

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	Tuesday, January 19, 2021
Action Required:	Review the recommended amendments to the Human Rights Ordinance Adopted by the Human Rights Commission and approve the amendments or provide feedback for further revision.
Presenter:	Mary Bauer Chair Charlottesville Human Rights Commission
Staff Contacts:	Todd Niemeier Community Outreach and Investigation Specialist Interim Director, Human Rights Commission Interim Manager, Office of Human Rights
Title:	Human Rights Ordinance Recommended Amendments

Background:

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

Discussion:

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

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

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

Alignment with City Council’s Vision and Strategic Plan:

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

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

federal law);

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

Community Engagement:

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

Budgetary Impact:

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

Recommendation:

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

Alternatives:

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

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

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

Attachments:

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