

AMENDING CHAPTER 12
AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH
RESPECT TO HUMAN RELATIONS

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs)

Chapter 12. That Subsections 12-1 and 12-2 of Article I, Subsections 12-21 through 12-23 of Article II, Subsections 12-76 through 12-81, 12-83, and 12-84(b)) of Article IV, Division II, and Subsections 12-132, 12- 140, and 12-143(a) of Article IV, Division 5 is hereby amended by to read as follows:

Chapter 12 - HUMAN ~~RELATIONS~~ RIGHTS

ARTICLE I. - IN GENERAL

Sec. 12-1. - Director of human ~~relations~~ rights.

The director of human ~~relations~~ rights of the city shall be appointed by the city manager and shall be under the supervision and control of the city manager. It shall be the duty of the director of human ~~relations~~ rights to:

- (1) Supervise and coordinate the functions and activities of the human ~~relations~~ rights department of the city.
- (2) Serve as the executive director to the human ~~relations~~ rights commission and the commission on the status of women.
- (3) Perform such other duties as may be assigned to him by the city manager.

Sec. 12-2. - Functions and duties of the human ~~relations~~ rights department.

In the implementation of the duties of the director of human ~~relations~~ rights, the human ~~relations~~ rights department shall be responsible for the following additional functions:

- (1) To promote and secure mutual understanding and respect by reviewing complaints of unfair treatment and seek voluntary resolution thereof among all citizens in the city.
- (2) To receive and investigate complaints of discrimination based on the provisions of this chapter, particularly with respect to the denial of equal access to and discrimination in public accommodations and employment when such denial and discrimination against either individual or group is based on race, religion, color, national origin or sex, and to act as the administrative enforcement body to receive and process fair housing complaints filed under division 5 of this chapter.
- (3) To attempt, by voluntary conciliation and mediation but not through any civil or criminal court action, to resolve any complaint over which it has jurisdiction under the procedures of this chapter.
- (4) To submit periodic reports at regular intervals to the city manager setting forth the activities of the department, the results of any studies and any recommendations which will result in the improvement of human ~~relations~~ rights.

- (5) To conduct research projects, make studies and reports on the status of women and human ~~relations~~ rights and related social concerns in the city.
- (6) To cooperate with federal, state, county and city agencies in an effort to develop harmonious intergroup and interracial relations.
- (7) To endeavor to enlist the support of educational and civil leaders for the improvement of intergroup and interracial relations in the city.

ARTICLE II. - COMMISSION ON HUMAN ~~RELATIONS~~ RIGHTS

Sec. 12-21. - Created.

There is hereby created a commission to be known as the commission on human ~~relations~~ rights.

Sec. 12-22. - Membership.

The commission on human ~~relations~~ rights shall be composed of nine (9) members who shall be appointed by the city council for terms to expire on August 15. All members of the commission shall be bona fide adults maintaining a permanent residence inside the corporate limits of the city. The terms of office of the members of the commission shall be three (3) years.

Sec. 12-23. - Duties.

The duties of the commission on human ~~relations~~ rights shall be as follows:

- (1) To study and make recommendations concerning problems in any or all fields of human relationship and encourage fair treatment and mutual understanding among all racial and ethnic groups in the city.
- (2) To anticipate and discover those practices and customs most likely to create animosity and unrest among racial and ethnic groups and by consultation seek a solution as these problems arise or are anticipated.
- (3) To make recommendations to the city council designed to promote good will and harmony among racial and ethnic groups in the city.
- (4) To appoint, at its discretion, subcommittees to concern themselves with specific human ~~relation~~ rights problems. These subcommittees shall be composed of bona fide adult residents of the city but need not be members of the commission; except that the chairman of each subcommittee must be a bona fide member of the commission. Provided, however, a multicultural committee created by the commission may include adults who are not residents of the city nor is the chairman of this committee required to be a member of the commission.
- (5) To serve as a citizens advisory committee for the purpose of coordinating, studying and making reports concerning citizen involvement in various projects.
- (6) To seek and enlist the cooperation of various groups in the city in order to fulfill the purposes of this article.
- (7) To receive general statistical reports and studies from the human ~~relations~~ rights director concerning complaints involving discrimination based on race, color, religion, sex, handicap, familial status, or national origin, and to appoint members to a complaint

review committee to assist the human ~~relations~~ rights director in the complaint review process of complaints involving discrimination under article IV, division 2 of this chapter.

ARTICLE IV. - DISCRIMINATION

DIVISION 2. - COMPLAINTS

Sec. 12-76. - Purpose.

The purpose of this division is to provide a standard administrative procedure for processing a complaint of discrimination relating to public accommodations or employment, and request for assistance filed with the human ~~relations~~ rights department and shall include filing, investigation, findings and conciliation efforts.

Sec. 12-77. - Filing complaint.

Any person claiming to be aggrieved by a discriminatory practice in violation of any provisions of this article may file a written complaint with human ~~relations~~ rights department within sixty (60) days after the alleged violation occurred, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the human ~~relations~~ rights department to identify the person against whom the complaint is filed (hereinafter called the respondent). Notice of the complaint (including the date, place and circumstances of the alleged unlawful discriminatory practice) shall be served by the human ~~relations~~ rights director upon the respondent by certified mail within ten (10) days after filing. The human ~~relations~~ rights director shall commence an investigation by initiating a review of the allegations set forth in the complaint.

Sec. 12-78. - Initial investigation and review; insufficient facts to make finding.

Not later than thirty (30) days after the complaint is filed, unless for good reason the time is extended for an additional thirty (30) days by the human ~~relations~~ rights director, the human ~~relations~~ rights director shall determine whether there is reasonable cause to believe that the respondent has violated any provisions of this article. If, in the opinion of the human ~~relations~~ rights director, he does not obtain sufficient facts or verified information from the complainant and the respondent to make either a "cause" finding or "no cause" finding, then he shall notify the parties pursuant to section 12-81.

Sec. 12-79. - No cause finding by human ~~relations~~ rights director; appeal to committee.

- (a) If it is decided by the human ~~relations~~ rights director that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice in violation of this article, the human ~~relations~~ rights director shall notify the complainant and the respondent in writing of his determination within ten (10) days after such determination has been made.
- (b) The complainant, within ten (10) days after receiving a copy of a no cause finding, may file a written appeal with the human ~~relations~~ rights director. Upon receiving such appeal, the

human-~~relations~~ rights director shall refer the matter to a complaint review committee which shall be composed of three (3) members with a minimum of two (2) such members to be from the human ~~relations~~ rights commission; the remaining member shall either be from the commission on the status of women or from the human ~~relations~~ rights commission. However, all members shall be appointed by the human ~~relations~~ rights commission. The complaint review committee shall act only in an advisory and conciliatory capacity. The committee shall complete its review and determination within thirty (30) days after the appeal is filed. If the committee determines that there is no reasonable cause to believe that the respondent has engaged in a discriminatory practice, the complaint review committee shall notify the complainant and the respondent in writing of its determination within ten (10) days after such determination has been made. However, if the complaint review committee finds that there is reasonable cause to believe that the respondent has violated any provisions of Article IV, Divisions 1 through 4 of this chapter, the complaint review committee, within said thirty-day period, shall endeavor by conference and conciliation with the parties to reach a voluntary and amicable solution to the alleged discriminatory practice. If the committee determines that it is unable to obtain a voluntary conciliation and resolve, the complainant and respondent shall be so notified in writing within ten (10) days from such determination.

Sec. 12-80. - Reasonable cause finding by human ~~relations~~ rights director; appeal to committee.

- (a) If the human ~~relations~~ rights director finds that there is reasonable cause to believe that the respondent has violated this article, the human ~~relations~~ rights director may endeavor, by conference and conciliation with the parties, to reach a voluntary and amicable solution to the alleged discriminatory practice. Neither the human ~~relations~~ rights director nor any of the department's employees, shall make public, without the written consent of the complaining party and the respondent, information concerning efforts in a particular case to voluntarily conciliate an alleged discriminatory practice by conference and persuasion. If a conciliation agreement is reached between the complainant and the respondent, a written agreement, if mutually deemed by all parties to be needed, may be entered into and a copy shall be furnished to the complainant and the respondent.
- (b) If within sixty (60) days after a complaint is filed, the human ~~relations~~ rights director is unable to effectuate a voluntary resolution of a complaint where a reasonable cause is determined, he shall so advise the complainant and respondent immediately in writing by certified or registered letter. Upon written appeal of the respondent filed with the human ~~relations~~ rights director within ten (10) days after the respondent receives the above-mentioned letter, the specific case involved shall be referred to the complaint review committee for final administrative review, determination and any further conciliatory efforts, if advisable. In addition, the human ~~relations~~ rights director may, upon his own initiative and within said ten-day period, refer the specific case to the complaint review committee for final administrative review, determination and any further conciliatory efforts, if advisable. When any such case has been referred, if the complaint review committee either finds no reasonable cause or, upon finding reasonable cause, is unable to obtain a voluntary conciliation and resolve within thirty (30) days after referral, the complainant and respondent shall be immediately notified in writing.

Sec. 12-81. - Final letter setting forth information.

In the event the complaint is still unresolved after the culmination of the administrative review procedures as outlined in section 12-78, 12-79 or 12-80 (whichever is applicable in the particular case), within five (5) days the human ~~relations~~ rights director shall notify the complainant and respondent in writing advising of the alternative remedies available which may include:

- (1) Referral of the complainant to the appropriate federal or state agency, and
- (2) The right of the complainant to initiate a private right of civil action through application to the superior court division of the general court of justice.

Sec. 12-83. - Clarification of purpose; confidentiality.

- (a) No portion of this article shall be construed to authorize the human ~~relations~~ rights director or complaint review committee to make a binding decision concerning the allegations of a complaint. The authority of the human ~~relations~~ rights director and complaint review committee shall not exceed receiving, investigating, receiving voluntary access to information, attempting to conciliate complaints and assisting in conciliation agreements.
- (b) In order to protect the legal rights of the parties involved, any complaint filed pursuant to this article and the results of reviews, investigations or attempts at conciliation in whatever form prepared and preserved, shall be maintained in a confidential and classified manner and shall not be subject to public review except upon application to and a final order issued by the superior court division of the general court of justice finding that the applicant is entitled to the information sought.
- (c) All meetings, conferences and reviews held by the human ~~relations~~ rights director pertaining to a complaint filed pursuant to this article shall be confined only to the parties affected, their counsel and their witnesses.

Sec. 12-84. - Other remedies.

- (b) Within sixty (60) days after the complainant receives written notice from the human ~~relations~~ rights director pursuant to section 12-81, a civil action may be brought by the complainant against the respondent in the superior court division of the general court of justice, but not otherwise. Nevertheless, no private civil action shall be filed or commenced by the complainant in the superior court for alleged violations of this article unless the complainant has first exhausted the full administrative complainant procedures as required by this division.

DIVISION 5. - FAIR HOUSING

Sec. 12-132. - Definitions.

Charge means the statement of facts issued by the City of Greensboro's Human ~~Relations~~ Rights Department under this division upon which the department has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

Commission means the human ~~relations~~ rights commission of the City of Greensboro.

Committee means the complaint review committee.

Complaint means a written complaint filed with the City of Greensboro's Human ~~Relations~~ Rights Department in accordance with the provisions of Chapter 12, Article IV, Division 5 of the Greensboro Code of Ordinances.

Complainant means a person(s), including the department, who has filed a complaint with the department under this division.

Conciliation means attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the respondent, and the department.

Conciliation agreement means a written statement setting forth the resolution of the issues in conciliation.

Covered multifamily dwellings means buildings comprising four (4) or more residential units if the building has one (1) or more elevators; and ground floor residential units in other buildings comprising four (4) or more residential units.

Department means the City of Greensboro's Human ~~Relations~~ Rights Department.

Director means the director of the human ~~relations~~ rights department.

Director's designee means an employee of the Greensboro Human ~~Relations~~ Rights Department.

Sec. 12-140. - Powers of the complaint review committee and/or the director of human ~~relations~~ rights or his or her designee.

To effectuate the purposes of this division the committee and/or the director or his or her designee shall have the power:

- (1) To receive, initiate, investigate, seek to conciliate and conduct hearings on complaints filed under this division, make recommendations to parties named in such complaints, approve or disapprove plans to eliminate or reduce the effects of discriminatory practices, and monitor compliance with such plans.
- (2) To adopt rules and regulations for carrying out the administrative and enforcement functions of the Fair Housing Ordinance of the City of Greensboro. Such rules and regulations shall be approved by the human ~~relations~~ rights commission and shall be adopted, amended or rescinded after the commission holds a public hearing. A copy of the text of the proposed rule, amendment or decision shall be available for public inspection and copying at the office of the department.

Sec. 12-143. - Administrative and judicial enforcement.

- (a) If an election is not made under subsection (c), with respect to a charge filed under section 12-142, the director shall provide for an opportunity for a hearing on the record with respect to said charge. The director shall delegate the conduct of the hearing to the complaint review committee of the human ~~relations~~ rights commission. The hearing shall be conducted after proper notice to the parties under rules and procedures issued by the director.