



City of Austin
Equal Employment/Fair Housing Office
presents
Austin City Code Chapters 5-1 & 5-3
Overview

Jonathan Babiak, Administrator

City of Austin Equal Employment/Fair Housing Office

Austin City Code Chapters 5-1 & 5-3 Complaints Processes

Austin Human Rights Commission:

Paul Rhea, Chair

Elizabeth Brenner

Judy Cortez

George Reynolds, Vice Chair

Sara Clark

Tom Davis

Dewayne Lofton

City Code Chapter 5-1

- Housing Discrimination
- Protected Classes
- Race, Color, National Origin, Sex, Religion, Disability, Familial Status
- Creed, Student Status, Marital Status, Sexual Orientation, Gender Identity, Age

City Code Chapter 5-1

- Housing Discrimination
- Protected “Classes”
- Retaliation (Coercion, Intimidation, or Threats)

City Code Chapter 5-1

- Covered multifamily dwellings:
- Buildings with four or more units if the buildings have an elevator *and*
- Ground floor units in buildings with four or more units
- Quiz: One down, three up, no elevator????????????????????
- Single ground floor unit: COVERED!

City Code Chapter 5-1

- Exempt:
- Sales/Rentals of three or fewer single family houses *and* without the services of an agent or the publication of a discriminatory statement
- Owner occupied dwellings with four or fewer units *and* without the publication of a discriminatory statement

City Code Chapter 5-1

- Exempt:
- Religious Organizations, Private Clubs, and Housing for Older Persons

City Code Chapter 5-1

- Complaints
- Must be filed within one year from date of last harm, in writing, and under oath
- May be amended at any time

City Code Chapter 5-1

- Texas and federal Fair Housing laws allow simultaneous administrative complaint and suit in court

City Code Chapter 5-1

- Upon the filing of a complaint, EE/FHO serves the complaint on the Respondent within 10 days

City Code Chapter 5-1

- The respondent has 10 days to answer a complaint

City Code Chapter 5-1

- Investigations include witness statements, documents, and if necessary, inspection of premises

City Code Chapter 5-1

- Conciliation is attempted throughout the processing of the investigation and closes the complaint upon the execution of a conciliation agreement

City Code Chapter 5-1

- Cause (or reasonable cause) finding: either party may request judicial determination, which requires the City Attorney to file suit in a Travis County court

City Code Chapter 5-1

- Cause finding: if neither party elects a judicial determination, an administrative law judge (ALJ) conducts a hearing and issues a written recommendation to the Austin Human Rights Commission (AHRC)
- Hearings shall be conducted as prescribed by Texas Government Code Chapter 2001

City Code Chapter 5-1

- Cause finding: the AHRC may adopt, modify, or reject the recommendation of the ALJ
- The AHRC may order compensatory damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief
- The AHRC may assess civil penalties up to \$50,000

City Code Chapter 5-1

- AHRC may request the City Attorney to sue to recover a penalty

City Code Chapter 5-1

- No cause (or no reasonable cause) finding: EE/FHO dismissal
- City Code provides no opportunity to request review of or otherwise appeal a no cause dismissal
- Complainant may pursue a remedy in Texas or federal court

City Code Chapter 5-3

- Employment Discrimination
- Protected Classes:
 - Race, Color, National Origin, Sex, Religion, Disability, Age (40 and older)
 - Sexual Orientation and Gender Identity

City Code Chapter 5-3

- Employment Discrimination
- Protected “Classes”
- Retaliation

City Code Chapter 5-3

- Employment Discrimination
- Coverage
- Employers in Austin with 15 or more employees, but not agencies of federal government, Texas, or political subdivisions
- 5-3-2(9) & (10)?

City Code Chapter 5-3

- Employment Discrimination
- Complaints
- May be filed within 180 days of the last date of harm
- In writing and under oath

City Code Chapter 5-3

- Employment Discrimination
- Complaints
- Must be served on the respondent within 10 days

City Code Chapter 5-3

- Employment Discrimination
- Voluntary settlement is attempted throughout the processing of the complaint

City Code Chapter 5-3

- Employment Discrimination
- Respondent presents a position statement, in writing and under oath
- Investigation may include witness statements and review of documents

City Code Chapter 5-3

- Employment Discrimination
- Voluntary settlement agreement closes the case

City Code Chapter 5-3

- Employment Discrimination
- Reasonable cause determination: EE/FHO shall attempt resolution through settlement
- Voluntary conciliation agreement closes the case
- If no agreement is reached, EE/FHO issues a failure to conciliate letter and forwards the case to EEOC for review

City Code Chapter 5-3

- Employment Discrimination
- Review & Hearing by AHRC
- Hearings shall be conducted as prescribed by Texas Government Code Chapter 2001

City Code Chapter 5-3

- Employment Discrimination
- Review & Hearing by AHRC
- After review and hearing, AHRC may affirm, reverse, or modify the determination made by EE/FHO

City Code Chapter 5-3

- Employment Discrimination
- Review & Hearing by AHRC: Cause Finding
- EE/FHO shall attempt resolution through settlement
- Voluntary conciliation agreement closes the case
- If no agreement is reached, EE/FHO issues a failure to conciliate letter and forwards the case to EEOC for review

City Code Chapter 5-3

- Employment Discrimination
- EEOC review: a charging party may file an appeal of a no reasonable cause determination issued under a charge filed alleging a violation of Title VII, the Age Discrimination in Employment Act, or the Americans With Disabilities Act

City Code Chapters 5-1 & 5-3

- Questions?
- Thank you!