

Memorandum



CITY OF DALLAS

DATE January 3, 2014

TO Budget, Finance and Audit Committee Members: Jerry Allen, Chair, Jennifer Staubach Gates, Vice-Chair, Tennell Atkins, Mayor Pro Tem, Sheffie Kadane, and Philip T. Kingston

SUBJECT Unlawful Discriminatory Practices Relating to Sexual Orientation

On Monday, January 6, 2014, you will be briefed on Unlawful Discriminatory Practices Relating to Sexual Orientation. A copy of the briefing is attached.

Please let me know if you have any questions.

A handwritten signature in black ink, appearing to read 'Theresa O'Donnell'.

Theresa O'Donnell
Interim Assistant City Manager

c: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, Interim City Manager
Rosa A. Rios, City Secretary
Warren M.S. Ernst, City Attorney
Craig Kinton, City Auditor
Judge Daniel F. Solis, Administrative Judge, Municipal Court
Ryan S. Evans, Interim First Assistant City Manager
Forest E. Turner, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Libro, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO SEXUAL ORIENTATION

Budget, Finance and Audit Committee
January 6, 2014



MISSION STATEMENT

To promote and preserve through fair, orderly, and lawful procedures the opportunity for every person to obtain employment, access to all places of public accommodation, and housing without regard to sexual orientation.

HISTORICAL BACKGROUND



- In September 1990, the Fair Housing Office (FHO) was created to enforce the City of Dallas Fair Housing Ordinance and provide education and outreach.
- On October 1, 2002, Chapter 46 was enacted and an enforcement section was created in FHO to investigate complaints of discrimination related to sexual orientation.

CHAPTER 46 (Human Rights)



Prohibits discrimination in *EMPLOYMENT*, *PUBLIC ACCOMMODATIONS*, and *HOUSING* based on *sexual orientation.

*Sexual orientation – an individual's real or perceived orientation as heterosexual, homosexual, or bisexual or an individual's real or perceived gender identity.

3 EXCEPTIONS TO CHAPTER 46



- Religious Organizations
- The United States government or any of its departments or agencies
- The government of the State of Texas or any of its departments, agencies or political subdivisions

JURISDICTION



Discriminatory acts based on sexual orientation:

- Employment
- Housing
- Places of Public Accommodation
- Retaliation for filing a complaint

STATUTORY LIMITATIONS




A complaint must be filed within 180 calendar days after an alleged unlawful practice has occurred.

TYPES OF EMPLOYMENT DISCRIMINATION



- Failure or refusal to hire or promote
- Failure or refusal to refer one for employment
- Denial of like compensation, terms, conditions and privileges of employment

TYPES OF EMPLOYMENT DISCRIMINATION (CONT.)



- To classify or refer to one based on sexual orientation
- Deny or limit training opportunity
- Print or publish or advertise preferences or limitations

EMPLOYER DEFINITION



Any person with 15 or more employees for each working day in each of 20 or more calendar weeks in current or preceding calendar year, including agents of such person.

UNLAWFUL HOUSING PRACTICES



- Refuse, deny or make unavailable for sell or rent
- Different terms, conditions and privileges of sale or rental when available
- Print or publish or advertise preferences based on sexual orientation
- Refuse or deny mortgage or brokerage services
- Blockbusting
- Steering

HOUSING EXEMPTIONS



- Owners of 3 or fewer single family dwellings
- Owners that resided in dwelling within 24 months preceding sale or rental, and do not use services of any professional in the real estate industry

HOUSING EXEMPTIONS (CONT.)



- Dwelling occupied by no more than four families living independently of each other and the owner maintains part of the dwelling as a residence;
- Dwelling owned by private organization for non-commercial use and rented to only members of that organization; and
- Rental of a dwelling to persons of the same sex, when the dwelling has common bathroom, kitchen, or similar facilities.

TYPES OF DISCRIMINATION IN PUBLIC ACCOMMODATIONS



- Access
- Service
- Utilization
- Cost
- Advertisement

PUBLIC ACCOMMODATION EXCEPTIONS



- Hotel, restaurant, bar, lounge, etc. when the accommodations are restricted to members of a club and their guests - (private membership clubs).
- Bona fide social, fraternal, educational and civic organization, when the profits are solely for the benefit of the organization.

PROCESSING A COMPLAINT



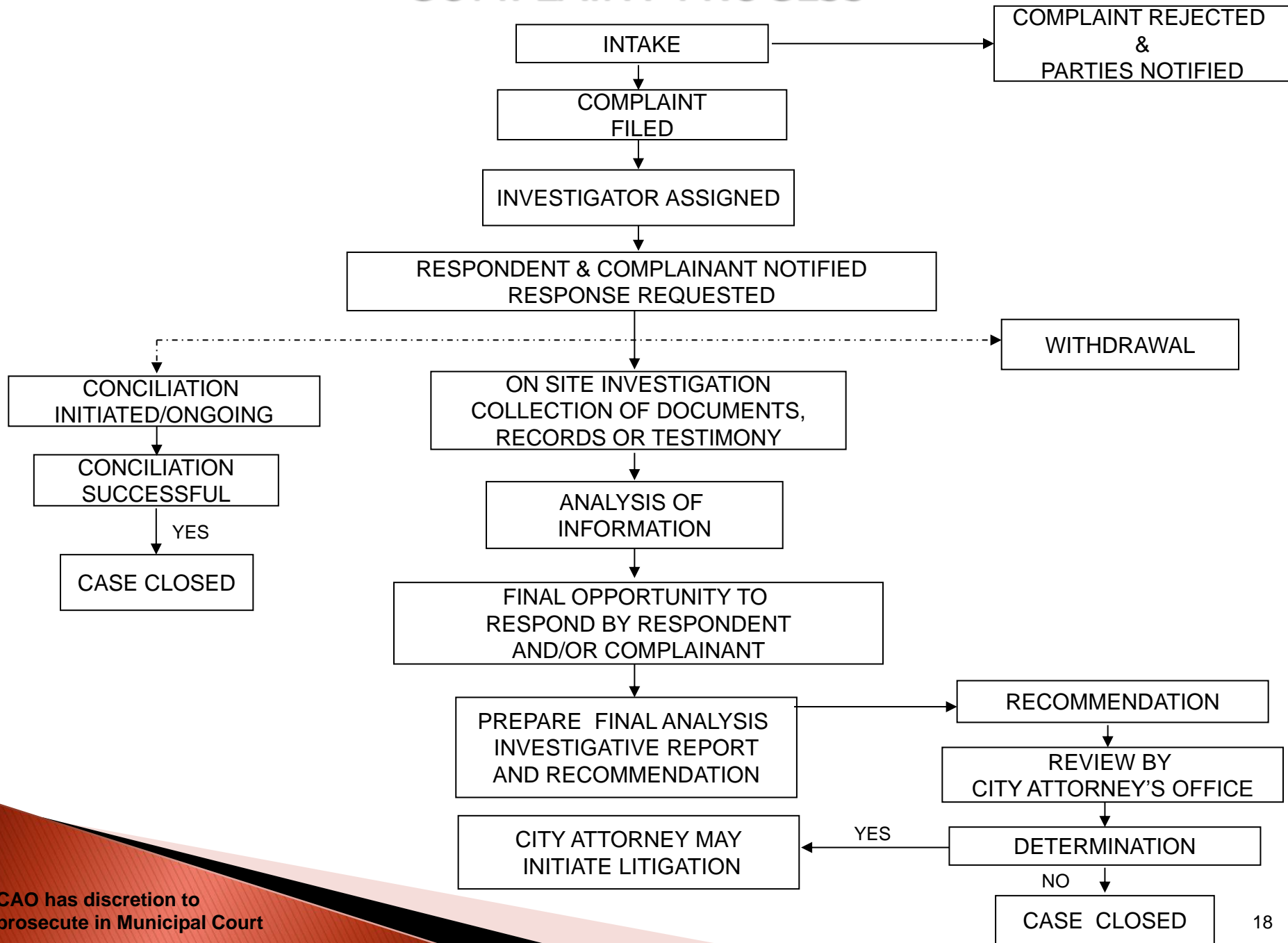
- Official complaints must be written and may be filed in person, by fax, mail, or online
- Jurisdiction is determined at Intake Stage
- Investigation stage includes site visits, witness interviews and document review

PROCESSING A COMPLAINT (CONT.)



- Conciliation available throughout investigation
- A Final Investigative Report is completed and submitted to the City Attorney with a recommendation from the Fair Housing Office
- Determination made by the City Attorney

COMPLAINT PROCESS



CAO has discretion to prosecute in Municipal Court

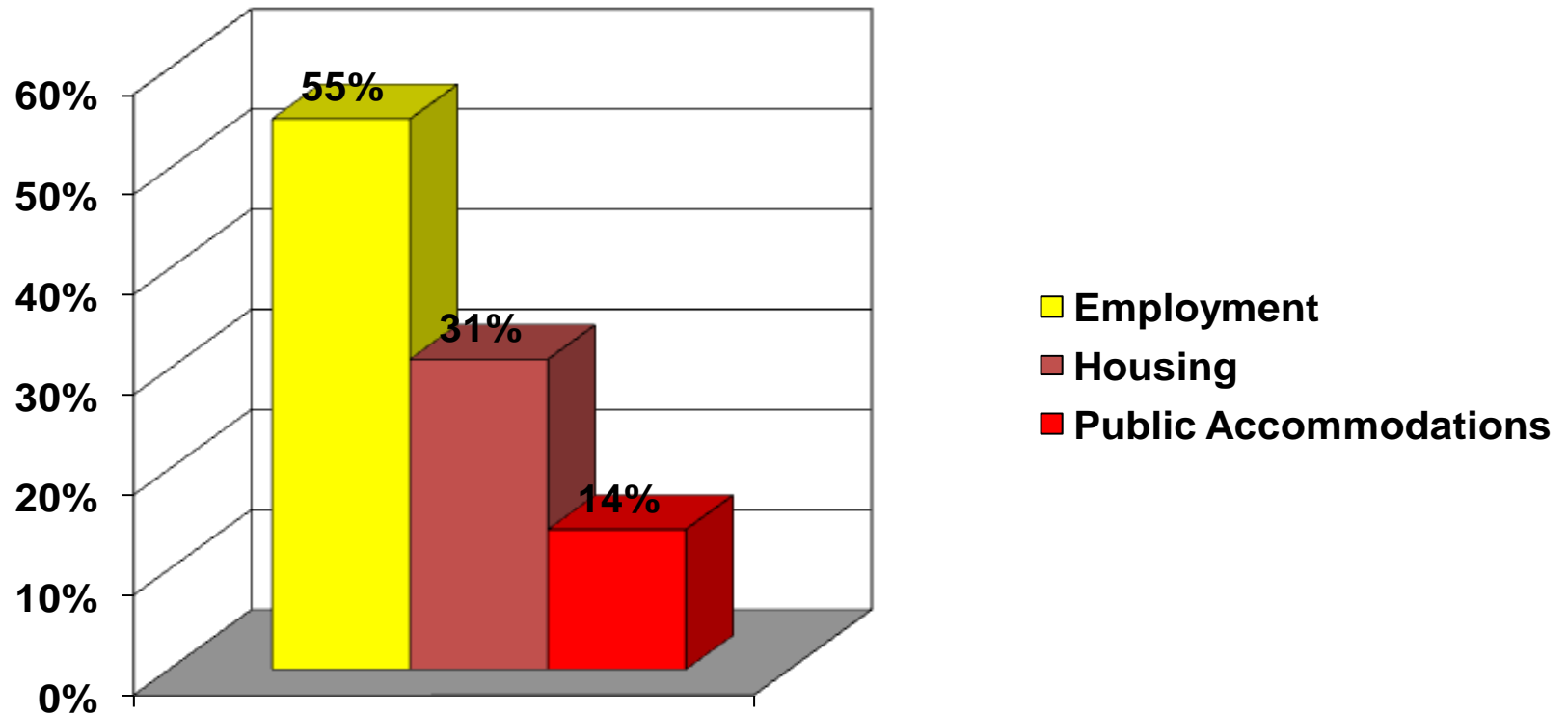
DISPOSITION OF A COMPLAINT



If Cause is determined and filed in Municipal Court - fines range from \$200 to \$500.

BASIS OF 61 COMPLAINTS FILED SINCE 2002

(Percentages as of September 2013)



HUMAN RELATIONS (HR) CLOSED CASES

(As of September 2013)

Conciliation – (5)

Both parties (Complainant and Respondent) reached a mutual agreement

Non-jurisdictional – (7)

A determination was made that the City of Dallas did not have jurisdiction to investigate the complaint (e.g. outside the city limits of Dallas, political subdivision of government, etc.)

No Cause - (38)

These complaints were thoroughly investigated by staff, reviewed by the City Attorney's Office and no determination of discrimination was found.

Settlement – (7)

Both parties (Complainant and Respondent) reached an outside agreement that did not include the City of Dallas

Uncooperative – (4)

After initial filing the Complainant could not be located or would not cooperate with the investigation after formal notice was given to contact the Fair Housing Office.

ORDINANCES IN OTHER TEXAS CITIES



- Austin
- Fort Worth
- Houston
- San Antonio



City of Dallas

Fair Housing Office
214.670.FAIR (3247)
www.dallasfairhousing.com