

## **Annual Internal Review**

**This report covers the time period of 01/01/2013 - 3/31/2014.**

(This report is due in the first quarter of each fiscal year for the previous period)

### **Austin Human Rights Commission**

#### **The Commission mission statement (per the City Code) is:**

The commission shall:

- (1) advise and consult with the City Council on all matters involving racial, religious, or ethnic discrimination, and devise practices to promote equal opportunity;
- (2) serve in an advisory and consultative capacity to all City departments, advisory boards, and regulatory agencies to assure effective compliance with non-discrimination policies and orders, and recommend to the City Manager measures to improve the ability of various departments and agencies to insure equal protection of any and all persons and groups against discrimination;
- (3) recommend to the City Council legislation to aid in programs designed to eliminate prejudice and discrimination and encourage community support for the legislation;
- (4) aid in the formulation of local community groups in neighborhoods as needed to carry out specific programs;
- (5) initiate and facilitate discussions and negotiations between individuals and groups to lessen tensions and improve understanding in the community;
- (6) assist in the enforcement of all laws prohibiting discrimination against persons where jurisdiction is not specifically vested in another agency;
- (7) receive and investigate complaints and, as provided by state law, and if necessary, subpoena witnesses and documents needed for investigation of those complaints, and initiate investigations of tensions, acts of prejudice, and practices of discrimination;
- (8) conduct public hearings on complaints and investigate and report to the council in writing facts, findings, and recommendations after using persuasion, mediation, and conciliation before any public hearing, and after making certain that any person named in any report of investigation was given the opportunity to be heard before the board with the right to examine and cross-examine witnesses;
- (9) institute and conduct educational programs to promote equal treatment, opportunity and understanding, and sponsor meetings, institutes, forums, and courses of instruction to lead to a clearer understanding and solution of human relations problems;

(10) assist in training City employees to use methods of dealing with intergroup relations that result in respect for equal rights and equal treatment, and cooperate with the local Police Department in developing and including human rights courses in the curriculum of police training;

(11) conduct research, obtain factual data and hold public hearings to ascertain the status and treatment of racial, religious, and ethnic groups in the city and the best means of progressively improving human relations;

(12) provide services and information to the City Manager and heads of all City departments and agencies to achieve the purposes of this chapter; and

(13) cooperate with all city, state, county, federal, and other governmental agencies, as well as racial, religious, ethnic, nationality, educational, community, civic, fraternal, benevolent and other groups, associations, societies, and individuals with constructive talents and resources helpful in achieving mutual appreciation of the privileges and the responsibilities of citizenship in a land of freedom enriched by free commerce and full utilization of all human resources from all racial, religious, ethnic and national groups.

**For reference, the simplified mission statement adopted by the Commission on February 27, 2012, for purposes of external relations is:**

The Human Rights Commission exists to help all City residents live free from discrimination based on race, color, disability, religion, sex, national origin, sexual orientation, gender identity, age, or HIV status. The Commission, in partnership with the Austin Equal Employment /Fair Housing Office (EE/FHO), resolves discrimination complaints about employment, housing, goods, and services provided by businesses, disabilities, and HIV status. Preventing discrimination, however, is just as important as remedying discrimination after it has occurred. To this end, the Commission promotes human rights awareness through educational programs and by sponsoring, attending, and speaking at community meetings and events. Public participation at all Commission activities is vitally important and always welcome!

**1. Describe the board's actions supporting their mission during the previous calendar year. Address all elements of the board's mission statement as provided in the relevant sections of the City Code**

1. As part of the Human Rights Commission's mission to conduct research, obtain factual data, and hold public hearings to ascertain the status and treatment of racial, religious, and ethnic groups in the city and the best means of progressively improving human relations, the Commission heard reports from the following organizations:
  - Human Trafficking - The Commission heard a presentation from Commander Donald

Baker with the Austin Police Department's human trafficking unit about their work to end trafficking of people. Meeting date 1/28/2013.

- LGBT Housing Discrimination- The Commission heard a presentation from the Equal Employment /Fair Housing Office about a grant awarded to the City of Austin to study housing discrimination in the LGBT community. The Fair Housing grant was used to partner with the Austin Tenant's Council to secret shop housing providers to test the existence of LGBT discrimination in an effort to educate providers about the federal laws against housing discrimination. Meeting date 02/25/2013
- Urban Farms and minority communities - The Commission was presented with a resolution relating to the new Urban Farms Ordinance and the effects on minority communities in East Austin. The Commission heard presentations from PODER, the Sustainable Food Board, and the public about this issue. The Commission ultimately decided that since the ordinance was still in the process of being written, the two sides needed to have a facilitated meeting to work out a compromise. That meeting was conducted on November 18th. Meeting date 04/22/2013.
- The Commission set an annual goal to reach out to specific Austin minority communities for a briefing about the challenges those communities face and to propose City of Austin policy issues the Human Rights Commission can address in the following year. These communities were:
  - The Disability Community - The Commission heard presentations from Lia Davis of Disability Rights and Jennifer McPhail of ADAPT about the needs of the disability community. Both cited a need for the City to better understand transportation struggles and routes of the persons with disabilities and making City parks accessible. They also asked to be included in conversations about regulations in zoning and occupancy requirements as persons with disabilities are affected by those changes. Meeting date 02/24/2014
  - The LGBT Community - The Commission heard a presentation from Ceci Gratis from the Human Rights Campaign who referred the Commission to the Annual Municipal Equality Index, which evaluates local laws and regulations for inclusiveness of the LGBT community. Ms. Gratis stated that while we have a perfect 100 score on the Index, the first and only city in Texas to receive such a score, there are still areas to work on in the LGBT youth, homelessness, and elderly communities. Meeting date 01/27/2014
  - The Hispanic Community - The Commission heard a presentation from Susana Almanza from PODER (The People in Defense of Earth and Her Resources) about the needs of the Hispanic community. She cited housing affordability, access to transit options, rezoning and gentrification of East Austin, the inactivity of the Hispanic/Latino Quality of Life Commission, Urban Farms Ordinance, and

the regulation of number of unrelated persons in a household as community issues. Meeting date 02/24/2014

- Asian American Community - The Commission heard presentations from Lesley Varghese, Executive Director and General Counsel, Asian American Resource Center Non-Profit; and Ramey Ko, Commissioner, President's Advisory Commission on Asian Americans and Pacific Islanders, regarding the Asian American and Pacific Islander community. Ms. Varghese and Mr. Ko cited issues with the PARD's senior transportation programs and the CAPCOG meals program, which excludes non-Christians who have different dietary needs. Ms. Varghese and Mr. Ko also cited translation services that are needed for health and emergency services provided by the City for the many elderly and Asian refugee communities in Austin. Meeting date 01/27/2014
- African American Community - The Commission heard several times from Mr. Nelson Linder, President of the Austin NAACP about the challenges faced by Austin's African American community. Mr. Linder cited issues with the community's relationship with the Austin Police Department and the 'use of force' policy being disproportionately used on his community (see point 3). The Commission also heard about the shrinking economic opportunity by way of lack of available jobs, and City funded support for minority-owned businesses in the 12th Street Cultural District. Meeting date 02/24/2014

2. As part of the Human Rights Commission's mission to (1) advise and consult with the City Council on all matters involving racial, religious, or ethnic discrimination, and devise practices to promote equal opportunity, and (2) recommend to the City Council legislation to aid in programs designed to eliminate prejudice and discrimination and encourage community support for the legislation, the Human Rights has taken the following actions:

- Women's Health Resolution - The Commission voted to pass a resolution to advise City Council of the importance of funding for women's health initiatives and urged support for unbiased and scientifically founded information in the Women's Right To Know pamphlet. Further we recommended the Austin City Council amend their legislative program for the 83rd legislature to support restoring funding for women's preventative health and family planning services. Meeting date - 03/25/2013. The Austin City Council passed this recommendation on 03/21/2013.
- Asian American and Pacific Islander Heritage Month and supporting full inclusion of the Asian American Community - The Commission voted to recommend to City Council that it take the occasion of Asian American and Pacific Islander Heritage Month to ensure Asian Americans are included in programs and policies of each of the City's departments and subdivisions, and that Asian Americans have an equal voice in the decisions that impact them as members of the larger Austin community. Meeting date 04/22/2013.

- LGBT Community - The Commission voted to recommend to City Council that it adopt programs or improve programs that would impact the lesbian, gay, bi-sexual, and transgender community. These recommendations included creating a position in the Austin Police Department's Community Liaison Office for the LGBT community, passing an ordinance prohibiting bullying and cyberbullying, compensating same sex spouses for the taxable fringe on employee benefits, and amending the COA's workplace diversity program with a section on the LGBT community. Meeting date 06/24/2013. The Austin City Council amended the City's 2013 - 2014 budget to fund the community liaison position at the Austin Police Department.
- African American Community and Austin Police Department - The Commission heard a presentation from Nelson Linder of the Austin NAACP related to the use of force and use of deadly force policy with the Austin Police Department. The Commission voted on several recommendations aimed at addressing the issues brought up by Mr. Linder. These recommendations included changing the geographical location experienced police officers in the field based on the number of critical instances in a particular area, amending the training program to include a curriculum on de-escalation and alternative tactics, increasing transparency of changes to policy, and holding more community outreach meetings to improve relations with community groups. Meeting date 10/24/2013
- Economic Disparities in the African American Community. The Commission heard from Nelson Linder, President of the Austin NAACP, who brought to the Commission's attention employment and economic challenges that are disproportionate to Austin's African American Community. The Human Rights Commission recommended to council, the creation of a working group of commissioners from the Human Rights Commission and the African American Resource Advisory Commission. What's more, that working group was tasked with identifying economic investment opportunities in the amount of \$15 million dollars to be presented in a future joint resolution by both commissions. Meeting date 01/27/2014

3. As part of the Human Rights Commission's mission to (9) institute and conduct educational programs to promote equal treatment, opportunity, and understanding, and sponsor meetings, institutes, forums, and courses of instruction to lead to a clearer understanding and solution of human relations problems; the Human Rights Commission hosted or attended in the official capacity of City Officials the following:

- LGBT Discrimination Panel Discussion - The Commission hosted a panel discussion with leaders in the LGBT community about housing discrimination on Saturday, June 29, 2013. The event was promoted in the press and had representatives from the Austin Tenant's Council, Austin Gay and Lesbian Chamber of Commerce, Equality Texas, and AIDS Services of Austin. Topics covered included results from a study conducted by the Austin Tenant's Council and the Equal Employment/Fair Housing Office on housing discrimination, what forms of discrimination are prevalent, and how discrimination can be

addressed by the community and by local government. Event date 06/29/2013

- Transgender Day of Remembrance - The Commission voted to co-sponsor the annual Transgender Day of Remembrance event at City Hall. The event memorializes those who were murdered because they were perceived to be gender diverse. The Commission voted to request City Council allow the commission's sponsorship of the event, council voted in favor of the request unanimously. Meeting date 09/24/2013

## **2. Determine if the board's actions throughout the year comply with the mission statement.**

All actions of the Human Rights Commission during 2013 complied with the mission statement.

## **3. List the board's goals and objectives for the new calendar year.**

Goals:

Housing Affordability – Explore ways to address housing affordability when high profile cases arise; awareness of HRC in community; 4 public presentations on affordable housing; policy/zoning change; invite advocacy groups to educate HRC on affordable housing issues

Goal: The HRC will explore different housing affordability issues through the use of advocacy groups, research, etc. This will in turn lead to a discussion on possible action driven by goals the HRC will act on.

Second Quarter: Scheduled meeting with advocacy groups for education purposes.

Internal improvements – The commission will address internal commission and EE/FHO issues.

- 1) Research and propose recommendations related to the City's retaliation clause in response to discrimination.
- 2) Correction to the process by which the public sends mail to commissioners.
- 3) Recommendation to change the 'Vendor Discrimination Complaint form'.
- 4) Correction to City code which references an incorrect law.

Second Quarter: Complete

PARD Meal Program – contact religious groups & Meals on Wheels obtain information on change in contract or an alternative for religious exemption.

Goal: HRC will provide a recommendation to either change the contract or find alternatives for religious exemptions for the PARD Congregate meal program.

Second Quarter: Contact religious groups and Meals on Wheels to obtain relevant information.

Transportation Survey – The Commission will hear a presentation from the Austin's community of persons with disabilities regarding transportation and develop goals and possible further actions.