

INTRODUCED: February 26, 2018

AN ORDINANCE No. 2018-044

As Amended

To amend ch. 2, art. V of the City Code by adding therein a new div. 18 (§§ 2-1167—2-1172) and to amend ch. 17, art. I of the City Code by adding therein new §§ 17-1—17-3 for the purpose of establishing a Human Rights Commission and prohibiting certain discriminatory practices.

Patrons – Mrs. Robertson and Mr. Agelasto

[~~Approved as to form and legality
by the City Attorney~~]

PUBLIC HEARING: MAR 12 2018 AT 6 P.M.

WHEREAS, the Council believes that it is in the best interests of the citizens of the city of Richmond that the Council establish a Human Rights Commission to advise the Council and the Mayor on matters involving human rights violations occurring within the city of Richmond; and

WHEREAS, it is estimated that the annual operating costs for the Commission will be approximately \$50,000, including 24 staff hours;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUNE 11 2018 REJECTED: _____ STRICKEN: _____

§ 1. That Chapter 2, Article V of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** Division 18, consisting of sections numbered 2-1167 through 2-1172, as follows:

DIVISION 18

HUMAN RIGHTS COMMISSION

Sec. 2-1167. Created.

Pursuant to section 2.04.1 of the Charter of the City of Richmond (2010), as amended, and Code of Virginia, § 15.2-965, there is hereby created a commission of the City of Richmond with indefinite duration to be known as the Human Rights Commission.

Sec. 2-1168. Composition.

The Commission shall be composed of 13 members appointed by the Council and the Mayor as follows:

- (a) Eleven adult members of whom the Council shall appoint six and the Mayor five.
- (b) Two non-voting youth members who shall be students of public schools administered by the School Board of the City of Richmond, Virginia, enrolled in the tenth, 11th, or 12th grades. Of these two youth members, the Council shall appoint one and the Mayor shall appoint one.

Sec. 2-1169. Qualifications.

All members of the Commission shall be residents of the city of Richmond and shall be broadly representative of the community with respect to race, color, religion, sex, pregnancy, childbirth[~~]~~ or related medical conditions, national origin, age, marital status, disability, [~~or~~] sexual orientation [~~and~~], transgender status, or gender identity.

Sec. 2-1170. Terms of office.

(a) The 11 adult members shall be appointed for terms of three years. No adult member shall be appointed to more than two successive full terms; provided, however, that a person appointed to fill an unexpired term may be reappointed to two successive full terms upon completion of the unexpired term for which the person has been appointed.

(b) Each of the two youth members shall be appointed to one term commencing September 1 and ending August 31 of the immediately succeeding calendar year. No youth member shall serve more than one term; provided, however, that a person appointed as a youth member to fill an unexpired term may be reappointed to one successive full term upon completion of the unexpired term for which the person has been appointed, as long as such person meets the applicable requirements set forth in sections 2-1168 and 2-1169.

(c) All other aspects of the Commission and its membership not addressed in this division shall be governed by Chapter 2, Article V, Division 1.

Sec. 2-1171. Duties.

The Commission shall perform the following duties:

(a) Investigate, to the extent permitted by law, and advise the Council and the Mayor on acts or practices prohibited under applicable local, state, and federal law.

(b) Provide assistance to persons who believe their human rights under city, state, or federal law have been violated by identifying the appropriate federal, state, local agency to address the complaint and referring such persons to such agency.

(c) Provide public forums for the discussion of human rights issues, including educational awareness forums concerning policies or practices that cause or may be caused by discriminatory practices or patterns.

(d) Conduct studies concerning ways to improve human relations in the city and propose solutions for any issues identified through such studies.

(e) Acquire data, to the extent permitted by law, by monitoring requests for information and patterns of complaints.

(f) Request, to the extent permitted by law, information concerning incidents that may constitute unlawful acts of discrimination or unfounded charges of unlawful discrimination under city, state, or federal law.

(g) Create, maintain and, upon request, distribute a resource guide containing information about services, advocacy organizations, websites, and City resources dedicated to assisting individuals who believe their human rights under applicable local, state, or federal law have been violated.

Sec. 2-1172. Administration.

(a) *Quorum.* Six members of the Commission shall constitute a quorum.

(b) *Officers.* The Commission shall select from among its membership a chair and such other officers as it may deem necessary to discharge its functions.

(c) *Meetings.* The Commission shall meet at least once a month and as often as the Commission may deem necessary.

(d) *Reporting.* On the first day of each month, the Commission shall provide the Boards and Commissions Administrator with a summary of the Commission's activities for the preceding month. In addition, by no later than February 15 of each year, the Commission shall submit a comprehensive written report to the Council concerning its activities for the preceding year.

(e) *Freedom of Information.* The Commission shall keep minutes of its meetings in accordance with the requirements of the Virginia Freedom of Information Act.

(f) *Procedures.* The Commission may adopt rules of procedure or bylaws, approved as to form and legality by the City Attorney and not inconsistent with this division or other applicable law, to govern the conduct of its meetings and affairs. For purposes of section 2-761, the Commission is classified as “advisory.”

(g) *Staff and resources.* The [Department] Office of the ~~Deputy Chief~~ ~~Administrative Officer for Human~~ [Resources] [Services] Mayor shall provide the necessary support for the Commission subject to the appropriation of sufficient funds therefor.

§ 2. That Chapter 17, Article I of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein new** sections numbered 17-1 through 17-3 as follows:

Sec. 17-1. Declaration of policy.

In accordance with Code of Virginia, § 2.2-3900(B) it is the policy of the City of Richmond to:

(1) Safeguard all individuals within the City from unlawful discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, ~~or~~ disability, sexual orientation, transgender status, or gender identity, in places of public accommodation, including educational institutions and in real estate transactions; in employment; preserve the public safety, health and general welfare; and further the interests, rights and privileges of individuals within the Commonwealth; and

(2) Protect citizens of the City against unfounded charges of unlawful discrimination.

Sec. 17-2. Unlawful discriminatory practice defined.

Conduct that violates any provision of this Code or any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, ~~[or]~~ disability, sexual orientation, transgender status, or gender identity shall be an “unlawful discriminatory practice” for the purposes of this article.

Sec. 17-3. Complaints.

Complaints filed with the Human Rights Commission alleging an unlawful discriminatory practice under a City ordinance that is enforced by a City agency shall be referred to that agency. The Commission may investigate complaints alleging an unlawful discriminatory practice under a state or federal statute or regulation and attempt to resolve it through conciliation. Unsolved complaints shall thereafter be referred to the state or federal agency with jurisdiction over the complaint. Upon such referral, the Commission shall have no further jurisdiction over the complaint.

§ 3. This ordinance shall be in force and effect upon adoption.



Lou Brown Ali
Council Chief of Staff

Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

RECEIVED

FEB 02 2018

OFFICE OF CITY ATTORNEY

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown-Ali, Council Chief of Staff *LB*

FROM Joyce L. Davis, Council Policy Analyst *JLD*
Office of the Council Chief of Staff

COPY Ellen Robertson, 6th District Council member
Parker Agelasto, 5th District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff *MLB*
Kiya Stokes, 6th District Council Liaison
Amy Robins, 5th District Council Liaison

DATE February 2, 2018

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TITLE: Ordinance to Establish a Human Rights Section of the Richmond City Code and Human Rights Commission

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Ellen Robertson and
Council Member Parker Agelasto

Education and Human Services

ORDINANCE/RESOLUTION SUMMARY

An ordinance is requested to establish a Human Rights section in the City Code which will define the City's policy regarding discrimination and to establish a Human Rights Commission, its purpose and composition.

BACKGROUND

Virginia Human Rights Law and Proposed Richmond City Code Definition

Richmond City Charter, §2.04.1 provides the City with the authority to establish a Human Rights Commission consistent with §15.2-965 of the Code of Virginia. The referenced section of the state code permits localities to enact "an ordinance, not inconsistent with nor more stringent than any applicable state law, prohibiting discrimination in housing, employment, public accommodations, credit, and education on the basis of race, color, religion, sex, pregnancy, childbirth or related

medical conditions, national origin, age, marital status, or disability". Under this section (b), the locality may enact an ordinance establishing a local commission on human rights which shall have the powers and duties granted by the Human Rights Act (§2.2-3900). The Human Rights Act §2.2-3900 safeguards all individuals within the Commonwealth from unlawful discrimination. The proposed legislation to establish a human rights commission in Richmond would be modeled after the human rights legislation in Newport News and Virginia Beach, Virginia. The scope of the Virginia Human Rights Act includes all discriminatory conduct prohibited under state and federal laws.

Richmond City Council established a Task Force on the Establishment of a Human Rights Commission by Ordinance No. 2016-254 as an advisory committee, which was tasked to evaluate the need for and scope of a Human Rights Commission. The Task Force consisted of five residents of the city of Richmond appointed by Council.

This Ordinance recommends the establishment of the Human Rights Commission in accordance with recommendations of the Task Force as follows:

1. Introduce local legislation to create a Human Rights Commission by local ordinance as granted the authority under Richmond City Charter §2.04.1, which states the city shall have the power to establish a human rights commission consistent with the provisions of Virginia Code §15.2-965.
2. Amend Richmond City Codes of Ordinances, by creating a new section entitled, Human Rights policies to ensure the protection and enforcement of human and civil rights for all people living and working in the city of Richmond and by assuring that each citizen is treated fairly and provided equal protection of the law from prohibited acts of discrimination.
3. Create and maintain a resource guide to serve as a source of information and referral to city residents to direct them to services and advocacy organizations through postings on the city's website, dissemination of printed materials and resource listings of advocacy groups which will be shared with the 311 call center. Discern gaps in services, by utilizing the current survey results and/or issue a follow up survey to a wider audience.
4. Allocate \$50,000 in the FY 2018-2019 city budget to fund salary costs for a part time position to provide oversight and planning of the Commission and to cover expenses for implementation, educational and awareness forums.

Policy and Organizational Structure

The organizational structure and function of the Human Rights Commission is to serve as an investigatory and advisory entity to Council and the Mayor on discrimination and other human rights issues within the city. The Commission is classified as "advisory" for purposes of section 2-761 of the Code of the City of Richmond (2015), as amended.

Policy of the City of Richmond:

- (1) To safeguard all individuals within the city from unlawful discrimination because of race, color, religion, national origin, sex, age, marital status or disability, in places of public accommodation, including educational institutions and in real estate transactions; in employment; to preserve the public safety, health and general welfare; and to further the interests, rights and privileges of individuals within the city; and
- (2) To protect citizens of the city against unfounded charges of unlawful discrimination.

Purpose: The Human Rights Commission shall safeguard all individuals within the city from unlawful discrimination; preserve the public safety, health and general welfare; further the interests, rights and privileges of individuals within the city; and protect citizens of the city against unfounded charges of unlawful discrimination.

Duties of the Commission are:

- ✓ 1. To investigate and advise Council and the Mayor on acts or practices prohibited under the Human Rights Act, Virginia Code §2.2-3900.
- ✓ 2. To provide assistance to persons who believe their rights have been violated by identifying the appropriate federal, state or local agency to address the complaint and referring such persons to that agency.
- ✓ 3. To serve as a forum for the discussion of human rights issues, and to conduct studies, educational awareness forums and propose solutions for the improvement of human relations in the city.
- ✓ 4. To hold public hearings on policies or practices that cause or may be caused by a pattern or practice of discrimination.
- ✓ 5. To gather data by tracking requests for information and patterns of complaints. To inquire into incidents which may constitute unlawful acts of discrimination or unfounded charges of unlawful discrimination under city, state or federal law.
- ✓ 6. To create and maintain a resource guide to serve as a source of information and referral to city residents to direct them to services and advocacy organizations through postings on the city's website, dissemination of printed materials and resource listings of advocacy groups which will be shared with the 311 call center.
7. The commission shall have no power to issue subpoenas, award damages, or grant injunctive relief.

Composition and Terms of Commission: The proposed Human Rights Commission (HRC) shall consist of thirteen members appointed by City Council as follows:

- (1) Eleven (11) adult members shall be appointed for terms of three years. The terms of the appointments shall be three years with no more than two consecutive terms.
- (2) Two (2) youth members (10th - 12th grade) shall be appointed for terms of one (1) year each. For these appointments, the council shall solicit input from Richmond Public Schools. Youth members shall not have voting rights. Youth members shall be appointed to terms beginning September 1st. , and ending August 31st. of the next year (Consistent with school year and summer).

Qualifications. Appointed members shall be residents of the city. All eleven members should be chosen from one or more of the following categories: Representative of the community, to the extent practicable, with respect to race, sex, sexual orientation, color, ethnicity, age, disabilities and marital status and with respect to areas of expertise pertinent to the areas of human rights.

Conduct of Affairs.

Quorum. Six members of the Commission shall constitute a quorum.

Officers. The Commission shall select from among its membership a chairman, a vice-chairman and a secretary from among its members.

Meetings. The Commission shall meet at least once a month or as often as it deems necessary in order to complete its duties.

Reporting. On the first day of each month, the Commission shall transmit to the Boards Administrator a brief summary of the Commissions' activities for the preceding month. Annually, the Commission shall submit a comprehensive written report to Council by February 15th of each year.

Freedom-of-Information. Commission meetings, minutes and records shall be subject to the provisions of the Virginia Freedom of Information Act, codified as sections 2.2-3700 through 2.2-3714 of the Code of Virginia (1950), as amended.

Procedures. The Commission may adopt by-laws or rules of procedure not inconsistent with this Ordinance to govern the conduct of its meetings and operations.

Staff and Resources. It is recommended that upon the establishment of a Human Rights Commission that \$50,000 is budgeted in an administrative department to provide oversight and planning of the Commission to cover staffing, supplies and operation of the Commission.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$
Staff Costs - \$50,000. It is recommended that upon the establishment of a Human Rights Commission that \$50,000 is budgeted in an administrative department for staffing to provide oversight and planning of the Commission to cover staffing, supplies and operation of the Commission	

Attachment/s Yes No