

AUSTIN HUMAN RIGHTS COMMISSION

Public Accommodations Appeal Hearings

Code of City Ordinances Title 5, Civil Rights

The Commission investigates charges of discrimination which occur within the City, including:

- Fair Housing
- Public Accommodations
- Employment
- Discrimination against People with AIDS
- Disability Discrimination

Comparison of Legal Authority

Housing

- Texas Local Gov't Code, Chapter 214 (Fair Housing Ordinances)
- Texas Property Code, Chapter 301 (Fair Housing Act)
- City Ordinances, Part 5, Civil Rights, Section 5-1

Employment

- Texas Labor Code, Chapter 21 (Local Commissions)
- City Ordinances, Part 5, Civil Rights, Chapter 5-3

Public Accommodations

- City Ordinances, Part 5, Chapter 5-2
- No other state law authority

Charge Investigation

- File charge within 180 days of alleged occurrence
- Notice to Responding Party
- Staff determines if charging party made an allegation covered under Chapter 5-2.
- Reasonable Cause Determination

Staffs Reasonable Cause Determination

Reasonable Cause Found

- Staff makes efforts to resolve the matter through informal methods, including conference, conciliation, and persuasion.

No Reasonable Cause

- Dismissal of the charge and notification to the charging party and the respondent.
- Charging party may file a “**request for review**” of the dismissal within 10 days of receiving notice. This request triggers the hearing before the Commission.

Hearing Process and Procedures

Open
Meetings
Act, City
Ordinances
and
Resolutions

Open Meetings Act: Rights of the Public

- A meeting that is “open to the public” under the Act is one that the public is permitted to attend.
- The Act does not entitle the public to choose the items to be discussed or to speak about items on the agenda. A governmental body may, however, give members of the public an opportunity to speak at a public meeting. If it does so, it may set reasonable limits on the number, frequency, and the time allotted to each speaker.

Austin City Ordinance: 5-2 Civil Rights

- City Ordinance requires the Commission to hear from the charging party.
- The Commission, “shall conduct a hearing and provide the charging party an opportunity to appear to present evidence.”
- Open Meetings Act permits limits on the time and scope of the statements made at an open meeting.

Resolution 20170518-015

- Procedures for Austin City Council Meetings, Public Hearings, and Appeals.
- Members of the public are required to register before being permitted to speak, EXCEPT:
 - City Ordinance 5-2 requires the Commission to permit the charging party to speak.
 - Resolution 20170518-015, Division 2. Appeals also requires the Commission to permit the charging party to speak.
- Other speakers must register to speak for or against the charging party's appeal.

Order of Proceedings

1. Report from City Staff
2. Presentation from charging party, limited to 5 minutes. In the 5 minutes, the charging party may call witnesses for examination.
3. Comments by persons speaking in support of the appeal, subject to 3 minute time limitation.
4. Comments by persons speaking against the appeal, subject to 3 minute time limitation.

CONCLUSION OF HEARING

Affirm Findings

If the Commission finds that there is no reasonable cause to believe that a charge alleges a violation of Ordinance 5-2, the Commission will vote to AFFIRM.

After a vote to affirm the findings, the matter will be closed by EEFHO staff.

Reverse Findings

If the Commission finds reasonable cause that the charge alleges a violation of Ordinance 5-2, the Commission will vote to REVERSE.

After a vote to reverse the findings, EEFHO staff will continue with informal dispute resolution, such as conference, conciliation, and persuasion.