better serve them, or because the client chooses not to pursue the case further.
<b>Closed Inquiry</b>	An inquiry that is no longer being addressed by the Office of Human Rights. An inquiry may close due to the case being resolved to the client's satisfaction, the referral of the client to another agency that can better serve them, or because the client chooses not to pursue the case further.
<b>Complaint</b>	An incoming contact in which an individual wishes to pursue action regarding an allegation of discrimination that falls within the jurisdiction of the Office of Human Rights, as defined by the Human Rights Ordinance.
<b>Complainant</b>	An individual or group of individuals who have filed a formal complaint of unlawful discrimination with the Office of Human Rights.
<b>Contact</b>	All walk-ins, appointments, phone calls, text messages, and emails with individuals.
<b>Counseling</b>	Assistance provided to an individual who presents an inquiry or complaint in which staff present various courses of action to address a concern.

Term	Definition
<b>Determination</b>	A decision made by the Director, based on the evidence presented in an investigative report regarding a complaint of unlawful discrimination, whether there is cause to believe that a violation of the Charlottesville Human Rights Ordinance has occurred. This term is used synonymously with “Finding.”
<b>Dismissed Complaint</b>	A complaint that has been closed by staff due to the case being too far outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff, prior to the complainant providing enough information to decide if the complaint presents a jurisdictional, prima facie case of discrimination.
<b>Dismissed Inquiry</b>	An inquiry that has been closed by staff due to the case being too far outside the jurisdiction of the Office of Human Rights or because the client has ceased responding to attempted follow-up by staff.
<b>Finding</b>	A decision made by the Director, based on the evidence presented in an investigative report regarding a complaint of unlawful discrimination, whether there is cause to believe that a violation of the Charlottesville Human Rights Ordinance has occurred. This term is used synonymously with “Determination.”
<b>Further Action</b>	Steps taken to address a complaint of discrimination that may include informal conciliation, mediation, and investigation.
<b>General Contact</b>	An incoming contact that involves outreach coordination, event planning, volunteer coordination, or general information.
<b>Incoming Contact</b>	Any walk-in, appointment, phone call, text message, or email from an individual seeking assistance from the Office of Human Rights.
<b>Informal Conciliation</b>	A method of resolving a complaint of unlawful discrimination in which the Director engages in an informal dialogue with the complaint and respondent and a non-binding agreement is reached that resolves the complaint to the complainant’s satisfaction.
<b>Information</b>	A contact in which staff answers questions of a general nature or provides information regarding services, events, or programs.
<b>Inquiry</b>	An incoming contact involving services provided to an individual by the Office of Human Rights <i>and/or</i> an individual allegation of discrimination that falls outside the jurisdiction of the office, as defined by the Charlottesville Human Rights Ordinance.

Term	Definition
<b>Investigation</b>	The formal process of gathering factual evidence regarding a complaint of discrimination. Fact gathering can include interviewing the complainant, respondent, and witnesses. It may also include gathering other evidence such as documents, audio recordings, video footage, or physical evidence.
<b>Investigation Activity</b>	Any activity associated with the formal investigation of a complaint.
<b>Jurisdiction</b>	The geographic and legal scope of enforcement authority as defined by the Charlottesville Human Rights Ordinance.
<b>Mediation</b>	A method of resolving a complaint of unlawful discrimination in which a third-party, licensed mediator facilitates a formal dialogue and negotiation between the complainant and respondent. If mediation is successful, the resulting settlement agreement is a private, legally binding contract between the complainant and respondent that is enforceable through civil action in the appropriate court.
<b>Mediation Related Services</b>	Any activity associated with the request for or coordination of mediation services, as provided by a licensed third-party mediator, in conjunction with a complaint.
<b>Open Complaint</b>	A complaint that is still being addressed by the Office of Human Rights.
<b>Open Inquiry</b>	An inquiry that is still being addressed by the Office of Human Rights.
<b>Outgoing Contact</b>	All service-related contacts initiated by Office of Human Rights staff.
<b>Outreach Coordination</b>	Any service related to community outreach regarding service provision, education & awareness, or facilitation & leadership.
<b>Prima facie</b>	<p>A term used to define whether a complaint presents an actionable allegation of discrimination “on its face.” In a prima facie case, the following criteria must be met:</p> <ul style="list-style-type: none"> <li>• Complainant was engaged in a protected activity.</li> <li>• Complainant either self-identifies or is perceived by Respondent to be a member of a protected class.</li> <li>• There is testimonial or documentary evidence of a practice or policy to exclude or otherwise adversely treat individuals in Complainant’s protected class.</li> <li>• There are specific harms identified by Complainant, resulting from the alleged discrimination.</li> </ul>

<b>Term</b>	<b>Definition</b>
<b>Protected Activity</b>	An activity of daily life in which a person who identifies as a member of a protected class can participate without fear of discrimination. The Charlottesville Human Rights Ordinance lists the following activities as protected: housing, employment, public accommodation, credit, and private education.
<b>Protected Class</b>	<p>A grouping of people, as defined by state and federal law, of which an individual either self-identifies as a member or is perceived to be a member, that is protected from discrimination when an individual is participating in a protected activity. The Charlottesville Human Rights Ordinance lists the following classes as protected:</p> <ul style="list-style-type: none"> <li>• Age/Elderliness</li> <li>• Childbirth or related medical conditions</li> <li>• Disability</li> <li>• Familial Status (in housing)</li> <li>• Gender Identity</li> <li>• Marital Status</li> <li>• National Origin</li> <li>• Pregnancy</li> <li>• Race</li> <li>• Religion</li> <li>• Sex</li> <li>• Sexual Orientation</li> <li>• Color</li> <li>• Source of Funds (in housing)</li> <li>• Status as a Veteran</li> </ul>
<b>Public Hearing</b>	A service provided by the Human Rights Commission and coordinated by the Office of Human Rights, as specified by the Charlottesville Human Rights Ordinance, involving the recommendation of remedies related to either a determination of probable cause after the formal investigation of a complaint <i>or</i> a review of a determination of no probable cause for which a complainant seeks an appeal.
<b>Referral</b>	A recommendation made by OHR staff for an individual to contact another agency in order to address a concern raised during an individual contact with the Office of Human Rights.
<b>Respondent</b>	An individual, group of individuals, or agency that is named by the complainant in a formal complaint of unlawful discrimination as responsible for a discriminatory act against the complainant.
<b>Staff Follow-up</b>	An outgoing contact in which staff communicates with an individual who has previously contacted the Office.

<b>Term</b>	<b>Definition</b>
<b>Third-Party Incoming Contact</b>	An incoming contact with a person other than the individual directly involved with an inquiry or complaint being discussed.
<b>Third-Party Outgoing Contact</b>	An outgoing contact with a person other than the individual directly involved with an inquiry or complaint being discussed. The person directly involved must give verbal or written consent for staff to initiate a third-party outgoing contact.
<b>Unlawful Discrimination</b>	The denial of a person's opportunity to engage in a daily life activity that is protected by law.

## Office of Human Rights CY2021 Individual Service Provision Data

Measures	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
<i>Open office days in the month</i>	22	20	21	22	23	20	22	22	20	23	19	18	252
<i>Total Incoming &amp; Outgoing Contacts</i>	171	139	145	133	197	272	307	287	330	442	307	229	<b>2959</b>
<i>Total Incoming Contacts</i>	83	70	71	68	131	176	195	210	238	308	237	175	<b>1962</b>
<i>Average Incoming &amp; Outgoing Contacts/Day</i>	8	7	7	6	9	14	14	13	17	19	16	13	<b>12</b>
<i>Average Incoming Contacts/Day</i>	4	4	3	3	6	9	9	10	12	13	12	10	<b>8</b>
<i>Referrals from Sin Barreras</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Contacts in Spanish</i>	0	1	3	9	6	6	3	4	0	9	5	0	<b>46</b>
<i>Total Staff Follow-ups (Outgoing)</i>	49	33	30	30	39	45	48	32	48	49	39	29	<b>471</b>
<i>Total Third-Party Contacts (Outgoing)</i>	39	36	44	35	27	51	64	45	44	85	31	25	<b>526</b>
<i>Total Client Follow-ups (Incoming)</i>	45	34	36	27	65	120	105	127	154	157	131	102	<b>1103</b>
<i>Total Third-Party Contacts (Incoming)</i>	28	28	19	30	45	40	73	54	74	130	86	64	<b>671</b>
<i>Total General Contacts (Incoming)</i>	3	4	3	4	6	12	11	15	2	8	12	4	<b>84</b>
<i>Total New Inquiries (Incoming)</i>	6	3	12	7	14	4	5	11	8	12	6	4	<b>92</b>
<i>Total New Complaints (Incoming)</i>	1	1	1	0	1	0	1	3	0	1	2	1	<b>12</b>
<i>Total Allegations (Both I&amp;C)</i>	2	1	1	1	4	1	1	5	1	8	4	3	<b>32</b>
<i>Total I&amp;C: Locality - Cville</i>	6	3	5	3	12	3	5	9	4	6	3	3	<b>62</b>
<i>Total I&amp;C: Locality - Albemarle</i>	1	0	1	2	0	0	0	0	1	0	1	0	<b>6</b>
<i>Total I&amp;C: Locality - Other or Not Specified</i>	0	1	7	2	3	1	1	5	3	7	4	2	<b>36</b>
<i>Total Inquiries: P.A. - Employment</i>	0	0	1	1	2	0	0	1	1	2	3	2	<b>13</b>
<i>Total Inquiries: P.A. - Housing</i>	6	3	8	5	8	1	5	4	3	5	2	1	<b>51</b>
<i>Total Inquiries: P.A. - Public Accommodation</i>	0	0	1	1	0	0	0	2	1	2	0	1	<b>8</b>
<i>Total Inquiries: P.A. - Credit</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Inquiries: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Inquiries: P.A. - Other (Unprotected)</i>	0	0	2	0	4	3	0	4	3	3	1	0	<b>20</b>
<i>Total Complaints: P.A. - Employment</i>	0	1	0	0	1	0	1	1	0	0	1	0	<b>5</b>
<i>Total Complaints: P.A. - Housing</i>	1	0	0	0	0	0	0	1	0	1	1	1	<b>5</b>
<i>Total Complaints: P.A. - Public Accommodation</i>	0	0	1	0	0	0	0	0	0	0	0	0	<b>1</b>
<i>Total Complaints: P.A. - Credit</i>	0	0	0	0	0	0	0	1	0	0	0	0	<b>1</b>
<i>Total Complaints: P.A. - Private Education</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Complaints: P.A. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Total employment discrimination allegations</b>	0	1	0	1	1	0	1	1	0	2	2	1	<b>10</b>

<b>Measures</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>TOTALS</b>
<i>Employment allegations in Charlottesville</i>	0	1	0	0	1	0	1	1	0	1	1	0	<b>6</b>
<i>Employment allegations in Albemarle Co.</i>	0	0	0	1	0	0	0	0	0	0	0	0	<b>1</b>
<i>Emp. allegations in Cville referred to EEOC</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Emp. allegations in Alb. Co. ref. to EEOC</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Total housing discrimination allegations</b>	2	0	0	0	2	1	0	1	0	4	2	1	<b>13</b>
<i>Housing allegations in Charlottesville</i>	2	0	0	0	0	1	0	1	0	4	1	1	<b>10</b>
<i>Housing allegations in Albemarle</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Total public accommodation discrimination allegations</b>	0	0	1	0	0	0	0	2	1	2	0	1	<b>7</b>
<i>Public accommodation allegations in Cville</i>	0	0	1	0	0	0	0	1	0	0	0	0	<b>2</b>
<b>Total credit discrimination allegations</b>	0	0	0	0	0	0	0	1	0	0	0	0	<b>1</b>
<i>Credit allegations in Charlottesville</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Total private education discrimination allegations</b>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Private education allegations in Charlottesville</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Total Other (Unprotected) activity allegations</b>	0	0	0	0	1	0	0	0	0	0	0	0	<b>1</b>
<i>Total I&amp;C: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total I&amp;C: P.C. - Disability</i>	1	0	1	1	1	0	1	0	0	1	1	1	<b>8</b>
<i>Total I&amp;C: P.C. - Marital Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total I&amp;C: P.C. - National Origin</i>	0	0	0	0	0	0	0	2	1	0	0	0	<b>3</b>
<i>Total I&amp;C: P.C. - Pregnancy</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total I&amp;C: P.C. - Childbirth or Related Medical Conditions</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total I&amp;C: P.C. - Race</i>	1	1	0	1	0	0	1	3	0	2	1	0	<b>10</b>
<i>Total I&amp;C: P.C. - Color</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total I&amp;C: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total I&amp;C: P.C. - Sex</i>	0	0	1	0	2	0	0	1	0	0	1	0	<b>5</b>
<i>Total I&amp;C: P.C. - Gender Identity</i>	0	0	0	0	0	0	0	0	1	0	0	0	<b>1</b>
<i>Total I&amp;C: P.C. - Sexual Orientation</i>	0	0	0	0	0	0	1	0	0	1	0	0	<b>2</b>
<i>Total I&amp;C: P.C. - Source of Funds</i>	1	0	0	0	0	0	0	0	0	0	0	0	<b>1</b>
<i>Total I&amp;C: P.C. - Veteran Status</i>	0	0	0	0	0	0	0	0	0	0	0	1	<b>1</b>
<i>Total I&amp;C: P.C. - Not specified</i>	4	3	12	5	12	4	4	8	4	7	6	2	<b>71</b>
<i>Total I&amp;C: P.C. - Other (Unprotected)</i>	0	0	0	0	0	0	0	1	2	2	0	1	<b>6</b>
<b>Total Counseling Contacts</b>	17	21	17	8	18	20	18	16	6	10	6	9	<b>166</b>
<b>Total Employment Counseling</b>	0	0	0	1	1	0	1	1	0	2	2	3	<b>11</b>
<b>Total Housing Counseling</b>	17	21	16	6	12	18	12	13	4	7	3	6	<b>135</b>





<b>Measures</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>TOTALS</b>
<i>Total Housing Complaints: P.C. - Race</i>	0	0	0	0	0	0	0	1	0	0	0	0	<b>1</b>
<i>Total Housing Complaints: P.C. - Color</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Housing Complaints: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Housing Complaints: P.C. - Sex</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Housing Complaints: P.C. - Gender Identity</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Housing Complaints: P.C. - Sexual Orientation</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Housing Complaints: P.C. - Source of Funds</i>	1	0	0	0	0	0	0	0	0	0	0	0	<b>1</b>
<i>Total Housing Complaints: P.C. - Veteran Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Housing Complaints: P.C. - Not specified</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Housing Complaints: P.C. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Age</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Disability</i>	0	0	1	0	0	0	0	0	0	0	0	0	<b>1</b>
<i>Total Pub. Accom. Comp.: P.C. - Marital Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - National Origin</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Pregnancy</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Childbirth or R.M.C.</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Race</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Color</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Sex</i>	0	0	1	0	0	0	0	0	0	0	0	0	<b>1</b>
<i>Total Pub. Accom. Comp.: P.C. - Gender Identity</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Sexual Orientation</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Veteran Status</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Not specified</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Pub. Accom. Comp.: P.C. - Other (Unprotected)</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<i>Total Open Inquiries</i>													<b>17</b>
<i>Total Closed Inquiries</i>													<b>75</b>
<i>Total Dismissed Inquiries</i>													<b>0</b>
<i>Total Open Complaints</i>													<b>6</b>
<i>Total Closed Complaints</i>													<b>4</b>
<i>Total Dismissed Complaints</i>													<b>2</b>
<i>Primary Service: Appointment Set-up</i>	3	2	1	0	8	19	11	2	3	3	5	3	<b>60</b>
<i>Primary Service: Clerical Assistance</i>	0	5	1	0	3	13	18	3	0	1	0	0	<b>44</b>



# Attachment 6

**From:** [Thomas, Kyna N](#)  
**Cc:** [Robertson, Lisa](#); [Dillehunt, David](#); [CLERK OF COUNCIL, x3113](#)  
**Subject:** MEMO: Liaisons to City Boards and Commissions (meeting requirements)  
**Date:** Tuesday, September 13, 2022 3:35:13 PM  
**Attachments:** [SOP\\_100-02.pdf](#)  
**Importance:** High

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## MEMO

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To: Liaisons/Staff Contacts to All City Council-appointed Boards and Commissions

Please share this memo and attachment with your respective board/commission Chairs.

Effective September 1, 2022 the Virginia Freedom of Information Act sets out new provisions that govern when and under what circumstances a board or commission (or any committee/subcommittee) can have an all-virtual meeting. The updated provisions also make it clear that boards, commissions, and each of their committees/subcommittees are public bodies that must have a Remote [Electronic] Meeting Procedure in place, before any member of the body may participate remotely in a meeting.

It is the desire of City Council that all boards and commissions (and their committees/subcommittees) will follow the same procedures. Attached is a Standard Operating Procedure provided by the City Manager, pursuant to authority delegated to him by City Council. Please ask your board/commission/committee/subcommittee, etc. to officially acknowledge this SOP at its next meeting.

The attached SOP also contains provisions establishing priorities for use of City premises for in-person meetings. Over the past 2.5 years, it has become evident that many rooms within City Hall cannot be "healthfully used" for open public meetings (i.e., they don't have sufficient space to allow distancing among all those in attendance).

The requirement for use of City premises in accordance with an approved Safety Plan will continue, as COVID remains with us and flu season is quickly approaching.

If any of you would like FOIA training for your board, please contact Lisa Robertson in the City attorney's office ([robertsonl@charlottesville.gov](mailto:robertsonl@charlottesville.gov) )

# Attachment 7

**CITY OF CHARLOTTESVILLE  
STANDARD OPERATING PROCEDURE**



Type of Policy: ADMINISTRATIVE (FOIA; MEETINGS)	Affect: City Wide
Subject: CITY-COUNCIL-APPOINTED BOARDS AND COMMISSIONS  USE OF CITY PREMISES FOR MEETINGS; PROCEDURES FOR ALL-VIRTUAL MEETINGS AND OTHER REMOTE PARTICIPATION	<b>Policy No. 100-02</b>
Authorization: City Council Resolution #R22-110 (September 6, 2022)	
Signature of City Manager: <i>Michael C. Rogers</i>	Effective Date: 9-12-2022

**I. PURPOSE**

The purpose of this operating procedure is to carry out the directive set forth within City Council Resolution # R22-110 (September 6, 2022) authorizing and requiring the City Manager to prepare a standard operating procedure setting forth a uniform policy for meetings conducted by boards and commissions, either all-virtual (in accordance with subparagraph C of Virginia Code Sec. 2.2-3708.3) or in person.

As the City Board that has created all of the entities within the definition of “City Boards” (see section IV.a., below) City Council has by resolution delegated to the City Manager, Clerk of Council and City Attorney responsibility for establishing these Procedures that must be followed by all City Boards.

**II. ENABLING STATUTES/ ORDINANCES/ RESOLUTIONS**

- Va. Code Sec. 2.2-3708.3, 15.2-1107, 15.2-1541
- City Code Secs. 2-149, 2-154
- City Council Resolution # R22-110 (September 6, 2022)

Throughout these Procedures: references to “FOIA” mean the Virginia Freedom of Information Act, Title 2.2, Chapter 37 of the Code of Virginia (1950), as amended.

### III. DEPARTMENTS/ DIVISIONS/ AGENCIES AFFECTED

All of the City Council-appointed boards, commissions, committees and agencies (excluding those referenced within Va. Code Sec. 2.2-3708.3(C)), and their committees and subcommittees, and the City officials and employees who support them, are affected by these Procedures.

Effective September 12, 2022, all City Boards shall follow the electronic meeting procedures set forth within this Procedure.

City Boards (and their respective committees and subcommittees) which had adopted an electronic meeting procedure prior to September 1, 2022 shall repeal those procedures and shall follow these Procedures effective September 12, 2022.

### IV. PROCEDURES

- A. For the purposes of these Procedures, the term “**City Boards**” is used as a shorthand reference, meaning and referring to **(i)** any board, commission, task force, or committee or other entity (by whatever name given) created by City Council and having all of its members appointed by City Council, **and (ii)** to committees/subcommittees formed by any such entities.
- B. Boards or commissions, the membership of which are appointed in whole or in part by any public body *other than* City Council, are responsible for adopting their own policies for all-virtual meetings and/or remote participation by individual members, after consulting with their legal advisor.
- C. The term “meeting” includes regular, special, and emergency meetings of a City Board, and committee/ subcommittee meetings (including committees/ subcommittees consisting of 2 members), “retreats” and other planning meetings, etc. Any gathering of 2 or more members of a City Board, or a committee/subcommittee, where the purpose of the gathering is the discussion or transaction of the business of that entity, is a “meeting”.
- D. **Frequency of meetings—**
  - 1) City Boards may have meetings upon giving at least three working days’ advance notice to the public in accordance with Va. Code 2.2-3707(C).
  - 2) **No City Board shall have more than one meeting per calendar month that requires the presence—either virtually or in person—of City Council staff or other City employees for administrative support** (e.g.: preparation and posting of public notices, arranging rooms, setting up meeting spaces, sanitizing surfaces, and other assistance with meeting logistics, taking or recording minutes, arranging meals, operating audio/ visual or computer equipment, public safety/ security support,

etc.). City Boards are encouraged to establish a schedule of meetings that occur less frequently than once per month.

- a. The Human Rights Commission and the Police Civilian Oversight Board may have more than one meeting per calendar month that requires administrative support, subject to the availability and approval by the City Manager of the additional hours of administrative support required, and subject further to the availability of an appropriate meeting room.
  - b. For the purposes of this policy: the term “administrative support” does not include any individual whose job title is “Director” or “Executive Director”.
- 3) The City Manager reserves the right to decline to authorize administrative support for multiple meetings occurring simultaneously, for multiple meetings occurring on the same day (regardless of whether meeting times overlap), for the second and any additional meetings of a City Board within a single calendar month, and in other circumstances where the administrative support needed cannot be accommodated within the capacity of available staff.

**E. Location of in-person meetings—**

- 1) **Location must be approved by City Manager**--No City Board shall set a date for an in-person meeting, or give public notice of the date and time of a meeting, unless the City Board has first reserved a location for the in-person meeting in accordance with this subsection.
- 2) **City Council priority**—notwithstanding any other provisions within this section, City Council always has priority of use of City-owned premises for their meetings.
- 3) **All City premises must have an approved Safety Plan**--Unless otherwise specified in these Procedures: ALL City premises utilized for meetings of City Boards shall be used in accordance with a Safety Plan approved by the City Manager. [*During any period(s) of time when COVID, or another infectious virus or disease is or remains prevalent within the community, the City Manager may include a requirement for wearing of masks, and distancing between seats, as part of the approved Safety Plan for a particular room*].
- 4) The following City premises cannot be used for in-person meetings of City Boards: City Hall Second Floor Conference Room; City Hall Basement Conference Room; City Hall NDS Conference Room; and any other room that is not made available for public meetings within the City’s Outlook Calendar/ Meeting Room Availability.



5) **City Space:**

- a. City Boards shall be required to follow the rules set forth within the document titled “Use of City Space by Departments” attached hereto as Exhibit 2.
- b. **Tier One:** The City Planning Commission and Board of Architectural Review shall have top-tier priority of use of City Space on or after 5:00 p.m., on the dates of their regular meetings.
- c. **Tier Two:** the Human Rights Commission (HRC), the Police Civilian Oversight Board (PCOB), and the City Retirement Commission shall have next priority of use of City Space, on the dates of their regular meetings—so long as the regular meetings do not conflict with any Tier One regular meeting date and the meetings will occur on or after 5:00 p.m. (HRC and PCOB) or, for the City Retirement Commission only: on or after 8:30 a.m.
- d. **Tier Three:** the Board of Zoning Appeals shall have next priority of use of City Space, for meetings that do not conflict with reservations of City Space by any of the public bodies referenced in Tier One or Tier Two, above.
- e. **Tier Four:** the City Manager’s Office shall have next priority of use of City Space (including, without limitation, for leadership team meetings, meetings of City departments, etc.).
- f. **Tier Five:** City Boards not referenced in Tier One or Tier Two, above, may use City Space on an as-available basis, subject to reserving use of the room on the City meeting space calendar and subject further to the Tier Three and Tier Four priorities of use. Access to the meeting space calendar can be obtained via Outlook, or by contacting the City Manager’s Office.

6) **City Council Chambers:** Only the following City Board(s) are authorized to use City Council Chambers for meetings:

- a. **City Economic Development Authority**

7) **City Premises, other than those referenced in (v) or (vi), above:** City Boards may reserve the use of other meeting spaces located on City-owned premises, on an as-available basis, subject to authorization by the City Manager and a reservation for the approved room on the City’s meeting space calendar. Access to the meeting space calendar can be obtained via Outlook, or by contacting the City Manager’s Office.

The City Manager reserves the right to withdraw permission for any City premises to be used for in-person meetings of City Boards, if the City Manager determines that the premises cannot safely or healthily accommodate all of the City Board members,

City staff, and members of the public who would need to be present together in the premises during a meeting. For the purposes of this Policy, “**healthily accommodate**” means that seating for persons in attendance can be spaced so that no two persons would be closer than three (3) feet when seated or standing within the premises during a meeting.

- 8) **Off-site meetings (not on City premises):** City Board in-person meetings may take place off-site (i.e., a location other than City-owned premises, if the portion of the off-site premises on which the meeting will be conducted satisfy the following **criteria: (i)** clean and sanitary, and ADA-accessible, **(ii)** open to the general public, free of charge, and **(iii)** can “healthily accommodate”—as defined in (c)(iii), above—all persons in attendance at the meeting. The chair of the City Board shall send an email to the City Manager certifying that these criteria are met by the off-site location, and based on the representations/ certification of the chair of the City Board, the City Manager may approve the off-site meeting location. Administrative support staff for off-site meeting locations are at the discretion of the City Manager.

#### **F. Types of Meetings: in-person, all-virtual, and hybrid**

- 1) “**In-person meeting**” refers to a meeting, including work sessions, at which the members of a City Board (including any committee or subcommittee meetings of the City Board, work sessions, and trainings) gather or assemble together physically, and the purpose of the gathering or assemblage is the discussion or transaction of any public business.

In-person meetings of City Boards shall be conducted in accordance with the standard open meeting requirements of FOIA, and the location at which the City Board members are physically gathered or assembled together shall be open for physical access by the public.

- a. **Except as provided in subsection e.ii., following below, City Board meetings must be in-person meetings.**
- b. **Remote participation--Individual members of a City Board may use remote participation instead of attending an in-person meeting of the City Board,** in accordance with this subsection and the applicable provisions of FOIA.
  - A. An individual member desiring to use remote participation must notify the chair of the City Board by electronic mail of the basis on which they satisfy at least one of the criteria set forth within FOIA Section 2.2-3708.3(B)(1)-(4).

- B. The chair of the City Board shall verify that the criteria are satisfied. If the request for remote participation is approved by the chair, the chair shall be responsible for ensuring that the minutes of the City Board meeting identify, by a general description (e.g., “member’s residence”) the remote location from which the member participated, and otherwise reflect the basis for remote participation under FOIA Section 2.2-3708.3(B)(1)-(4).
- C. If the member’s participation from a remote location pursuant to this subsection is disapproved by the chair because such participation would violate these procedures, then the chair shall be responsible for ensuring that the disapproval is recorded in the minutes of the City Board meeting with specificity.
- D. No member of a City Board may use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year (rounded up to the next whole number) whichever is greater.
- E. The requirements of this subsection shall be applied strictly and uniformly to the entire membership of each City Board, without exception, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

2) **“All virtual meeting”** refers to a City Board meeting (including any committee or subcommittee meetings of the City Board, work sessions, and trainings), at which **(i)** the members of a City Board attending the meeting gather or assemble through electronic communication means (“zoom”, “teams”, or other similar means within the FOIA definition of “electronic communication”), **(ii)** the purpose of the gathering or assemblage is the discussion or transaction of any public business, and **(iii)** all public attendance is by electronic communication means.

a. **City Boards may hold all-virtual meetings.** (Except that, per Va. Code Sec. 2.2-3708.3(C) the Planning Commission, Board of Architectural Review, and Board of Zoning Appeals CANNOT hold all-virtual meetings). Twenty-five percent (25%) of the total number of meetings held by a City Board during a calendar year (rounded up to the next whole number), or two (2) meetings per year—whichever is greater—may be all-virtual meetings.

b. Every all-virtual meeting shall be conducted by a City Board in compliance with the requirements set forth within FOIA, Va. Code Sec. 2.2-3708.3(C), summarized within Attachment 1 to these Procedures.

- c. An all-virtual meeting may also be conducted by any City Board during a declared state of emergency, in accordance with FOIA, Va. Code Sec. 2.2-3708.2(A)(3).
- d. Every all-virtual meeting shall be “hosted” by administrative support personnel (or contracted individuals or firms) trained by a member of the City’s Office of Communications and Public Engagement.

3) **“Hybrid meetings”**

- a. A **“Hybrid Meeting”** is an in-person meeting at which public comment [verbal] will be taken both (A) at the physical location of the in-person meeting, as well as (B) by electronic communication means.
- b. Staff of the City Office of Communications and Public Engagement will not be provided for a Hybrid Meeting for any City Board, other than the following: City Council, Planning Commission, Board of Architectural Review, Police Civilian Oversight Board, and the Human Rights Commission. City Council Hybrid Meetings may be based in City Council Chambers; otherwise, the authorized Hybrid Meetings must be based in City Space.
- c. If any City Board other than those listed above wishes to have a Hybrid meeting, a member of the City Board or administrative support personnel outside the City Office of Communications and Public Engagement must be trained in the single-camera hybrid meetings option at City Space prior to the meeting, and the meeting must be held in City Space.
- d. If the criteria set out in subparagraph iii.1, preceding above cannot be satisfied, the City Board will need to seek a budget appropriation for contract administrative support services for hybrid meetings (and any technical or audio/visual/electronic equipment required for a particular location other than City Space), or for a part-time City employee to support that functionality.

V. **RELATED FORMS AND DOCUMENTS**

- a. The City Manager, Clerk of Council, or Office of Communications and Public Engagement may develop forms for use by City Boards in satisfying the requirements of these Procedures.
- b. **Exhibit 1**, attached to these Procedures, summarizes FOIA’s requirements for all-virtual meetings.
- c. **Exhibit 2**, attached to these Procedures, sets out the general City-wide policy regarding use of City Space.

**EXHIBIT 1:**  
**REQUIREMENTS FOR ALL-VIRTUAL MEETINGS**  
**CONDUCTED BY CITY BOARDS**

1. *Contents of the Required Meeting Notice* --The required meeting notice will state that the meeting will be an all-virtual public meeting. The required meeting notice will also include a specific statement notifying the public that the method by which the City Board chooses to meet shall not be changed unless the City Board provides a new meeting notice in accordance with the provisions of § 2.2-3707. City Boards shall utilize a standard form all-virtual meeting notice provided by the Clerk of City Council and approved by the City Attorney’s Office.

2. *Public access*--Public access to the all-virtual public meeting will be provided via electronic communication means. Every all-virtual public meeting will have a designated “host” trained by a member of the City’s Office of Communications and Public Engagement in the operation and trouble-shooting of the electronic communication means to be used for the meeting.

a. The electronic communication means used will allow the public to hear all members of the City Board participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the City Board as well.

b. A phone number or other live contact information will be provided by which a member of the public may alert the City Board if the audio or video transmission of the meeting provided by the City Board fails. The City Board will monitor the designated means of communication during the meeting, and after receiving an alert the City Board will take a recess until public access is restored (if the transmission fails for the public).

c. If the all-virtual meeting is a meeting at which public comment is customarily received by the public body, the public will be afforded the opportunity to comment through electronic means, either verbally or by way of written comments which can be viewed by the City Board as they are received during the meeting. (The availability of a “chat” function viewable by the members of the City Board during the public comment portion of the all-virtual meeting will satisfy this requirement).

5. *Agenda packets and materials*—a copy of the proposed agenda for the all-virtual meeting, the agenda packet and, unless exempt, all materials furnished to members of a City Board for an all-virtual meeting will be made available to the public in electronic format at the same time that such materials are provided to members of the public body. “Made available in electronic format at the same time” means that the materials are either (i) posted on the City’s website, or (i) provided immediately (without requiring the requester to wait the normal 5-day response period) in response to a FOIA request received on or before the date of the applicable meeting date, if the requester seeks a response by electronic mail or an electronic electronic share-site.

6. *Location(s) of members of the public body*--No more than two members of the City Board participating in an all-virtual meeting will be physically together in any one remote location, unless that remote location is open to the public to physically access it.

8. *Closed meetings*--If a closed session is held during an all-virtual public meeting, the motion to convene within a closed meeting shall be made and approved prior to pausing the electronic transmission of the meeting, and the electronic transmission of the meeting to the public will resume before the City Board votes to certify the closed meeting (such certification being as required by subsection D of § 2.2-3712).

9. *Minutes of all-virtual meetings*--Minutes of all-virtual public meetings held by electronic communication means will be taken, if minutes are required by § 2.2-3707. **Provided that, minutes for an all-virtual meeting will include a statement that the meeting was held by electronic communication means and will specify the type of electronic communication means by which the meeting was held.**

EXHIBIT 2  
TO CITY SOP #100-02



## Use of CitySpace by City Departments

City departments are encouraged to use CitySpace when meeting needs require a larger space. CitySpace is located in the Market Street parking garage at 100 5<sup>th</sup> St. NE in a contemporary space overlooking the east end of Charlottesville's downtown mall. The following rules, effective 7/1/21, will govern use of the space:

- The space is available by registration only on a first come first served basis. The space is generally available for use M-F from 8am-9pm.
- Meetings involving the City Council will receive priority. These meetings will be scheduled by the Clerk of Council, in advance, with as much notice as is practicable.
- The space is intended for special meetings and training needs that require space for larger groups and/or access to audio visual equipment.
- If you book the room – YOU are the responsible party. This includes ensuring access to the facility for all meeting participants.
- There are other office tenants in the space. Please be respectful of their area while using CitySpace.
- There is no on-site technical or facilities support. Please plan ahead and make arrangements for your specific needs in advance.
- Please take care of CitySpace. Each group is expected to leave the room in better condition than they find it.
- You are responsible for re-setting the room to the standard layout (see attached diagram) immediately following your use. All other tables and chairs are to be stacked and returned to the storage room.
- You are responsible for placing trash in the appropriate container and removal of catering equipment immediately following your use.
- With approval of the City Manager, CitySpace can be used for special programs the City sponsors, for example, Festival of the Book. In this case, a City department will need to serve as host (i.e. make reservation and serve as liaison to outside group and be the responsible party).

**Large Conference Room Features:**

- Movable seating for up to 100 people
- Podium with 3 microphones
- Ceiling mounted LCD digital projector
- DVD/CD player
- Retractable screen
- Wall mounted pin-up boards
- Free guest wireless access through "CityGuest" account
- Polycom speaker phone available on request

**Small Conference Room Features:**

- Conference Room seating for up to 8 people
- Wall mounted pin-up boards

**Other Features:**

- Self-service kitchen including oven, sink, coffee maker and ice machine
- ADA accessible restroom
- Coffee/ service counter in back of community meeting room

**How to reserve CitySpace:**

Calendars for "CitySpace – Large Conference Room" and the "CitySpace - Small Conference Room" are accessible from Outlook. Each department has identified several staff to serve as coordinators for any CitySpace use. They will have access to make reservations in the Outlook calendar.

When making a reservation please include a name, department and phone number of the responsible party.

**How to access CitySpace:**

The front door to CitySpace is equipped with an electronic lock. The front door is in locked mode 24/7. The designated coordinators for each department can swipe their employee ID cards for access. Once inside the door can be programmed to be "unlocked" using a 4 digit code. A separate 4 digit code can be used to lock the door. If you unlock the door, you are responsible for locking it upon departure.



# Attachment 8

**RULES AND PROCEDURES OF THE HUMAN RIGHTS COMMISSION**  
**CITY OF CHARLOTTESVILLE, VIRGINIA**

The Human Rights Commission, established pursuant to Article XV, Sections 2-430 to 2-443 of the Charlottesville City Code (the Charlottesville Human Rights Ordinance), hereby adopts the following rules and procedures for the execution of its duties and responsibilities thereunder:

**1. Composition of the Human Rights Commission**

**1.1.** The Commission membership shall consist of no less than nine members appointed by City Council, and shall be broadly representative of the City's population, with consideration of racial, gender (including gender identity, transgender status, and sexual orientation), religious, ethnic, disabled, socio-economic, geographic neighborhood and age groups within the City.

**1.2** 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. Despite the expiration of a member's term, the member shall continue to serve until a successor is appointed by City Council. Any vacancy during a term shall be filled by the City Council for the unexpired portion of that term. Following notice to the member, any member of the Commission may be removed for good cause by a majority vote of City Council.

**1.3** 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.

**2. Officers and Duties**

**2.1 Officers.** The officers of the Human Rights Commission shall be a Chair, a Vice Chair and a Secretary, who shall have the duties set forth below.

**2.2 Duties of Officers.**

**(1) Chair.** The Chair shall be elected from the Commission's membership. It shall be the duty of the Chair to execute all documents on behalf of the Commission, to act as liaison between the Commission and the Office of Human Rights and Director of the Human Rights Commission, to cause all resolutions, approvals and other actions of the Commission to be executed or carried out, to determine that all matters delegated to the Commission by state statute, city ordinance, or at the instance of the City Council are properly brought before the Commission.

**(2) Vice Chair.** The Vice Chair shall be elected from the Commission's membership, and shall exercise the powers and perform the duties of the Chair during the absence, disability or disqualification of the Chair.

**(3) Secretary.** The Director of the Human Rights Commission shall be the Secretary of the Commission. The Secretary shall not be a member of the Commission, and shall have no right to vote. It shall be the duty of the Secretary to keep minutes of the Commission's proceedings in accordance with the requirements of the Virginia Freedom of Information Act ("FOIA") and any other applicable provisions of law; to give notices required by law or these bylaws; to prepare, in consultation with the Chair, the agenda for all meetings of the Commission; to be custodian of and maintain the Commission's public records and other records, as required in the performance of its duties and functions; to inform the Commission of correspondence relating to the business of the Commission and to respond to such correspondence unless responsibility is otherwise assigned by the Chair; to act as liaison with the City Manager, City departments and agencies, and to execute on behalf of the Commission any documents requiring the signature of the Secretary. In the event the Secretary is absent from any meeting, the Chair presiding at the meeting shall designate an individual to perform the duties of Secretary for that meeting.

**2.3 Terms and Vacancies.** The term of office for the Chair and Vice Chair shall be for one year. The Chair shall be eligible for reappointment to no more than one additional one year term. Should any vacancy occur among the offices described above, the Commission shall fill that vacancy as promptly as practicable and the individual elected to such office shall serve for the unexpired term of that office.

**2.4 Officer Elections Procedures.** The Chair shall appoint a nominating committee of no less than three members of the Commission, who shall meet in October of each year to make recommended nominations for the offices of Chair and Vice Chair. The recommended slate will be presented to the full Commission at the December meeting. At the Commission's January meeting of each year, the officer election rules currently in place (attached) may be invoked by any member who wishes to make nominations in addition to the Nominating Committee's recommended slate.

### **3. Meetings**

**3.1 Annual Meetings.** The Commission shall hold an annual organizational meeting, which shall take place during the first regular meeting of the Commission in the month of January of each year. At the organizational meeting, the members of the Commission shall elect officers, establish its regular meeting schedule, and adopt the work plan for the ensuing year. The Commission may also conduct such other business as shall be placed on the agenda in accordance with the provisions of these bylaws.

**3.2 Regular Meetings.** Regular meetings shall be held on the third Thursday of each month. The basic order of business will be as set forth in 4.3, following below.

**3.3 Special Meetings.** Special meetings may be called by the Chair, the Vice Chair in the absence of the Chair, or by any two members, upon written request to the Secretary.

**3.4 Work Sessions.** Work sessions are special meetings that may be held at the request of the Chair, or the Vice Chair in the absence of the Chair. Work sessions shall be held for the purpose of inquiry and discussion and no official action shall be taken at such meetings.

**3.5 Public meetings; exceptions for Closed Sessions.** Meetings of the Commission shall be open meetings, as that term is defined within FOIA, except that the Commission may hold closed meetings when authorized pursuant to Va. Code Section 2.2-3711, and upon compliance with the closed meeting procedures and certification requirements set forth within Va. Code Section 2.2-3712.

**3.6 Notice of Meetings.**

**3.6.1.** The Secretary shall give notice of all meetings (annual, regular, special and work session) to all members of the Commission, five days prior to such meeting, or, for a special meeting or work session, such other notice as is reasonable under the circumstances. Such notice shall state the time and place of such meetings. With respect to regular meetings and the annual meeting, such notice shall be accompanied by an agenda prepared in accordance with the provisions of these rules and procedures and accompanied by such documentation as may be reasonable to permit the members of the Commission to consider the business which they are called upon to act. With respect to work sessions and special meetings, the notice shall state the purpose of the meeting or the nature of the discussion or inquiry to be undertaken and shall be accompanied by such documentation as may be available and practicable to provide to enable the members of the Commission to thoughtfully consider the business to come before the meeting.

**3.6.2.** The Secretary shall place notice of the date, time and location of each Commission meeting in a prominent public location at which notices of City Council meetings are regularly posted, and shall also post such notice on the City's website. This public notice shall be posted at least three (3) working days prior to the meeting; however, notice of a special meeting or work session may be given upon fewer than 3 days' notice, if reasonable under the circumstances and if such notice is given contemporaneously with the notice provided to Commission members. At least one copy of all agenda packets and, unless a specific FOIA exemption applies, all materials furnished to Commission members for a meeting, shall be made available for public inspection in the office of the Director/ Secretary at the same time such documents are furnished to the Commission.

**3.6.3.** For the purposes of this section, and as used throughout these rules and procedures, the term “notice” shall mean and include any format within the definition of a “public record” set forth in FOIA, at Virginia Code Sec. 2.2-3701.

#### **4. Conduct of Meetings.**

**4.1 Quorum.** A majority of currently serving Commissioners (“quorum”) must be in attendance at a meeting of the Commission in order for business to be legally transacted. Except as expressly provided in Virginia Code Section 2.2-3708(G) or 2.2-3708.1, the Commission shall not conduct a meeting where its business is discussed or transacted through any means of communication where the members are not physically assembled.

**4.2 Procedure.** All meetings of the Commission shall be conducted in accordance with [Martha’s Rules of Order as amended and adopted by the Commission on February 20, 2020](#). ~~Roberts’ Rules of Order (Newly Revised) as applicable to small boards~~. The Chair of the Commission, or in his or her absence, the Vice Chair, or in the absence of both, the person having been designated by the Chair as parliamentarian shall preside at meetings of the Commission.

**4.3 Proceedings.** At any meeting of the Commission, the Commission may hear, review, discuss and act upon, and otherwise transact business related to, any matters within its role, and within the scope of its duties and responsibilities, as described within the Charlottesville Human Rights Ordinance. At any regular meeting and annual meeting of the Commission, the order of business to come before the meeting shall be as expressed on the agenda sent out with the notice of the meeting provided, however, the presiding officer, with the consensus or affirmative vote of a majority of the Commissioners, may change the order of business on the agenda for any reason, or may add a matter to the agenda.

**4.4 Voting.** All business transacted by the Commission shall be authorized by a vote of the majority of members present and voting taken at a lawful meeting conducted in accordance with these rules and procedures. At all meetings of the Commission, each member present shall be entitled to cast one vote providing there is a physical quorum. A decision on whether to hold a public hearing on a complaint of an unlawful discriminatory practice shall not be valid unless authorized by a majority of the full Commission members. No vote of the Commission shall be taken by secret or written ballot. A member may vote by telephone or other electronic communication means as expressly authorized by FOIA Section 2.2-3708.1.

**4.5 Committees.** The Commission may, in its discretion, delegate any of its duties or responsibilities to a panel of not less than three Commissioners. Any such panel shall constitute a committee of the Commission, which shall transact the delegated business of the Commission following the same rules, procedures and meeting requirements applicable to the Commission, except it shall not be authorized to vote on any matter. Rather, any such committee shall bring its recommendations to the full membership of the Commission for a vote in accordance with these rules. No such committee may include individuals who are not members of the

Commission; however, the Commission may appoint advisory committees or form task forces which may include individuals who are not members of the Commission.

4.5.1 Ad hoc Committees. The Chair may recommend the formation of Ad hoc Committees for the purpose of addressing specific issues of concern to the Commission or to develop and implement projects approved by the Commission. ~~Standing Committees. The following standing committees of the Commission have been formed by resolution in accordance with these rules and meet regularly as follows:-~~

~~Administrative Matters Committee~~

~~Community Engagement Committee~~

~~Age, Disability, and Religious Discrimination~~

~~Committee Race Discrimination Committee~~

~~Sex Discrimination Committee~~

The Chair of the Commission appoints members of each Ad hoc Committee ~~standing committee~~ and a Chair of each committee is selected from committee members. Commission staff is responsible for assisting Committee chairs with setting Committee meeting agendas and preparing Committee reports for presentation to the full Commission during its regular meetings.

## 5. Conflicts of Interest.

**5.1** All members of the Human Rights Commission are subject to the Virginia State and Local Government Conflict of Interests Act (Va. Code 2.2-3100 et seq.) (“COIA”) and are required to read and familiarize themselves with the provisions of COIA.

**5.1.1.** In the event that any member shall have a “personal interest in a transaction” as defined by Va. Code Section 2.2-3101, in a matter before the Commission, the member shall be required to make a declaration of such interest before participating in the transaction, and the member may be required to disqualify himself from participating in the transaction. The member’s obligations in a given situation shall be determined in accordance with Va. Code Section 2.2-3112. It is the obligation of each member to ascertain whether he or she has a personal interest in a transaction, and to take action in accordance with Va. Code 2.2-3112 immediately upon concluding that a personal interest does exist; however, the issue of personal interests of a commission member may also be raised by other members or by individuals who are not members.

Any member of the Commission may request an advisory opinion from the Commonwealth's Attorney or the City Attorney or his or her representative, as to whether a personal interest exists and, if so, what are the Commissioner’s obligations under COIA. An opinion of the Commonwealth’s Attorney or the City Attorney shall have the effect specified in Va. Code Sec. 2.2-3121.

**5.1.2.** Every declaration and disqualification required pursuant to COIA shall be reflected in the public records of the Commission for a period of five (5) years, in the office of the Director/ Secretary.

**5.1.3.** In the event of a disqualification, the disqualified member shall be prohibited from (i) attending any portion of a closed meeting when the matter in which he or she has a personal interest is discussed, and (ii) discussing the matter in which he or she has a personal interest with other members of the Commission, with the Director, or with other officers or employees of the City government, at any time.

**5.1.4.** At all times, Commission members shall conduct themselves and the Commission's business in accordance with all applicable requirements of COIA, including those provisions not specifically referenced within these rules and procedures.

## **6. Community Participation**

**6.1** Public notice. Public notice of all meetings of the Commission will be provided as set forth in 3.6, above. In addition, the Commission may direct the Secretary to give additional or special notice, or advertise or announce specific matters before the Commission, as the Commission may deem appropriate.

**6.2** Public Participation. At the beginning and at the end of each of its open meetings the Commission will receive public comment in accordance with City Council's "Rules for Public Participation," which Rules are hereby adopted and incorporated by reference within these rules and procedures, as rules of the Commission.

## **7. Amendments.**

These bylaws, rules and procedures may be amended by vote of a majority of the Commission at any meeting provided, however, notice of such proposed amendment shall be given to each member of the Commission in writing at least five days prior to such meeting.

**AMENDMENTS**

**Charlottesville Human Rights Commission Policy on Individual Participation in Meetings by Electronic Means under §2.2-3708.1 of the Virginia Code  
Administrative Policy No. 1: Approved May 21, 2015**

- I. **Policy Statement:** It is the policy of the Charlottesville Human Rights Commission (CHRC) that individual members of the CHRC may participate in meetings of the Commission by electronic means as permitted by Virginia Code §2.2-3708.1.
  
- II. **Eligibility:** This policy shall apply to the entire membership of the CHRC and without regard to the identity of the member requesting remote participation or the matter considered or voted on at the meeting.
  - A. **Emergency/Personal Absence:** Members unable to attend the meeting due to an emergency or personal matter qualify under this policy provided that the individual can identify with specificity the nature of the emergency or personal matter, the public body holding the meeting the meeting records in its minutes the nature of the emergency or personal matter, and the remote location from which the member participate is identified in the minutes.
  
  - B. **Disability Absence:** Members of a public body unable to attend the meeting due to a medical condition qualify under this policy provided that the individual notifies the chair of the public body that such member cannot attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, the public body records this, and the remote location from which the member participates is identified in the minutes.
  
- III. **Quorum Required:** Whenever an individual member wishes to participate from a remote location, a quorum of the CHRC must be physically assembled at the meeting location, and arrangements will be made for the voice of the remote participant to be heard by all persons at the meeting location.
  
- IV. **Meeting Procedures:** The reason that the member cannot attend the meeting and the remote location from which the member participates will be recorded in the meeting minutes. When such individual participation is due to an emergency or personal matter as designated in section II A above, such participation is limited to two meetings or 25 percent of the meetings of the CHRC per member each calendar year, whichever is fewer.



- V.    **Approval Process:** Individual participation from a remote location shall be approved by the Chair of the CHRC, unless such participation would violate this policy or the Virginia Freedom of Information Act (FOIA).
  
- VI.    **Challenges:** If a member’s participation from a remote location is challenged, then the Commission members present shall vote whether to allow such participation. If the commission votes to disapprove the member’s participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.
  
- VII.    **General Applicability to Committees:** This policy applies to all committees, subcommittees, and task forces of the CHRC. Where remote participation occurs at a sub-committee or task force the chair of such committee shall assume responsibility for the approval process.

**Election of the Chair and Vice-Chair**  
**Adopted March 20, 2014**

The Human Rights Commission Rules and Procedures (2.2) provide that a Chair and Vice-Chair shall be annually elected. This is to set forth the customary procedure as modified from the 2013 City Attorney memo regarding the election of Mayor and Vice-Mayor for the City of Charlottesville.

1. The Director will Chair the meeting during the officer elections process.
2. The Director will ask for nominations for the Office of Chair.
3. Only names that are moved and seconded will be placed in nomination. Any Commission member may move or second his or her own name.
4. After one or more persons are nominated and it appears that no one else wishes to make a nomination, the Director will ask if there are any further nominations. If there are no responses, the Director will declare that nominations for the Office of Chair are closed.
5. Commissioners will then vote on the first person nominated for the Office of Chair. A Commission member who is nominated may vote for himself or herself.
6. If a majority of those present and voting affirmatively vote for the first candidate, that person is elected Chair and there is no further voting. If the first candidate does not receive a majority, the Commission will then vote on the second person nominated. If no nominee receives a majority, there will need to be a motion, second and vote on reopening nominations.
7. After a Commissioner is elected as Chair, the same procedure will be followed for the election of Vice-Chair. Following the election of the Vice-Chair, the newly-elected Chair will chair the remainder of the meeting.

**Martha's Rules of Order**  
**As adopted by the HRC on February 20, 2020**

1. The proposal is presented. Clarifying questions are taken.
  - a. Proposal should always be in writing.
2. Friendly amendments are offered. Discussion is allowed only on the amendments.
  - a. Amendments should be prepared in advance when possible.
3. Speakers in favor of the proposal present their views.
  - a. This is not a time for debate.
  - b. Time limits should be set and enforced.
4. Speakers in opposition to the proposal present their views.
  - a. This is not a time for debate.
  - b. Time limits should be set and enforced.
5. General discussion and/or debate OR small group discussion time on the proposal is allowed.
  - a. Time limit on discussion is set by the group.
  - b. Facilitator helps group identify key issues.
  - c. Motion to table or refer is in order and requires  $\frac{3}{4}$  vote.
6. First vote is taken.
  - a. People vote
    - i. In favor of the proposal, or
    - ii. Can live with the proposal, or
    - iii. Opposed to the proposal.
  - b. If a majority of those present votes "in favor" or "can live with," proceed to Step 8.
  - c. If less than a majority of those present votes "in favor" or "can live with," proposal dies.
7. Those voting in opposition are allowed to state their objections and concerns.
  - a. No discussion is allowed, only clarifying questions.
8. The second vote is taken as in Step 6.
  - a. It takes a majority of those present to override objections and pass the proposal.

# Attachment 9

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 7, 2022
Action Required:	Review the proposed revisions to the Charlottesville Human Rights Ordinance (Code of the City of Charlottesville, Chapter 2, Article XV) and propose next steps for revision or approval.
Presenters:	Jessica Harris, Chair, Human Rights Commission Todd Niemeier, Director, Human Rights Commission
Staff Contacts:	Todd Niemeier, Director, Human Rights Commission
Title:	<b>1<sup>st</sup> Reading: Proposed Revisions to the Charlottesville Human Rights Ordinance (Code of the City of Charlottesville, Chapter 2, Article XV)</b>

**Background:**

On February 1, 2021, City Council approved amendments to the Charlottesville Human Rights Ordinance (Code of the City of Charlottesville, Chapter 2, Article XV), hereinafter referred to as the CHRO. These amendments included revisions to Sec. 2-433 of the CRHO, “Role of the Human Rights Commission.” Sec. 2-433 (d) was amended by Council to read as follows:

*Seek work share agreements with the Equal Employment Opportunity Commission (“FEPA”) 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.*

The Charlottesville Human Rights Commission (HRC) and Office of Human Rights (OHR) present the work done since January 2021 to fulfill the role described in Sec. 2-433 (d) of the CHRO. This presentation includes proposed amendments to the CHRO to meet the requirements for entering into a Fair Housing Assistance Program (FHAP) workshare agreement with the federal Housing and Urban Development (HUD) Fair Housing Office, referenced in the CHRO as “HUD-FHAP.”

The City’s entry into FEPA and FHAP workshare agreements has been a topic of discussion since 2011, when the Policy Action Team from Government Work Group of the Charlottesville Dialogue on Race proposed the formation the HRC. Since the establishment of the HRC and OHR in 2013, the previous two Directors of the HRC periodically explored the readiness of the HRC and OHR to take on the additional responsibilities that come with the FEPA and FHAP work share agreements.

From March 1, 2020, through March 28, 2022, the OHR was staffed by a single person. The complaint process, as defined by Sec. 2-437 of the CHRO, requires OHR personnel to conduct

confidential intake, authorize further action, attempt informal or formal conciliation, conduct a formal investigation, and a render a final determination as to whether a violation of the CHRO occurred. The complaint process requires a minimum of two OHR staff to ensure that no one individual holds unilateral decision-making power. Specifically, one staff person could hold intake, conciliation, and investigation duties, while another (the Director, per the CHRO) would authorize action and render findings. Because of the OHR staffing shortage, the duties of authorizing action and rendering findings have been outsourced to the City Manager's Office since March 2020.

In October 2021, the sole OHR staff person, who had initially been hired as a part-time Community Outreach Specialist in February 2018, was promoted to the position of Director of the HRC by the City Manager. This same individual had previously also completed the required training to assume investigatory responsibilities for the OHR after being promoted to a full-time position and receiving certification as an investigator in June 2018. Prior to her departure from the City in March 2020, Charlene Green, former Director of the HRC, had petitioned Council for CY2020 funding for a third staff person to handle intake and administrative tasks, but the position was not funded.

In March 28, 2022, the current Director hired a second full-time Community Outreach and Administrative Specialist, bringing the OHR back to June 2018 through March 2020 staffing levels. Investigation duties continue to reside with the Director. The duties of authorizing further action and rendering findings on complaints remain with the Deputy City Manager for Racial Equity, Diversity, and Inclusion (REDI). During the FY23 budget process, the current Director put in a funding request for a new Investigator position. Hiring an Investigator would allow the Director to take on the duties of authorizing further action and rendering findings and relieve the Deputy City Manager for REDI of these duties. The request was not approved.

In CY2019, the OHR received 1,849 incoming contacts, which included 6 formal complaints of discrimination. In CY2020, despite the office's mandatory closure due to the COVID-19 pandemic, the OHR received 1,160 incoming contacts, which included 2 formal complaints of discrimination. In CY2021, the OHR received an all-time high of 1,962 incoming contacts, which included 12 formal complaints. In June 2021 the OHR reopened to walk-in, in-person visits, and the average number of daily incoming contacts went from six in May to nine in June. At its peak in October 2021, the average number of daily incoming contacts had more than quadrupled from a low of three in March and April to a high of thirteen in October. Throughout CY2021, the OHR had only one full-time staff person, assisted by two part-time interns who started in June, each working between four and eight hours per week. CY2021 was a clear demonstration that there was a strong demand for OHR services, but the OHR was insufficiently staffed to sustain excellent and efficient customer service.

Since the creation of the HRC and OHR in 2014, employment and housing have remained the most commonly identified protected activities associated with individual complaints and inquiries received by the Office of Human Rights. The OHR defines complaints as individual contacts that present a jurisdictional allegation of discrimination and defines inquires as individual contacts that either present a non-jurisdictional allegation of discrimination or a non-discriminatory concern related to a protected activity. Since 2018, when the OHR refined data collection to capture a more nuanced picture of the types of inquiries and complaints coming into the office, housing has been the predominantly identified protected activity. Over the past five years, from 2018 through 2021, the OHR received a total of 222 housing inquiries and 79 employment inquiries and 14 housing complaints and 11 employment complaints.

While service provision data for CY2022 is still being tallied, it is already clear that the OHR will surpass the number of incoming contacts recorded in CY2021. [At the time of this report, service provision data had been tallied through July 2022 and partially for August 2022. Total CY2022 incoming contacts were already at 2,023, which included 6 new complaints, in addition to those still in process from CY2021 and CY2020. Of the 6 complaints received this year, 4 allege housing discrimination. In CY2022, average daily incoming contacts has not fallen below eight per day \(in February and March\) and rose to as high as fifteen per day in June.](#) While OHR staffing now includes a full-time Community Outreach and Administrative Specialist, two part-time interns, and the Director, the workload still exceeds that which current staffing can efficiently accommodate and still requires outsourcing the above-mentioned components of the complaint process to the Deputy City Manager for REDI.

### **Discussion:**

In early 2021, the HRC began the work of researching the process of entering into a FHAP and FEPA workshare agreement by holding meetings with representatives from the HUD Fair Housing Office and the EEOC. During its regular, publicly noticed meeting on January 21, 2021, the HRC hosted a question and answer session with Erik Steinecker from the HUD Fair Housing Office about the FHAP workshare program. Mr. Steinecker outlined the details of the program and the prerequisites for a locality's entrance into a workshare agreement with HUD. On February 23, 2021, the HRC Chair and Vice Chair, along with OHR staff, held a work session with Cheryl Mabry (Director) and James Yao (Deputy Director) of State, Local, and Tribal Programs for the U.S. Equal Employment Opportunity Commission (EEOC) to discuss the process of applying and qualifying for a Fair Employment Practices Agency (FEPA) workshare agreement with the EEOC.

During the HRC's publicly noticed annual retreat on February 27, 2021, OHR staff presented a comparative overview of the entry requirements, timeframes, potential benefits, and potential challenges of entering into a FEPA workshare, a FHAP workshare, or maintaining the current enforcement authority under the amended CHRO approved by City Council on February 1, 2021. An updated version of this comparative overview can be found as an attachment to this memo. The HRC decided during the retreat that the pursuit of both the FEPA and FHAP workshare agreements should continue.

OHR staff assumed the responsibility of drafting a revised version of the CHRO to meet the requirement of substantial equivalence to federal fair housing, a prerequisite for entering a FHAP workshare. OHR staff also assumed the duty of beginning a draft request letter to the EEOC for pursuit of a FEPA workshare. As stated above, housing has been the protected activity identified most often by individuals bringing complaints and inquiries to the OHR. Staffing levels in the OHR could likely only accommodate entering into one workshare agreement at a time. The FHAP workshare offered the most potential financial and training support of the two workshares, such that entering the FHAP workshare might permit staffing increases that would facilitate future pursuit of the FEPA workshare. OHR staff therefore prioritized work on the FHAP workshare over the FEPA workshare in 2021 and 2022.

To enter a FHAP workshare, a locality must have an active ordinance with language that is substantially equivalent to federal fair housing law. Throughout 2021 and 2022, OHR staff worked closely with Erik Steinecker in the HUD Fair Housing Office and Allyson Davies in the Charlottesville City Attorney's Office to draft the attached version of the CHRO which meets this requirement. The proposed amendments also include refinements to the CHRO overall to improve

the enforcement process and clarify the scope of the human rights protections it provides. The following is a section-by-section summary and explanation of the major changes to the CHRO, including citations of enabling state and federal legislation from which the changes are derived. One amendment that appears throughout the proposed revisions is a change from “probable cause” as the standard in determinations rendered on a complaint to “reasonable cause.” The use of reasonable cause is consistent with the Virginia Human Rights Act, per Va. Code §§ 2.2-3907.D. – F. and Federal Civil Rights Act, per 42 U.S. Code § 2000e-5.(b). Reasonable cause is also the standard used in federal fair housing law, per 42 U.S. Code §§ 3610 and 3612.

#### Section by section summary of amendments to the CHRO:

##### Sec. 2-430.3.

- This is a new section.
- Rather than defining the many terms used throughout the CHRO, this section instead cites the state and federal laws from which the terms used in the ordinance originate.

##### Sec. 2-431.

- This section has been replaced by Secs. 2-431.1., 2-431.2., and 2-431.3.
- In previous versions of the CHRO, prohibited discrimination within all protected activities was described in a single section. Because there are specific differences in what is protected within the protected activities, employment (Sec. 2-431.1.) and housing (Sec. 2-431.2.) have been separated into distinct sections, while public accommodation, credit, and private education (Sec. 2-431.3.) remain combined in another section.

##### Sec. 2-431.1.

- This is a new section.
- This section cites the specific state and federal laws that regulate unlawful employment discrimination rather than re-stating the protections verbatim within the CHRO.

##### Sec. 2-431.2.

- This is a new section.
- The language in this section is substantially equivalent to 42 U.S. Code §§ 3604-3606 and is required for FHAP qualification.
- Note that elderliness, source of funds, sexual orientation, gender identity, and status as a veteran are not protected classes under 42 U.S. Code §§ 3604-3606 but are protected under Va. Code § 36-96.1. and are therefore included here.
- Note that marital status is not a protected class under 42 U.S. Code §§ 3604-3606 or Va. Code § 36-96.1. but is protected within housing under Va. Code § 15.2-965.A.

##### Sec. 2-431.3.

- This is a new section.
- This section cites the specific state and federal laws that regulate unlawful public accommodation, credit, and private education discrimination rather than re-stating the protections verbatim within the CHRO.

##### Sec. 2-431.4.

- This is a new section.
- This anti-retaliation clause mirrors federal law.
- The language in this section is substantially equivalent to 42 U.S. Code § 3617 and is



required for FHAP qualification.

Sec. 2-432.(a)

- This section was amended by City Council on February 1, 2021.
  - Some Commissioners expressed concern about limiting the appointed membership of the Commission to nine (9) members.
  - Some Commissioners expressed concern about requiring two members to have professional expertise in employment or housing discrimination, personal experience with employment or housing discrimination, or membership within a group that experiences discrimination.

Sec. 2-432.(f)

- “Director of the Commission” was tentatively changed to “Director of the Human Rights Division” to better reflect the actual role of the Director.
  - This change aligns with the understanding that under the City organizational structure, the Office of Human Rights is a “Division” of the “City Manager’s Office.”
- Minor changes were made to improve clarity.
- A clause was added to ensure continuity of leadership in the absence of a Director.

Sec. 2-432.(g)

- Minor changes were made to improve clarity.
- This section was amended by City Council on February 1, 2021. It includes reference to policies and procedures (“operating procedures”) that City Council will create for the Commission.

Sec. 2-432.(i)

- This section was amended by City Council on February 1, 2021.
- This section requires quarterly reports to City Council and mentions that the schedule for these reports would be included within the Commission’s operating procedures.

Sec. 2-433.

- Minor changes were made to improve clarity.

Sec. 2-433.(a)

- Minor changes were made to improve clarity.

Sec. 2-433.(d)

- This section was added by City Council on February 1, 2021.
- Minor changes were made to improve clarity.

Sec. 2-433.(f)

- This section was added by City Council on February 1, 2021.
- This section also references the “operating procedures” approved by City Council.

Sec. 2-435.(a)(2)

- Minor changes were made to improve clarity.

Sec. 2-435.(c)

- This section was amended by City Council on February 1, 2021.
- This section requires that the Commission conduct a research project or review every two years. It also mentions the requirement for quarterly reports to City Council.

Sec. 2-436.

- This section was formerly reserved.
- Previous versions of the CHRO made no mention of the Charlottesville Office of Human Rights. This section is being used to codify the existence and function of the Office of Human Rights.
- This section makes reference to the Office of Human Rights as a “Division” of the “City Manager’s Office.”

Sec. 2-437.

- This section has been replaced by Secs. 2-437.1., 2-437.2., and 2-437.3.
- In previous versions of the CHRO, the investigation of individual complaints of discrimination within all protected activities was described in a single section. Because there are specific differences in the investigation procedures within the protected activities, employment (Sec. 2-437.1.) and housing (Sec. 2-437.2.) have been separated into distinct sections, while public accommodation, credit, and private education (Sec. 2-437.3.) remain combined in another section.

Sec. 2-437.1.

- This is a new section, based upon revisions to the discontinued Sec. 2-437., dedicated exclusively to the investigation of employment discrimination complaints.

Sec. 2-437.1.(a)(1)

- Minor changes were made to improve clarity.

Sec. 2-437.1.(a)(2)

- This is a new clause.
- In accordance with Va. Code § 2.2-3907.A. and U.S.C. 42 § 200e-5.(e)(1), this clause establishes a statute of limitations and basic requirements for the filing of employment discrimination complaints.

Sec. 2-437.1.(a)(3)

- Minor changes were made to improve clarity.

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

- Minor changes were made to improve clarity.

Sec. 2-437.1.(a)(3)(B)

- This is a new clause that addresses what the Office of Human Rights will do when presented with a complaint of employment discrimination in which the City of Charlottesville is the named respondent.

Secs. 2-437.1.(a)(4) – 2-437.(a)(4)

- Content was reorganized and minor changes were made to improve clarity.

Sec. 2-437.1.(a)(4)(B)

- A response timeframe was added for employment discrimination complaints in accordance with 42 U.S. Code § 2000e-5.
- Va. Code 2.2-3907.B. states that notice of a charge shall be filed in a timely manner, but it does not stipulate a specific number of days in which to respond. The intent of adding a timeframe for response is to ensure a consistent process for all protected activities.
- While not expressly defined, all timeframes presented in state and federal law are presumed by default to refer to calendar days rather than business days. In the CHRO “calendar days” is used expressly to improve clarity.

Sec. 2-437.1.(b)(2)

- This is a new clause that mirrors the language used in Sec. 2-437.2.(b)(1) to ensure a consistent process for all protected activities.

Secs. 2-437.1.(b)(2)(A)(i) – (v)

- Minor changes were made to improve clarity.

Sec. 2-437.1.(b)(2)(B)

- Additional language added to clarify the process of opening a formal investigation.
- “Probable” was replaced with “Reasonable” cause per Va. Code §§ 2.2-3907.D. – F. and 42 U.S. Code § 2000e-5.(b).

Sec. 2-437.1.(b)(2)(B)(i)

- A timeframe for completing an investigation of employment discrimination was added in accordance with Va. Code § 2.2-3907.H.
- While not expressly defined, all timeframes presented in state and federal law are presumed by default to refer to calendar days rather than business days. In the CHRO “calendar days” is used expressly to improve clarity.

Secs. 2-437.1.(b)(2)(B)(i)(I) – (III)

- These clauses were added to define the actions the OHR will take when an investigation takes longer than 180 calendar days to complete, or when a complainant or respondent is non-responsive to the Investigator.

Sec. 2-437.1.(b)(2)(B)(ii)

- This clause was added to clarify that statements received as part of an investigation should be under oath.
- While state law does not stipulate this requirement, this is consistent with 42 U.S. Code § 3610.(a)(10) and ensures consistent process is applied to investigations within all protected activities.

Sec. 2-437.1.(b)(2)(B)(iii)

- This clause affirms that an investigative report will be submitted to the Director at the conclusion of the investigation and is consistent with Va. Code § 2.2-3907.D.

Sec. 2-437.1.(b)(2)(C)

- Minor changes were made to improve clarity.
- “Probable” was replaced with “reasonable” cause per Va. Code §§ 2.2-3907.D. – F. and 42 U.S. Code § 2000e-5.(b).

Sec. 2-437.1.(b)(2)(C)(i)

- This is a new clause that specifies the action to be taken following a finding of reasonable cause in an employment discrimination complaint and is consistent with Va. Code § 2.2-3907.F.

Secs. 2-437.1.(b)(2)(C)(I)(i) – (ii)

- This is a new clause that specifies the actions to be taken following a finding of reasonable cause in which the complaint cannot be resolved through mediation or conciliation and the complaint is passed to the HRC for a vote on whether to hold a public hearing.

Sec. 2-437.1.(b)(2)(C)(ii)

- This is a new clause that specifies the actions to be taken following a finding of no reasonable cause.

Sec. 2-437.1.(c)

- Minor changes were made to improve clarity.

Sec. 2-437.2

- This is a new section that contains language that is substantially equivalent to 42 U.S. Code §§ 3610 and 3612, which is required for FHAP qualification.
- This section will have a significant impact on the function of the OHR and City Attorney's Office. Per the key at the top of the draft ordinance, language highlighted in grey is still under review by the HUD Fair Housing Office and City Attorney's Office and may be subject to change.

Sec. 2-437.3

- This is a new section that consolidates the procedures for addressing complaints of public accommodation, credit, or private education discrimination.
- The intent of this consolidation was to separate these procedures from those for employment and housing discrimination complaints.
- The procedural changes in this section mirror those in Section 2-437.1, which addresses employment discrimination, except for the provisions specific to employment discrimination.
- Sec. 2-437.1.(b)(2)(B)(i)(II)-(III):

**Alignment with City Council's Vision and Strategic Plan:**

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

**Community Engagement:**

The HRC received a draft of this memo and the proposed revisions to the CRHO in the publicly-posted agenda packet for its regular meeting on September 15, 2022. During this meeting, the Director requested that Commissioners review both documents and provide feedback on or before October 3, 2022.

(Hold for summary of feedback during the September 15, 2020 meeting)

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

(Hold for summary of feedback during the October 20, 2022 meeting)

### **Budgetary Impact:**

(This section is currently being revised and will be updated once budget figures are updated)

### **Recommendation:**

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

Regardless of whether City Council elects to approve the proposed revisions to the CRHO, in order to maintain efficient and effective service provision to the community, the HRC and OHR recommend that City Council consider appropriating funding for two additional full-time OHR staff positions, as follows

#### **Intake and Administrative Specialist**

- The person in this position would be position responsible for receiving and screening incoming phone, email, and walk-in contacts.
- This individual would assume the roles currently held by the two part-time interns, which includes entering service provision data into the OHR service provision database, preparing minutes for publicly noticed meetings of the HRC, and other clerical duties, as needed.
- This individual would also assume the majority of the daily intake and referral duties currently held by the Community Outreach and Administrative Specialist and the Director.
- Upon successful interim certification into the FHAP workshare, this individual would also be responsible for entering service provision data into the HUD Enforcement

Management System (HEMS). This individual would also submit the required service provision data to the EEOC, should the City enter a FEPA workshare.

#### Investigator

- The person in this position would be responsible for investigating complaints of discrimination and compiling investigative reports.
- This individual would assume the investigative duties currently held by the Director, which would allow the Director to assume the duties of authorizing cases for further action and rendering findings, thereby relieving the Deputy City Manager for REDI of this responsibility.
- It is assumed that, upon successful interim certification into the FHAP workshare, the OHR will see an uptick in the number of housing discrimination cases it receives. Based on the workload during the three-year FHAP interim certification period, the City should evaluate whether a second investigator should be hired prior to entry into a FEPA workshare.

#### **Alternatives:**

Should City Council elect not to fund the additional staffing recommended above, the HRC and OHR do not believe the City can successfully enter into the FHAP or FEPA workshare agreements, and the OHR will struggle to maintain efficient and effective service to the community.

Council may wish to approve the recommended amendments to the CHRO in preparation for a future fiscal year when funding may be appropriated for the additional staffing required to enter the FHAP or FEPA workshares.

#### **Attachments:**

1. Comparative overview of the entry requirements, timeframes, potential benefits, and potential challenges of entering into a FEPA workshare, a FHAP workshare, or maintaining the current enforcement authority under the amended CHRO approved by City Council on February 1, 2021.
2. Draft of the Code of the City of Charlottesville, Chapter 2, Article XV, with proposed amendments.

Comparative Overview of FEPA, FHAP, & the amended Charlottesville Human Rights Ordinance

Revised 07/10/2022

Considerations	Fair Employment Practices Agency (FEPA)	Fair Housing Assistance Program (FHAP)	Current Ordinance
<b>Entry Requirements</b>	<ol style="list-style-type: none"> <li>1. Request letter based on 29 CFR Subpart G - §1601.70.</li> <li>2. Review and approval process by EEOC District Office, AG’s Office, and EEOC Commissioners.</li> <li>3. Execution of a workshare agreement.</li> <li>4. Execution of a financial contract.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ordinance revisions to attain substantial equivalence to 24 CFR § 115.204-206 and 42 USC § 3604-3617.</li> <li>2. Initial review of ordinance and agency for substantial equivalence.</li> <li>3. Interim certification.</li> <li>4. Full certification.</li> </ol>	<ol style="list-style-type: none"> <li>1. None.</li> </ol>
<b>Timeframes</b>	<ol style="list-style-type: none"> <li>1. Initial review and approval: 1 to 3 years.</li> <li>2. Contract term: 3 years.               <ol style="list-style-type: none"> <li>a. Annual review of case data.</li> <li>b. Recertification every 3 years.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Initial review: up to 1.5 years.</li> <li>2. Interim certification: lasts up to 3 years.</li> <li>3. Full certification: lasts up to 5 years.               <ol style="list-style-type: none"> <li>a. Assessment every 2 years.</li> <li>b. Recertification every 5 years.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Currently in effect.</li> </ol>
<b>Potential Benefits</b>	<ol style="list-style-type: none"> <li>1. Financial (per figures from 2020)               <ol style="list-style-type: none"> <li>a. \$800 for completed cases</li> <li>b. \$1,000 for joint training events w/ Charlotte, NC district office</li> </ol> </li> <li>2. Case referrals from EEOC regional office.</li> <li>3. Ability to provide local federal filing.</li> <li>4. Automatic dual state/federal filing of cases and clear line of communication across EEOC, AG, and OHR.</li> <li>5. Avoidance of separate filings with EEOC, AG, and OHR.</li> </ol>	<ol style="list-style-type: none"> <li>1. Financial (per figures from 2020)               <ol style="list-style-type: none"> <li>a. Complaint processing reimbursement (\$1,500 - \$3,200)</li> <li>b. Capacity-building funds up to \$120K during interim certification</li> <li>c. Administrative funds for hearings (\$5000)</li> <li>d. Training funds</li> </ol> </li> <li>2. Training Opportunities</li> <li>3. Technical guidance from HUD</li> <li>4. Referrals from the Regional HUD Office</li> <li>5. Automatic dual state/federal filing of cases and clear line of communication across HUD and OHR.</li> </ol>	<ol style="list-style-type: none"> <li>1. Under the current Ordinance and state laws, the OHR has authority to investigate and issue determinations of employment and housing complaints <i>mostly</i> equivalent to federal law.               <ol style="list-style-type: none"> <li>a. Because employment complaints are not dually filed, cases filed with the OHR do not start the 180-day clock for the right to sue in federal court.</li> <li>b. Remedies for housing complainants are not as robust as they could be if the ordinance had substantial equivalence to federal law.</li> </ol> </li> </ol>
<b>Potential Challenges</b>	<ol style="list-style-type: none"> <li>1. OHR needs additional staff:               <ol style="list-style-type: none"> <li>a. Intake Specialist</li> <li>b. Investigator</li> </ol> </li> <li>2. Additional reporting requirements.</li> <li>3. Unknown future caseloads under the Values Act and updated Ordinance.               <ol style="list-style-type: none"> <li>a. Will the number of cases justify the added work of maintaining FEPA status based on the potential benefits?</li> </ol> </li> <li>4. May need to contract investigator services if caseloads go up and City hiring does not keep pace.</li> </ol>	<ol style="list-style-type: none"> <li>1. OHR needs additional staff:               <ol style="list-style-type: none"> <li>a. Intake Specialist</li> <li>b. Investigator</li> </ol> </li> <li>2. Additional reporting requirements.</li> <li>3. Minimum of 4 processed cases per year to remain certified.</li> <li>4. OHR/HRC needs to demonstrate meaningful support from City.               <ol style="list-style-type: none"> <li>a. City Attorney’s Office must bring cases forward in court.</li> <li>b. Council must commit financial resources to ensure 20% of OHR work committed to fair housing.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. OHR needs additional staff:               <ol style="list-style-type: none"> <li>a. Intake Specialist</li> <li>b. Investigator</li> </ol> </li> <li>2. No access to Fair Housing enforcement training through HUD if not a FHAP.</li> <li>3. The Ordinance does not have retaliation provisions for employment and housing complaints, though state law does.</li> <li>4. The Ordinance does not mandate that the City Attorney’s Office pursue findings of reasonable cause in court.</li> <li>5. The Ordinance does not grant the HRC the authority to grant relief to Complainants.</li> <li>6. The Ordinance does not provide for assisting either the Complainant or Respondent with affording legal counsel.</li> </ol>

# Attachment 10



**Underlined text** of any color indicates new content.

~~Strike-through text~~ in black indicates existing content to consider removing.

Purple is new content created by OHR staff in consultation with the City Attorney.

Red is language that is substantially equivalent to federal fair housing law.

Grey highlighted text of any color indicates a need for further review by HUD or City Attorney.

Yellow highlighting is text not recommended by the HRC but inserted by Council on 2/1/21.

Blue highlighting is existing text that had grammar or formatting 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. Definitions.**

- (a) Terms used in this ordinance to describe prohibited discrimination in employment shall have the meanings as ascribed to them under Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965, and U.S. Code §§ 1981-2000h-6., as amended.
- (b) Terms used in this ordinance to describe prohibited discrimination in housing shall have the meanings as ascribed to them under Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965., Va. Code §§ 36-96.1-96.23., and 42 U.S. Code §§ 3601-3619., as amended.
- (c) Terms used in this ordinance to describe prohibited discrimination in public accommodations, credit, and private education shall have the meanings as ascribed to them under Va. Code §§ 2.2-3900-3909. and Va. Code § 15.2-965., and 42 U.S. Code Chapter 21 Subchapter II., as amended.

### **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. The prohibited actions in this section shall include and have the meanings ascribed to them in Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965, and U.S. Code §§ 1981-2000h-6., as amended.

### **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, national origin, sex, elderliness, familial status, source of funds, marital status, 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, national origin, sex, elderliness, familial status, source of funds, marital status, 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 race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, 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 race, color, religion, national origin, sex, elderliness, familial status, source of funds, marital status, 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, national origin, sex, elderliness, familial status, source of funds, marital status, 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 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 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 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 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 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 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 Sec. 2-431.2.(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 that requires dwellings to be designed and constructed in a manner that affords people with disabilities greater access than is required by this subchapter.
- (7) Nothing in this 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.
- (8) 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, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.
- (9) 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.
- (10) 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, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.
- (g) 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, national origin, sex, elderliness, familial status, source of funds, marital status, sexual orientation, gender identity, status as a veteran, or disability.

**Sec. 2-431.3. Unlawful public accommodation, credit, and private education 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 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. The prohibited actions in this section shall include and have the meanings ascribed to them in Va. Code §§ 2.2-3900-3909., Va. Code § 15.2-965, and U.S. Code §§ 1981-2000h-6., as amended.

**Sec. 2-431.4. 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.

**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 Human Rights Division ~~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 the code of the City of Charlottesville, Chapter 2, Article XV 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. In the absence of a Director, the City Manager shall transfer the Director's duties to qualified professional staff within the City to ensure the continuity of services provided by the Human Rights Commission and Office of Human Rights.

- (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 assist 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, with support from the Office of Human Rights, 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 enforcement jurisdiction of 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 a Fair Employment Practices Agency (FEPA) work share agreements workshare agreement with the Equal Employment Opportunity Commission ("FEPA") (EEOC) and a Fair Housing Assistance Program (FHAP) workshare agreement with the Department of Housing and Urban Development ("HUD-FHAP") (HUD) 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 emphasis on enabling legislation that may be needed to implement programs and policies that will address discrimination; and
- (f) 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 in accordance with the protected classes identified within this ordinance. ~~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, which is a division of the City Manager's Office.
- (b) The Director of the Human Rights Division 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, attempt to conciliate, investigate, and issue findings on individual complaints of discrimination within the jurisdiction of the City of Charlottesville;
    - (A) Provide referrals to appropriate services for inquiries that do not involve jurisdictional complaint of discrimination.
  - (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.

**Sec. 2-437.1. Duties and responsibilities – Investigation of individual complaints of employment discrimination and issuance of findings.**

- (a) Complaints and answers
  - (1) The Director ~~will~~ shall develop and implement a central intake mechanism to be used by the Office of Human Rights for receiving and processing individual complaints that allege an unlawful, discriminatory employment practice ~~in~~ within the enforcement jurisdiction of the City.
  - (2) Any person claiming to be aggrieved by an unlawful discriminatory employment practice may file a complaint in writing with the Office of Human Rights not more than 180 calendar days following the alleged discriminatory act. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.
  - (3) For complaints alleging an unlawful discriminatory employment 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.(c).
    - (A) For complaints alleging an unlawful discriminatory employment practice that falls outside the enforcement jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or

federal agency.

(B) If the City of Charlottesville is the named respondent in a complaint of employment discrimination received by Office of Human Rights, the Director shall refer the complaint to the appropriate state or federal agency.

(4) ~~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.~~ Upon the filing of such a complaint,

(A) The Director or other designated professional staff will conduct an initial assessment to determine if the complaint is jurisdictional and presents a prima facie case of discrimination. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance, is non-jurisdictional, or is otherwise deficient on its face.

(B) ~~Following the initial fact-finding inquiry,~~ If the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director shall will serve a copy on each respondent named therein. Said copy shall be served in a timely manner and specify the allegation, citing the evidence that supports further action, and indicating the action to be taken.

(b) Informal conciliation, mediation, and investigation

(1) Further action, as authorized by this ordinance, may include informal conciliation mediation, ~~conciliation,~~ and formal investigation of the complaint, as deemed appropriate by the Director.

(2) If the Director determines that further action on a complaint is appropriate, during the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director shall, to the extent feasible, engage in informal conciliation with respect to such complaint.

(A) ~~If the Director determines that further action is appropriate, the~~ The Director will shall propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means.

(i) Nothing herein shall be interpreted as requiring any party to participate in mediation or any other informal conciliatory efforts.

(ii) Materials used and communications made during a mediation or informal conciliation concerning a complaint of unlawful employment discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or ~~its~~ Office of Human Rights staff unless disclosure is authorized in writing by all parties to the dispute.

(iii) If the mediation or informal conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written informal 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 or this ordinance has been violated. No further action on the initial complaint will be taken by the Commission or its Office of Human Rights staff once the agreement is executed.

(iv) If informal conciliation or 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.

(v) If further investigation is not warranted, the Director may dismiss the complaint as not constituting a violation and promptly serve written notice of the dismissal on the complainant and respondent. ~~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).~~

(B) If the Director determines that a formal investigation into the complaint is warranted, the Director shall assign an Investigator to make an investigation of the alleged discriminatory practice for the purpose of rendering a written determination as to whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance occurred, and the facts supporting such determination.

(i) The Investigator shall complete such investigation within one hundred and eighty (180) calendar days after the filing of the complaint unless it is impracticable to do so.

(I) If the Investigator is unable to complete the investigation within one hundred and eighty (180) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.

(II) If, during the process of informal conciliation, mediation or investigation, the complainant does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the Investigator shall notify the Director. The Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within ten (10) calendar days of the receipt of the written notice.

i. The complainant may, following the administrative closure of the case, re-file the complaint at a future date, provided that the complaint is filed within one hundred and eighty (180) calendar days of the alleged discriminatory event detailed in the original complaint.

(III) If, during the process of informal conciliation, mediation or

investigation, the respondent does not respond to communication or requests for information from the Investigator for a period of thirty (30) calendar days, the investigator shall notify the Director. The Director shall serve written notice on the respondent that the investigation shall proceed without the requested information and that a determination on the case shall be rendered upon completion of the investigation.

(ii) Statements received by the Investigator from the complainant, respondents, and witnesses as part of a formal investigation shall be under oath or affirmation and may be reasonably and fairly amended at any time.

(iii) Upon the conclusion of the formal investigation, the Investigator shall prepare an investigative report for submission to the Director.

(C) Upon completion of a formal investigation and submission of the investigative report, the Director shall render a written determination of whether there is probable reasonable cause to believe a violation of this ordinance has been committed occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(i) If the Director determines that there is reasonable cause to believe that a violation of this ordinance has been committed, the Director shall immediately endeavor to eliminate any alleged unlawful discriminatory practice through mediation or other informal conciliatory means.

(I) If the complaint cannot be resolved through mediation or other informal conciliatory means, the Director shall proceed with the preparation of materials for consideration by the Commission for the purpose of holding a vote on whether to conduct a public hearing on the complaint.

i. Such materials shall include a copy of the written determination with the names and identifying information of the complainant, respondent, respondent's agents, and any witnesses redacted.

ii. Upon request by the Commission, the Director shall provide a copy of the full investigative report with the names and identifying information of the complainant, respondent, respondent's agents, and any witnesses redacted.

(ii) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the complainant files with the Commission a request for a review of the determination of the Director.

(c) Contracted services

- (1) 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 employment discrimination ~~discriminatory conduct as prohibited in section 2-431~~, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance has occurred, conducting informal conciliations or mediations ~~or conciliations~~ of complaints and advising the Director of the Commission of the results of any investigation, informal conciliation or 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 (365 calendar days) after an alleged discriminatory housing practice has occurred or terminated, file a written complaint with the Office of Human Rights alleging such discriminatory housing practice. The Director of the Human Rights Commission, on the 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 Director requires.
- (3) The 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,
- (A) the 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;
  - (B) the Director shall, not later than ten (10) calendar days after such filing or the identification of an additional respondent under section 2-437.2.(a).(7)., 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;
  - (C) each respondent may file, not later than ten (10) calendar days after receipt of notice from the Director, an answer to such complaint; and
  - (D) the Director shall make an investigation of the alleged discriminatory housing practice and complete such investigation within one hundred (100) calendar days after the filing of the complaint, unless it is impracticable to do so.
- (5) If the Director is unable to complete the investigation within one hundred (100) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.

- (6) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.
- (7) 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 Sec. 2-437.2.(a).(4).(B)., to such person, from the Director.
- (8) Such notice, in addition to meeting the requirements of Sec. 2-437.2.(4) shall explain the basis for the Director's belief that the person to whom the notice is addressed is properly joined as a respondent.

**(b) Investigation 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 Director, the 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 such agreement shall be subject to approval by the 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 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 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 questions submitted during the course of the investigation, where applicable 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 Director has reasonable cause to believe that a respondent has breached a conciliation agreement, the Director shall refer the matter to the City Manager, who shall determine further action on behalf of the City. ~~with a recommendation that a civil action be filed under Sec. 2-437.2.(j) or 2-437.2.(k) of this ordinance 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 Sec. 2-347.2.(a), the Director shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Director's investigation, information derived from an investigation and any final investigative report relating to that investigation.

**(e) Prompt judicial action**

- (1) If the 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, and the City of has an active Fair Housing Assistance Program agreement with the Federal Department of Housing and Urban Development, then the Director may refer the matter to the City Manager with a request ~~Director may authorize a civil action through the City Attorney~~ for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such an authorization from the City Manager, the City Attorney shall promptly commence and maintain such an action and issue and seek enforceable subpoenas, as needed. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the authority granted by a Court of competent jurisdiction. ~~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 Sec. 2-437.2.(f) or Sec. 2-437.2.(i) of this ordinance.
- (2) Whenever the Director has reason to believe that a basis may exist for the commencement of proceedings against any respondent under Sec. 2-437.2.(h) and Sec. 2-437.2.(i) of this ordinance or for proceedings by any governmental licensing or supervisory authorities, the Director shall transmit the information upon which such belief is based to the City Manager Attorney, or to such other agency or authority with appropriate jurisdiction. ~~as the case may be.~~

**(f) Reasonable cause determination and effect**

- (1) The Director shall, within one hundred (100) calendar days after the filing of the complaint, 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 Director has approved a conciliation agreement with respect to the complaint. If the Director is unable to make the determination within one hundred (100) calendar days after the filing of the complaint, the Director shall notify the complainant and respondent in writing of the reasons for not doing so.
- (2) If the Director determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Director shall, except as provided in Sec. 2-437.2.(c), immediately render a determination on behalf of the aggrieved person.
- (3) If the Director renders a determination of reasonable cause on behalf of the aggrieved person, and the City of Charlottesville has an active Fair Housing Assistance Program agreement with the Federal Department of Housing and Urban Development, then the

Director shall issue a charge on behalf of the aggrieved person, for further proceedings under Sec. 2-437.2.(h) and Sec.2-437.2.(i) of this ordinance. Such charge:

- (A) shall consist of a short and plain statement of the facts upon which the 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 Sec. 2-437.2.(a).
- (4) If the Director determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Director shall immediately refer the matter to the City Manager with a recommendation for appropriate action under Sec. 2-437.2.(m) of this ordinance, instead of issuing such charge.
- (5) If the Director determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Director shall promptly dismiss the complaint. The Director shall make public disclosure of each such dismissal.
- (6) The 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 Director issues a charge under this section, the Director shall cause a copy thereof, together with information as to how to make an election under Sec. 2-437.2.(h) of this ordinance and the effect of such an election, to be served:
- (A) 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
  - (B) 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.(f) of this ordinance 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 Sec. 2-437.2.(j) in lieu of a public hearing by the Commission under Sec. 2-437.2.(i). The election must be made not later than 20 calendar days after the receipt by the electing person of service under Sec. 2-437.2.(g) of this ordinance or, in the case of the Director, not later than 20 calendar days after such service. The person making such election shall give notice of doing so to the Director and to all other complainants and respondents to whom the charge relates.

**(i) Public administrative ~~judicial~~ hearing by the Commission in absence of election**

- (1) If an election is not made under Sec. 2-437.2.(h) with respect to a charge filed under Sec. 2-437.2.(f), then the Director shall provide an opportunity for a public administrative ~~judicial~~ hearing by the Commission on the record with respect to a charge issued under



Sec. 2-437.2.(f) of this ordinance. The Director shall delegate the conduct of a hearing under this section to the Commission appointed under Sec. 2-432.(a) of this ordinance.

(2) Rights of Parties

~~(A) At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas under Sec. 2.437.2.(e) of this ordinance. Any aggrieved person may intervene as a party in the proceeding. The Commission shall determine the admissibility of evidence based upon relevancy to the issue of fact. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.~~

(3) Expedited discovery and hearing

~~(A) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.~~

~~(B) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.~~

~~(C) The Commission Director shall issue rules develop standard operating procedures to implement this subsection.~~

(4) Resolution of charge

(A) Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

(5) Effect of trial of civil action on administrative proceedings

(A) The Commission may not continue administrative proceedings under this section regarding any 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 State law, seeking relief with respect to that discriminatory housing practice.

(6) Hearings, findings and conclusions, and order

(A) The Commission shall commence the public hearing under this section no later than one hundred and twenty (120) calendar days following the issuance of the charge, unless it is impracticable to do so. If the Commission is unable to commence the hearing within one hundred and twenty (120) calendar days after the issuance of the charge, the Commission shall notify the Director, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(B) The Commission shall make findings of fact and conclusions of law within sixty (60) calendar days after the end of the hearing under this section, unless it is impracticable to do so. If the Commission is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-calendar day period thereafter, the Commission shall notify the Director, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

~~(C) If the Commission finds that a respondent has engaged or is about to engage in a discriminatory housing practice, the Commission shall promptly refer the matter to~~

the City Manager, or their designee with a request for City action through initiation of a civil action on a case by case basis. . . issue and order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent:

- (i) in an amount not exceeding \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;
- (ii) in an amount not exceeding \$25,000 if the respondent has been adjudged to have committed on other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and
- (iii) in an amount not exceeding \$50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge; except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in Sec. 2-437.2.(i).(6).(C).(i) and Sec. 2-437.2.(i).(6).(C).(ii) may be imposed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(D) No such referral order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this subchapter.

(E) In the case of a determination and referral an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Director shall, not later than thirty (30) calendar days after the date of the issuance of such order (or, if such order is judicially reviewed, thirty (30) calendar days after such order is in substance affirmed upon such review):

- (i) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and
- (ii) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

(F) In the case of an order against a respondent against whom another order was issued within the preceding five (5) years under this section, the Director shall send a copy of each such order to the City Attorney.

(G) If the Commission finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, the Commission shall enter an order dismissing the charge. The Director shall make public disclosure of each such dismissal.

(7) Review by Director; service of final order

- (A) The Director may review any finding, conclusion, or order issued under Sec. 2-437.2.(i).(6). Such review shall be completed not later than thirty (30) calendar days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.
- (B) The Director shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

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

- (1) If an election is made under Sec. 2-437.2.(h), the Director shall advise the City Manager of such election, and the City Manager shall authorize, and not later than thirty (30) calendar days after the authorization or election is made, the 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.
- (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. 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 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.~~

**(k) Civil action by private persons**

- (1) Under 42 U.S.C. § 3613, an aggrieved person may commence a civil action in an appropriate United States district court or State court not later than two (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 Sec. 2-437.2.(a) of this ordinance and without regard to the status of any such complaint, but if the Director 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 if an administrative law judge has commenced a hearing on the record under this subchapter with respect to such charge.

**(l) Relief which may be granted**

- (1) In a civil action under Sec. 2-437.2.(j) 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 Director or civil action under this subchapter.

**(m) Intervention by the City Attorney**

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

**Sec. 2-437.3. Duties and responsibilities – Investigation of individual complaints of public accommodation, credit, or private education discrimination and issuance of findings.**

**(a) Complaints and answers**

- (1) The Director ~~will~~ shall develop and implement a central intake mechanism to be used by the Office of Human Rights for receiving and processing individual complaints that allege an unlawful, discriminatory public accommodation, credit, or private education practice ~~in~~ within the enforcement jurisdiction of the City.
- (2) Any person claiming to be aggrieved by an unlawful discriminatory public accommodation, credit, or private education practice may file a complaint in writing with the Office of Human Rights. The Director or City Attorney may in like manner file such a complaint. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.
- (3) For complaints alleging an unlawful discriminatory public accommodation, credit, or private education 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).

- (A) For complaints alleging an unlawful discriminatory public accommodation, credit, or private education practice that falls outside the enforcement jurisdiction of the City, the Director or other designated professional staff will refer the complaint to the appropriate state or federal agency.
  - (B) If the City of Charlottesville is the named respondent in a complaint of public accommodation, credit, or private education discrimination received by Office of Human Rights, the Director shall refer the complaint to the appropriate state or federal agency.
- (4) ~~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.~~ Upon the filing of such a complaint,
- (A) The Director or other designated professional staff will conduct an initial assessment to determine if the complaint is jurisdictional and presents a prima facie case of discrimination. The complaint may be dismissed by the Director without further action if it fails to adequately allege a violation of this ordinance, is non-jurisdictional, or is otherwise deficient on its face.
  - (B) ~~Following the initial fact-finding inquiry,~~ If the complaint is not dismissed, and the Complainant wishes to pursue further action, the Director shall, not later than 10 calendar days after such filing, 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.

(b) Informal conciliation, mediation, and investigation

- (1) Further action, as authorized by this ordinance, may include informal conciliation mediation, ~~conciliation~~, and formal investigation of the complaint, as deemed appropriate by the Director.
- (2) If the Director determines that further action on a complaint is appropriate, during the period beginning with the filing of such complaint and ending with the rendering of a determination or a dismissal by the Director, the Director shall, to the extent feasible, engage in informal conciliation with respect to such complaint.
  - (A) ~~If the Director determines that further action is appropriate, the~~ The Director will ~~shall~~ propose an initial meeting between the parties for the purpose of exploring a resolution of the complaint through voluntary mediation or other informal means.
    - (i) Nothing herein shall be interpreted as requiring any party to participate in mediation or any other informal conciliatory efforts.
    - (ii) Materials used and communications made during a mediation or informal conciliation concerning a complaint of unlawful employment discrimination shall be confidential and shall not be disclosed to the public by the Director, the Commission, or ~~its~~ Office of Human Rights staff unless

disclosure is authorized in writing by all parties to the dispute.

(iii) If the mediation or informal conciliation is concluded to the satisfaction of both parties, the complaint will be considered resolved upon the parties' execution of a written informal 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 or this ordinance has been violated. No further action on the initial complaint will be taken by the Commission or ~~its~~ Office of Human Rights staff once the agreement is executed.

(iv) If informal conciliation or mediation ~~or conciliation~~ is not successful, and the ~~C~~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.~~

(B) If the Director determines that a formal investigation into the complaint is warranted, the Director shall assign an Investigator to make an investigation of the alleged discriminatory practice for the purpose of rendering a written determination as to whether there is ~~probable~~ reasonable cause to believe a violation of this ordinance occurred, and the facts supporting such determination.

(i) The Investigator shall complete such investigation within one hundred and eighty (180) days after the filing of the complaint, unless it is impracticable to do so.

(I) If the Investigator is unable to complete the investigation within one hundred and eighty (180) calendar days after the filing of the complaint, the Director shall notify the Complainant and Respondent in writing of the reasons for not doing so.

(II) If, during the process of informal conciliation, mediation or investigation, the Complainant does not respond to communication or requests for information from the Investigator for a period of thirty (30) consecutive days, the investigator shall notify the Director. The Director shall serve written notice on the complainant that the case will be administratively closed if the complainant does not respond within ten (10) days of the receipt of the written notice.

i. The Complainant may, following the administrative closure of the case, re-file the complaint at a future date, provided that the complaint is filed within one hundred and eighty (180) days of the alleged discriminatory event detailed in the original complaint.

(III) If, during the process of informal conciliation, mediation or investigation, the respondent does not respond to communication or requests for information from the Investigator for a period of thirty (30) consecutive days, the investigator shall notify the Director. The Director shall serve written notice on the respondent that the

investigation shall proceed without the requested information and that a determination on the case shall be rendered upon completion of the investigation.

(ii) Statements received by the Investigator from the Complainant, respondents, and witnesses as part of a formal investigation shall be under oath or affirmation and may be reasonably and fairly amended at any time.

(iii) Upon the conclusion of the formal investigation, the Investigator shall prepare an investigative report for submission to the Director.

(C) Upon completion of a formal investigation and submission of the investigative report, the Director shall render a written determination of whether there is probable reasonable cause to believe a violation of this ordinance has been committed occurred, and the facts supporting such determination. The written determination shall promptly be served on the parties.

(i) If the Director determines that there is reasonable cause to believe that a violation of this ordinance has been committed, the Director shall immediately endeavor to eliminate any alleged unlawful discriminatory practice through mediation or other informal conciliatory means.

(I) If the complaint cannot be resolved through mediation or other informal conciliatory means, the Director shall proceed with the preparation of materials for consideration by the Commission for the purpose of holding a vote on whether to conduct a public hearing on the complaint.

i. Such materials shall include a copy of the written determination with the names and identifying information of the Complainant, respondent, respondent's agents, and any witnesses redacted.

ii. Upon request by the Commission, the Director shall provide a copy of the full investigative report with the names and identifying information of the Complainant, respondent, respondent's agents, and any witnesses redacted.

(ii) If the Director determines that there is insufficient reasonable cause to believe a violation of this ordinance has been committed, the Director shall dismiss the complaint and advise the Complainant in writing that such dismissal shall become final unless, within ten (10) calendar days of receipt of the notice of dismissal, the Complainant files with the Commission a request for a review of the determination of the Director.

(c) Contracted services

(2) 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 public accommodation, credit, or private education discrimination ~~discriminatory conduct as prohibited in section 2-431~~, for the purpose of receiving complaints, conducting investigations, rendering written determinations of whether

there is ~~probable~~ reasonable cause to believe a violation of this ordinance has occurred, conducting informal conciliations or mediations ~~or conciliations~~ of complaints and advising the Director of the Commission of the results of any investigation, informal conciliation or ~~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~~ reasonable 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) calendar 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 reasonable 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~~ reasonable 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~~ reasonable cause is based, and shall recommend appropriate remedies for the discriminatory actions in a report to the Commission. The Commission shall determine by majority vote whether to hold a public hearing on the complaint. The Commission shall base its determination on its judgment as to how enforcement of this ordinance would be best served. If the Commission determines not to hold a public hearing, it shall either dismiss the complaint or take such action as it deems appropriate and consistent with the purposes of this ordinance and the powers of the Commission hereunder.
- (c) If a hearing is to be held, the Commission shall promptly notify the parties of the time, date and location of the hearing and serve upon them a statement of the charges against the respondent, the Director's summary of the evidence and recommended remedies, and the issues to be considered at the hearing. The Commission will have the option to consider all of the allegations and issues set forth in the complaint or, in its discretion, may limit the scope of the hearing to one or more of the allegations or issues. The notice and statement shall be served no later than 14 days prior to the date of the hearing. Hearings of the Commission may be held before the entire Commission or before designated hearing panels, consisting of three or more members of the Commission, as the Commission in its discretion may determine. The Chair or a Commissioner designated by the Chair shall preside over the public hearing, which shall be open to the public.
- (d) Whenever the Commission has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, and the Commission, after a good faith effort to obtain the data and information necessary to determine whether a violation has occurred, has been unable to obtain such information, it may request the City Attorney to apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a subpoena



*duces tecum* against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, “person” includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

- (e) In cases to be heard by the Commission the complainant and the responding parties shall be entitled:
- (1) To file written statements or arguments with the Commission prior to the hearing;
  - (2) To be represented by privately retained counsel of his or her choice;
  - (3) To present his or her case or defense by oral or documentary evidence, to be given under oath or by affirmation;
  - (4) To submit rebuttal evidence; and
  - (5) To conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the Commission as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. The Commission shall not be bound by the strict rules of evidence prevailing in the courts of law or equity.
- (f) The Director shall be responsible for assuring the development of the evidentiary record before the Commission and may introduce evidence, examine or cross-examine witnesses, or make argument if 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.
- (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 and determines that appropriate remedial measures have not been taken, the Commission, through the City Attorney, and subject to approval by the City Council, may file an appropriate action in any court of competent jurisdiction to prove, *de novo*, that the respondent violated this chapter; secure compliance with this chapter; and/or obtain appropriate relief available under any applicable federal or state statute or regulation including, but not limited to an award of injunctive relief, compensatory and / or punitive damages and a recovery of costs and attorney's fees for any person, including the City, injured as a result of a violation of this chapter.
- (b) If the City Council approves the institution of any proceeding in court, the proceeding shall be brought in the name of the City Council and the Human Rights Commission of the City of Charlottesville.

**Sec. 2-440. Confidentiality.**

It shall be unlawful for any Commissioner, officer, employee, contractor or staff member of the Commission or Office of Human Rights 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*

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Kyna Thomas, CMC  
Clerk of Council

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