



## Legislation Details (With Text)

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**Title:** Direct staff to prepare an ordinance that establishes a Human Rights Commission through expanding the Housing Advisory Commission

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### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Direct staff to prepare an ordinance that establishes a Human Rights Commission through expanding the Housing Advisory Commission

**DEPARTMENT:** City Manager's Office

**SUBMITTED BY:** Marcie Schatz, Deputy City Manager

#### **BOARD/COMMISSION REVIEW:**

NA

#### **BACKGROUND:**

In December 2019, the City Council revised the City's mission statement to emphasize diversity and inclusiveness in the community. The City's mission statement is:

*"To provide services that ensure a high quality of life, sound fiscal management, and a dynamic business environment, while creating an inclusive community that values diversity."*

On May 19<sup>th</sup>, the City Council approved recommendations focused on diversity, equity and inclusion. The recommendations include items related to the City's workforce, engaging with community partners, and the creation of a Human Rights Commission. These recommendations recognize that advancing equity and inclusion in Naperville is not a short-term project, but rather a long-term commitment to continuous improvement. We strive to be a more inclusive community, respecting all citizens and recognizing that the diversity of all backgrounds of people in our community make us stronger.

#### **DISCUSSION:**

As discussed in the May agenda item, the scope and structure of Human Rights Commissions vary from community to community. Because of this variety, staff spoke with and evaluated Human Rights Commissions from several communities including Aurora, Champaign, Chicago, Evansville, IN, Cedar Rapids, IA, and Asheville, NC. City staff has voluntarily worked with and been guided by the Department of Justice in the research process and development of these recommendations.

Considering the totality of information, Staff recommends expanding the scope of the Housing Advisory Commission (HAC) and renaming it the Human Rights Commission (HRC), The new HRC will:

- Serve an advisory role to the City on fair and affordable housing and human rights issues. Human rights issues encompass securing for all individuals within Naperville the freedom from unlawful discrimination against any individual because of his or her protected class including race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, or income.
- Provide community outreach and engagement on fair and affordable housing and human rights.
- Adjudicate formal unlawful discrimination complaints for public accommodation and housing.

#### Human Rights Commission (HRC)

The Human Rights Commission will be formed to promote equality of opportunity and investigate complaints in the areas of housing and public accommodations. The composition of the HRC will be drawn from the community and will initially be an extension of the current Housing Advisory Commission. The HRC will also be active, in coordination with staff, in community outreach and education related to diversity, equity and inclusion.

#### Complaints

Currently complaints are managed through different processes depending on the type of complaint. Housing complaints are managed through the HAC while ADA complaints are managed through staff and the ADA commission. The City receives a few informal complaints annually and has received one formal complaint in the last eighteen months.

It is standard practice for Human Rights Commissions to serve as the single intake point for all discrimination complaints regardless of category or protected class. Staff recommends that a single intake, investigation, mediation and hearing process is created to mirror this standard practice.

Through our discussions with other communities, staff recommends that the complaint process include an opportunity for mediation prior to a complaint going to hearing. Even in cities as large as Chicago, very few (less than ten) cases proceed to hearing annually. Oftentimes, the complaint is resolved in mediation with a variety of outcomes including apology, the issue being remedied, additional training or other non-monetary remedies. This process will still allow the City to leverage the expertise of city staff and commissions, as warranted, in resolving complaints (i.e. the ADA commission has assisted in remedying public accommodation complaints).

If a case does require a hearing, staff recommends that the hearing be held in front of an administrative hearing judge (similar to Police Department tow issues). We recommend both the mediator and administrative hearing judge be outside contractors. Given the limited number of cases expected in the City, and the very limited number that will proceed to mediation or hearing, staff believes the budget impact will be minimal with each mediation or hearing costing between

approximately \$500-1,000. The administrative judge would then make a recommended finding which would be considered and voted upon by the HRC.

### Commission Composition

The current HAC consists of 9 members, with two members whose terms have expired or are not renewing for an additional term. Staff recommends temporarily expanding the commission to 11 members and reducing it to 9 members as terms expire in the future. It is also recommended that the recruitment for the new members to the HRC is representative of Naperville's diverse community.

### Community Outreach and Education

In conjunction with staff (discussed below), it is recommended that the HRC engage with the community on housing as well as human rights issues. The Commission can be a conduit for the community, elevating issues and listening to one another to identify challenges within Naperville (as recently done with the HACs affordable housing work).

As discussed previously, we recommend working with City departments and community partners and organizations who are actively working within this space including: School Districts (203 and 204), North Central College, the Chamber of Commerce, Naperville Neighbors United, the Naperville Police Department, Unity Partnership, Naper Pride, and others. Staff recommends that commission members be actively involved in this engagement.

### Staff support

The City does not currently have the appropriate resources to support the HRC. Staff recommends adding a dedicated Diversity and Inclusion position to the City to support the HRC as well as the community outreach and internal equity and inclusion work. It would be a new position within the City, but not an add to the headcount because the position will be repurposed from a vacant position within the Electric Utility. Although working across several departments, the position would report to CMO. Staff envisions the scope of this position to include:

- Supporting the Diversity and Inclusion components of the Human Rights Commission (City Clerk's Office/TED would maintain support of housing efforts with the HRC).
- Managing the intake and investigation process of discrimination complaints in coordination with the legal department.
- Engaging in community outreach in conjunction with other City departments and community partners.
- Supporting internal organizational diversity, equity and inclusion work with Human Resources.

### Next steps

If the City Council concurs with the above recommendations, next steps include:

- Drafting a local human rights ordinance.
- Drafting text amendments to revise the scope and structure of the Housing Advisory Commission/Human Rights Commission.
- Drafting text amendments to modify the complaint process.
- Initiating the hiring process for the staff member to support the City's efforts towards diversity, equity and inclusion including the Human Rights Commission.

### **FISCAL IMPACT:**

Estimated costs of mediation/hearing are \$500-\$1,000 per case. Number of annual cases is expected to be small. Diversity and inclusion staff position anticipated to be headcount neutral with the shift of the full-time equivalent (FTE) position from the Electric fund to the General fund.