

City of Charlottesville Human Rights Commission & Office of Human Rights

Overview of Recommended Amendments to the Charlottesville Human Rights Ordinance

Presented by

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Context

- Commission adopted for recommendation to Council on April 16, 2026
- General summary of proposed amendments:
 - Revised Commission membership requirements
 - Updated terms and wording in certain sections
 - Revised protocols regarding Complainant and Respondent non-response
 - Updated protocols for a Complainant's request for appeal
 - Revised delegation of decision-making and contractual services for housing cases
 - Added Commissioner conflict of interest clause for participation in public hearings

Section 2-432. (a)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the composition and function of the Human Rights Commission.</p> <p>Subsection (a) relates specifically to the membership composition criteria.</p>	<p>Language in subsection (a) was amended, per guidance by the City Attorney, to remove any exclusionary membership criteria.</p>	<p>The changes ensure that the Commission has broad and qualified representation and that criteria are in accordance with state and federal law.</p>

Section 2-435. (b)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the role of the Office of Human Rights.</p> <p>Subsection (b) covers the provision of individual assistance.</p>	<p>Language was added to clarify that the Office receives individual contacts that may not result in complaints but may be referred to other appropriate services.</p>	<p>This acknowledges the fact that most incoming contacts are not complaints of discrimination and that all new incoming contacts start as “inquiries” that go through the intake process to determine jurisdiction and coverage under the Human Rights Ordinance.</p>

Section 2-437.1. (b) (3) & (5)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the processing of individual employment discrimination complaints.</p> <p>Subsection (b) (3) covers the protocols for Complainant non-response.</p>	<p>Language added to clarify that, following the notice of pending case closure, if the Complainant does not respond within 30 days, or if another 30-day period of non-response occurs after contact is re-established, the case will be administratively closed without further notice.</p>	<p>This prevents cases from entering a cycle of repeated Complainant non-response and repeated notices of pending closure, which results in cases remaining open but inactive or unable to progress for extended periods of time.</p>
<p>Subsection (b) (5) covers the protocols for Respondent non-response.</p>	<p>The word “Investigator” was replaced with “Office of Human Rights.”</p>	<p>This ensures that a 30-day period of non-response by the Respondent to requests from any Office staff is grounds for notice of proceeding investigation, which prevents delays in processing cases.</p>

Section 2-437.1. (e) (6)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the processing of individual employment discrimination complaints.</p> <p>Subsection (e) (6) covers the protocols for a Complainant's request for a Commission review of a no reasonable cause finding by the Director.</p>	<p>Changed "insufficient" to "no" reasonable cause.</p> <p>Changed the process for filing a request for review to contacting the Office, rather than the Commission, and referenced the Commission's public administrative appeal hearing process.</p>	<p>The first change was for consistent language throughout the Ordinance that matches the wording used in state and federal law.</p> <p>The second change acknowledges that the Office handles timely communication regarding open complaints and references the public administrative appeal hearing process for consistency with Section 2-439.1, which outlines hearing protocols.</p>

Section 2-437.2. (a) (11)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the processing of individual housing discrimination complaints.</p> <p>Subsection (a) (11) covers the decision-making authority as pertains to complaints.</p>	<p>Added language that specifies decision-making authority if the City has entered a Fair Housing Assistance Program (FHAP) workshare versus if the City has <i>not</i> entered a FHAP workshare.</p>	<p>This change permits the City to choose when and if to delegate decision-making authority to an objective, neutral third party when the City has not entered a FHAP workshare, while preserving the language specifying decision-making authority under a FHAP workshare to maintain substantial equivalence to federal fair housing law, a requirement for FHAP certification.</p> <p>This allows for delegation of authority as needed due to staff vacancies or other conflicts.</p>

Section 2-437.2. (b) (3) & (5)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the processing of individual housing discrimination complaints.</p> <p>Subsection (b) (3) covers the protocols for Complainant non-response.</p>	<p>Language added to clarify that, following the notice of pending case closure, if the Complainant does not respond within 30 days, or if another 30-day period of non-response occurs after contact is re-established, the case will be administratively closed without further notice.</p>	<p>This prevents cases from entering a cycle of repeated Complainant non-response and repeated notices of pending closure, which results in cases remaining open but inactive or unable to progress for extended periods of time.</p>
<p>Subsection (b) (5) covers the protocols for Respondent non-response.</p>	<p>The word “Investigator” was replaced with “Office of Human Rights.”</p>	<p>This ensures that a 30-day period of non-response by the Respondent to requests from any Office staff is grounds for notice of proceeding investigation, which prevents delays in processing cases.</p>

Section 2-437.2. (h) (5)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the processing of individual housing discrimination complaints.</p> <p>Subsection (h) (5) covers the protocols for a Complainant's request for a Commission review of a no reasonable cause finding by the Director.</p>	<p>Changed "insufficient" to "no" reasonable cause.</p> <p>Changed the process for filing a request for review to contacting the Office, rather than the Commission, and referenced the Commission's public administrative appeal hearing process.</p>	<p>The first change was for consistent language throughout the Ordinance that matches the wording used in state and federal law.</p> <p>The second change acknowledges that the Office handles timely communication regarding open complaints and references the public administrative appeal hearing process for consistency with Section 2-439.1, which outlines hearing protocols.</p>

Section 2-437.2. (o) (1) & (2)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the processing of individual housing discrimination complaints.</p> <p>Subsection (o) specifies the services that can be contracted for processing housing complaints.</p>	<p>This subsection was subdivided into two parts:</p> <ul style="list-style-type: none">(1) Specifies what can be contracted if the City has entered a FHAP workshare.(2) Specifies what can be contracted if the City has <i>not</i> entered a FHAP workshare	<p>These changes expand the opportunities for use of contracted informal dialogue, mediation, conciliation, investigation, or cause finding services for housing complaints when the City has not entered a FHAP workshare.</p> <p>Contracted services are valuable in situations of conflict or staff vacancy so that cases can proceed with minimal delay.</p>

Section 2-437.3. (b) (3) & (5)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the processing of individual public accommodation, credit, and private education discrimination complaints.</p> <p>Subsection (b) (3) covers the protocols for Complainant non-response.</p>	<p>Language added to clarify that, following the notice of pending case closure, if the Complainant does not respond within 30 days, or if another 30-day period of non-response occurs after contact is re-established, the case will be administratively closed without further notice.</p>	<p>This prevents cases from entering a cycle of repeated Complainant non-response and repeated notices of pending closure, which results in cases remaining open but inactive or unable to progress for extended periods of time.</p>
<p>Subsection (b) (5) covers the protocols for Respondent non-response.</p>	<p>The word “Investigator” was replaced with “Office of Human Rights.”</p>	<p>This ensures that a 30-day period of non-response by the Respondent to requests from any Office staff is grounds for notice of proceeding investigation, which prevents delays in processing cases.</p>

Section 2-437.3. (e) (6)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the processing of individual public accommodation, credit, and private education discrimination complaints.</p> <p>Subsection (e) (6) covers the protocols for a Complainant's request for a Commission review of a no reasonable cause finding by the Director.</p>	<p>Changed "insufficient" to "no" reasonable cause.</p> <p>Changed the process for filing a request for review to contacting the Office rather than the Commission and referenced the Commission's public administrative appeal hearing process.</p>	<p>The first change was for consistent language throughout the Ordinance that matches the wording used in state and federal law.</p> <p>The second change acknowledges that the Office handles timely communication regarding open complaints and references the public administrative appeal hearing process for consistency with Section 2-439.1, which outlines hearing protocols.</p>

Section 2-439.1. (a) (6)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the role of the Commission regarding individual complaints of discrimination.</p> <p>Subsection (a) covers the protocols for administrative hearings, generally.</p>	<p>The new subsection (6) adds a conflict-of-interest clause as relates to Commissioner participation in public hearings regarding complaints of discrimination investigated by the Office.</p>	<p>The change helps to ensure that public hearing processes are fair for both parties by addressing conflicts that may interfere with a Commissioner's ability to exercise objective judgement.</p>

Section 2-439.1. (b) (2)

Section Overview	Proposed Changes	Rationale for Proposed Changes
<p>This section covers the role of the Commission regarding individual complaints of discrimination.</p> <p>Subsection (b) (2) covers the protocols for a Complainant's request for a Commission review of a no reasonable cause finding by the Director.</p>	<p>Changed "insufficient" to "no" reasonable cause.</p> <p>Changed the process for filing a request for review to contacting the Office rather than the Commission and referenced the Commission's public administrative appeal hearing process.</p>	<p>The first change was for consistent language throughout the Ordinance that matches the wording used in state and federal law.</p> <p>The second change acknowledges that the Office handles timely communication regarding open complaints and references the public administrative appeal hearing process for consistency with Section 2-439.1, which outlines hearing protocols.</p>

Questions?