

ALEXANDRIA HUMAN RIGHTS COMMISSION
MINUTES OF THE MEETING OF TUESDAY, JANUARY 21, 2020
7:00 p.m., City Hall
301 King Street, Room 2000
The Chet and Sabra Avery Room

Members Present

Danielle Beach
Francisco Durán, Chair
Kevin Edwards
Damien Hammond, Sr
Christopher Harris
Matt Harris, Vice Chair
Alex Howe
Elizabeth "PJ" Palmer Johnson
David Rigsby
Scott Schwartz

Staff Present

Jean Kelleher
Miladis Martinez Gutierrez

Members Excused

Amy Blackwood, Vice Chair
Susan Kellom
Michael Kreps

Guests:

Mona Siddiqui, Attorney General's Office
Human Rights Division

1. Call to Order/Introductions by Chair, Francisco Durán

Chair Durán called the meeting to order at 7:07p.m. Introductions were made. Chair Durán welcomed Elizabeth "PJ" Palmer Johnson. Commissioner Palmer Johnson stated that she is the liaison from the Commission for Women and said that she has been on the Commission since to 2014. She stated that she has always had an interest in women and minorities issues, which leads right into Human Rights. She said that presently she is organizing the Commission's history walk and she is also doing that for the American Association of University Women (AAUW).

Chair Durán mentioned that he had attended the Boards and Commissions training and said that one thing that was shared about Commissioners' attendance is that it is really important that if there is no quorum a meeting should not be held, and even if a quorum leaves then the meeting should end. He added that in order to cancel a meeting officially, it needs to be done three days in advance. Chair Durán asked Commissioners, if they know that they are not going to be able to be at a meeting, to let Director Kelleher and the Chair know at least three days in advance, so that the meeting can be canceled.

2. Approval of Minutes of November Meeting (No quorum in December)

Upon a motion by Vice Chair Harris, seconded by Commissioner Edwards, the Commission approved the minutes of the November meeting. All Commissioners present voted aye and three abstained.

3. Guests: Mona Siddiqui, Assistant Attorney General, Human Rights Division

Chair Durán welcomed guest Mona Siddiqui from the Attorney General's Office. Chair Durán stated she is here to talk to the Commission about things happening in the general assembly, there are a lot of exciting things happening in the human rights world and also the Human Rights

Commissioner's role and the upcoming changes. He added that Director Kelleher will reach out to the City Legislative Director and invite her to the May meeting.

Ms. Siddiqui stated that she is an Assistant Attorney General at the Division of Human Rights and Fair Housing at the Attorney General's Office in Richmond. She stated that she has been at this division for about two years, and before she came on board there was one attorney assigned to the Human Rights Division when the human rights council merged into the office of the attorney general. She stated that about two years ago the attorney general wanted to increase capacity within the division of human rights and added a second attorney. She added that just a few months ago, they increased their capacity by adding a fair housing attorney, who focuses specifically on fair housing issues.

She added that this allows them more time and flexibility to develop relationships with the local human rights commissions. She said that she started to get to know the local commissions, meeting the commissioners and the Human Rights Office Directors throughout the Commonwealth. She stated that their purpose is to develop partnerships and collaborations, so that we all work together to achieve the goal of addressing discrimination and also look at different Commissions to see what patterns and practices we are seeing in the different regions and areas.

She stated that they got close to having a subcommittee on civil rights this year, because there are so many human rights bills. She stated that this Thursday, the House subcommittees on housing and consumer protection will be discussing a lot of the House human rights bills. She added that there over 20 bills combined with human rights and fair housing. She said that they are actively working on some of those things helping out the legislators with the language and letting them know what we will like to see, but we are most excited about the potential of having more enforcement authority mechanisms in place, so that we can do more active work.

Commissioner Harris asked what laws the State enforces. Ms. Siddiqui stated that they enforce the human rights act § 2.2-3900. Commissioner Harris asked what the thresholds are for number of employees. Ms. Siddiqui stated that it is not very different from the local statute, between 6 and 14 is the jurisdiction, and then they take cases more than that. When it comes to employment, once they do the determination, they will be referred back to EEOC if they do not conciliate. She said that with fair housing, they do statutory authority to take reasonable cases to the Circuit Court and litigate those issues; and this is if the fair housing board or the real estate board finds reasonable cause.

Commissioner Schwartz asked why cases get to the Attorney General Office, when the local jurisdictions have their own Human Rights Office. Ms. Siddiqui stated that the public contacts them via telephone and said that they have an intake officer who does the actual intakes, and then

depending on the jurisdiction, they may refer cases to the local or federal jurisdiction, depending on the allegation. Commissioner Schwartz asked if the Attorney General office would retain jurisdiction and pursue a case raising federal claims and appealable to Federal Court. Ms. Siddiqui stated that they do not have the authority to take cases in the court of law, so they issue determinations. Ms. Siddiqui stated that they tend to get more cases from central Virginia, Southwest Virginia such as Shenandoah. Ms. Siddiqui added that they are starting to expand into the arena of educational institutions, but right now they have been doing employment and fair housing and they are opening it up to take on more systematic type of issues.

Director Kelleher stated that this is a very exciting time for all of us who are in the anti-discrimination work and said that the legislative proposals that the Commission put forward every year, they usually crashed and burned about half way through the General Assembly session, but those are really taking hold now and so we are very excited. She added that ever since she started this job, the focus here is the local code enforcement of the Alexandria Human Rights Code and of course because we have contract with the EEOC focusing on employment cases, we have concurrent federal jurisdiction. She stated that she has always felt that the state law was very limited. She stated that there was a Virginia Council that was an independent Commission and the Office stood alone, but when Governor McDonnell was in Office it was subsumed under the Attorney General's Office. She said that fair housing was separate, at that time they were doing only employment.

Director Kelleher stated that we have this Dillon Rule problem even though most of the provisions in the Alexandria code pre-dated the 1987 adoption of the Virginia Human Rights Act, and said in 1988 sexual orientation was added to the Code, so there was a Dillon Rule problem, but thankfully all of those other provisions pre-dated 1987. If we had to follow under the Dillon Rule, what was provided in the State Law, we would be limited as well, we would be limited in the bases, the issues and the remedies. She said that in the employment arena, what we were dealing with is that the state Human Rights Act provided for remedy no greater than the equivalent of a year's back pay, so the remedy was very much limited versus the federal protection.

Director Kelleher said that she thought that it would be useful tonight to get into a discussion about the interplay of Federal, State and Local law. Director Kelleher talked about the enforcement that we do and the relationships that we have built. Director Kelleher encouraged the Commission to become active with other Commissioners throughout the Commonwealth. She said that the combination of having the General Assembly deal with the bills that would expand the state law and make it mimic federal law more closely at least, and then also allow for localities to add additional provisions. Director Kelleher said that they are looking to the General Assembly to expand protections, possibly even to include source of income protection.

Commissioner Schwartz asked if Alexandria is included in the General Assembly session opening up the possibilities for Alexandria's enforcement, specifically talking about remedies. The Commission was precluded from providing remedies in cases due to Dillon Rule. Director Kelleher said that it is not being specifically address, however, if everything is expanding, then that problem will go away. Director Kelleher stated that there is one of the bills that has a provision that will allow localities to draft broader protection, so if that happens, we could draft our own in Alexandria.

Ms. Siddiqui stated that they are expanding the Virginia Human Rights Act ("Act") to five plus employees and the other one is that they are removing the requirement of discharge, the bills are saying you don't need to be discharged to be able to file a discrimination complaint, because right now in the Act discharge is required. Ms. Siddiqui asked if there is someone working on the legislative package in the City of Alexandria. Director Kelleher explained the process of submitting the legislative proposal in the City of Alexandria and said that she receives the bills from Sarah Taylor, the City legislator, and she has to weigh in on those bills. She added that the Legislative Committee meets every Friday evening. She stated that things look good for the first time since she has been in this position.

Director Kelleher stated that Commissions are not all the same in Virginia, some have a direct appeal the Human Rights Commission, ours does not, so cases from the office do not automatically get appealed to the Human Rights Commission, but there are other jurisdictions like Fairfax County where that happens. Director Kelleher gave a brief explanation of the intake and the investigation process that is conducted by the Human Rights Office. She added that the EEOC conducts a substantial weight review on all of our cases, they have never in 20 years overturned any of our determinations, but they have remanded a couple of cases for further work. Commissioner Edwards asked if the office is able to come to a successful resolution on most of the claims that come to the office. Director Kelleher stated that the majority of the cases are no-cause, however the investigators are very good at alternative dispute resolution; everyone is a certified mediator. If a person is still employed, we recommend handling that situation immediately, getting to resolve the problem, so the person can remain employed. Nationally the EEOC mediation success rate is typically only about 10%, ours runs from 35% - 40%.

Chair Durán thanked Mona Siddiqui from the Attorney General's Office for coming to speak to the Commission.

4. Executive Committee Report

Chair Durán stated that the Executive Committee met and that the main focus was determining the calendar for the next coming months and making sure that invitations get out for future guests. He added that in February Commission meeting will be held at the Black History Museum. Chair Durán stated that Dr. Hutchings has confirmed that he will be coming to the March Commission meeting. Chair Durán asked Commissioners to submit their questions for

the school Superintendent to Miladis or Director Kelleher ahead of time. Commissioner Rigsby suggested receiving the minutes from last year and that way they can review them and then remember what was discussed last time. Chair Durán announced that the April meeting with the Sheriff will be held at the Detention Center with a tour.

Chair Durán mentioned that the Fair Housing results will be presented to the Executive Committee either in February or March.

5. Old & New Business

Census 2020 Complete Count

Chair Durán stated that there are some volunteer opportunities. Director Kelleher stated that the steering committee is trying to cover different events with census 2020 information and then also reach out to business, schools and churches. Director Kelleher encourage Commissioner to become census ambassadors and said that there will be a monthly training for census ambassadors.

Chair Durán announced the new Equity Officer Jaqueline Tucker, and stated that she should start her position in mid-February.

Chair Durán stated that the Chair for the Commission on Women shared with him that they are having a youth member added to their Commission. The Commission for Women took it to City Council and it just passed and he would like for the Human Rights Commission to have a conversation about the possibility of having a youth member to be a part of the Human Rights Commission.

6. Liaison Reports

Commissioner Howe from Landlord and Tenant Relations Board stated that they had a combined meeting of the Arlington Tenant and Landlord Commission and the Alexandria Landlord Tenant Relations Board, the main purpose of that was to continue with join effort on the Inclusiveness Task Force. They are trying to do more work between the two municipalities on Housing Policy. He added that the Alexandria Housing Summit happened this month, he said that it was a big meeting for people who interested in housing in Alexandria to come together and added that they had interesting speakers from across the country.

Commissioner Palmer Johnson stated that the Commission for Women has joined with the other Commissions for Women in Northern Virginia to go to Richmond to push for the passage of the ERA Amendment (Equal Rights Amendment), and said that she is very happy to say that they were there on Wednesday when it passed. She also announced that on March 23, they will have their Salute to Women's Awards and said that they are currently soliciting nominations from all of the Commissions and from private citizens.

Commissioner Schwartz mentioned that he has noticed a lot of construction being done on E. Glebe Road and Mt. Vernon Avenue in the Arlandria area and asked Commissioner Howe, what kind of notice the Landlord Tenant Relations Commission gets in advance before people are placed out. Commissioner Howe stated that there is not an easy answer to that, it all depends on

what kind of building it was before-hand and the type of development that is going on there. In most cases, if it is that they are just redoing a building, in most cases they legally don't have to do a single thing for displacement or relocation. Commissioner Schwartz asked if isn't worthwhile to get City Council to change that law, and has that been proposed. Commissioner Howe stated that this is one of the things that is going to be coming up on the Landlord Tenant Relations Board discussion in the next couple of months.

Commissioner Palmer Johnson asked if an apartment building is being converted into condominiums, are the tenants given the first right to buy the unit. Commissioner Howe stated that he doesn't think there is a law like that in Alexandria.

7. Announcements /Adjournment

Chair Durán announce that the Fire Chief's swearing in is next Tuesday at 6:00 p.m., at City Hall.

Director Kelleher announced that that today is the National Day for Racial Healing.

MOTION: adjourn the meeting.
Schwartz/Beach **PASSED** unanimously
The meeting adjourned at 8:50 p.m.