



MEMORANDUM

Council Agenda
Item No. IX.E.2.
1/5/2016

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: James D. Couch, City Manager

Ordinance on final hearing, relating to Human Rights, amending Chapter 25 of the Oklahoma City Municipal Code, 2010, Sections 25-39, Discrimination in Housing, and Section 25-43, Complaints Generally, and repealing Sections 25-40, Discrimination in City Employment, Section 25-44, Investigation and Conciliation of Complaints, and Section 25-46, Violations and Penalty.

Purpose

To add new categories of protected class that are already recognized in state and federal fair housing laws; to adopt the exceptions found in the state fair housing law; to amend the procedure for filing a discrimination complaint with the City; to provide for referral of such complaints to state and federal officials having jurisdiction over the subject matter of the complaint; to repeal the existing Code provisions relating to City employment discrimination (which is already covered by the Personnel Policies approved by City Council); and to repeal the existing Code provisions related to the Investigation and Conciliation of Complaints and the criminalization of violations.

Background

The ordinance concerning discrimination in housing was last updated in 1980, before familial status and disability were recognized as protected classes by the federal Fair Housing Act. The current ordinance amendment will add those protections from discrimination in the housing market. In addition the amendment adopts age as a protected class because Oklahoma law has protections for age. These additions were suggested by a representative of Western Economic Solutions, the City's consultant for the Impediments to Fair Housing Analysis required by the U.S. Department of Housing and Urban Development, at the Council meeting on December 2, 2014, in order to maintain compliance with federal regulations and to qualify for federal grants. The Ordinance would also incorporate the exceptions to discrimination in housing now found in Title 25 of the Oklahoma Statutes.

The current section of the City Code providing for the filing of a discrimination complaint with the City is also being amended. The existing language is a remnant of the prior Code provisions relating to the civil handling of such complaints by the Oklahoma City Human

Rights Commission, which was abolished by the City Council in January of 1996. The new language will provide that any such complaint will be referred to the state and federal officials having jurisdiction over the subject matter of the complaint.

Finally, the Ordinance would repeal the existing Code provisions relating to City employment discrimination (which is already covered by the Personnel Policies approved by City Council); it would repeal the existing Code provisions related to the Investigation and Conciliation of Complaints; and it would repeal the existing section of the Code providing for criminal enforcement of alleged discrimination complaints. The City has no investigative agency to support the criminal prosecution of housing discrimination complaints, so the enforcement mechanism will be to refer such complaints for civil enforcement by the Oklahoma Attorney General's Office of Civil Rights as permitted by state law.

Review

Planning Department

Recommendation: Ordinance be adopted.

Attachment