

Chapter 24 - HUMAN RELATIONS^[1]ATTACHMENT
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ARTICLE I. - IN GENERAL

Sec. 24-1. - Definitions.

For the purposes of Chapter 24, Human Relations, the following words and phrases shall have the following meanings:

Administrator shall mean the individual designated director of human relations by the City Manager of the City of Corpus Christi.

Chapter shall mean Chapter 24, Human Relations, sections 24-1 et seq. of the Code of Ordinances of the City of Corpus Christi, as amended.

City shall mean the City of Corpus Christi, a municipal corporation and a home rule city.

Commission shall mean the Corpus Christi Human Relations Commission as established pursuant to section 24-2 herein.

Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and any other organization or entity of whatever character.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-2. - Human relations commission; established; composition; appointment, term and compensation of members; filling vacancies.

- (a) There is hereby established the "Corpus Christi Human Relations Commission." Said commission shall consist of sixteen (16) voting members. Fourteen (14) members will be appointed by the mayor with the approval of the city council.
 - (1) One (1) member shall be in the business of selling dwellings.
 - (2) One (1) member shall be in the business of renting dwellings.
 - (3) Three (3) members will each serve a term of one (1) year, untagged, and shall not be more than twenty (20) years of age at time of appointment.
 - (4) The members shall be broadly representative of the total community, drawn

from various racial, religious, ethnic, or other groups.

- (5) The fifteenth member will be the director of the Coastal Bend Legal Services or a designated member of the director's staff.
- (6) The sixteenth member will be the chairperson of the Committee for Persons with Disabilities.
- (b) The members of the commission shall serve without compensation. Members of such commission, exclusive of the members appointed under subsection (a)(3) of this section; the chairperson of the Committee for Persons with Disabilities, and the member of the staff of the Coastal Bend Legal Services, shall serve staggered terms of (3) three years. Initial appointment of three (3) of the members shall be for one (1) year, three (3) of the members for two (2) years, and three (3) of the members for three (3) years. Terms shall extend through June 14 each year. The initial terms of the members in the business of selling and renting dwellings shall end in 2000 and 2001, respectively.
- (c) The representative from the Coastal Bend Legal Services and the chairperson of the Committee for People with Disabilities shall serve continuously and shall not be subject to the appointment required under this section.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 2, 2-10-2004)

Sec. 24-3. - Organization of commission.

- (a) The chair of the commission shall be designated by the mayor and his/her term of office fixed at the time of the initial appointment. Thereafter, the mayor shall designate the chair at the expiration of the term as chair or sooner if the position of chair shall become vacant. The commission shall annually elect at its first meeting in July a vice-chair from among its members. In the event of the death or resignation of any member of the commission, a successor shall be appointed by the mayor, with the approval of the city council, for the remaining term of the vacant position. If some member already on the commission is appointed as chair, the balance of his/her term shall be filled by appointment.
- (b) The commission shall keep minutes of its meetings and activities and furnish copies of said minutes to the mayor and city council within fifteen (15) days of the meeting or activity. The commission may promulgate, subject to approval by the

city council. Rules of procedure for proceedings by the administrator and before the commission. The administrator shall provide the necessary administrative and clerical support so that the commission can expeditiously carry out its duties.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-4. - Commission duties.

- (a) The commission shall study problems of group relations within the city and advise and cooperate with the mayor, city council, city manager, and all city boards and commissions with relation to any such problems. The commission shall make its reports and recommendations to the mayor and city council, city manager and city boards and commissions for the betterment of intergroup relationships within the community or for the handling of any specific problem.
- (b) The commission is further authorized to:
 - (1) Devise and recommend to the mayor and city council ways and means to discourage and combat prejudice, intolerance and bigotry in all groups and in their relations with one another.
 - (2) Discover all practices and policies calculated to create conflicts and tensions, and recommend to the mayor and city council ways and means for their elimination.
 - (3) Report and recommend to the mayor and city council means of eliminating any unfair or unjust discrimination against any person or group which would be deemed detrimental to the best interest of the community.
 - (4) Inform and warn the public of rumors and misleading information detrimental to the purposes of the commission.
 - (5) Receive, hear and investigate complaints of discrimination by or against any person or group, and report its findings to the mayor and city council.
 - (6) Receive, hear and investigate complaints referred by the administrator in accordance with this chapter and rules and procedure promulgated by the commission, and report its findings and recommendations as required and directed by this chapter.
 - (7) Investigate, acting through the administrator, all complaints received regarding failure of a contractor or potential contractor to be an equal opportunity employer as required by the general conditions of the bid

specifications of the city. The report of its findings shall be submitted to the city manager, city secretary and director of finance. The commission shall keep an active file on any complaint in which it finds that the charge has some basis and shall, through its administrator, work with the contractor involved to end any discriminatory practices to the satisfaction of the commission, to the end that the commission can satisfy itself that the basis for the charge has been eliminated. The commission shall file with each party receiving a copy of its initial report such supplemental reports of its findings as may be indicated until the file is closed.

- (8) Acting through the administrator, investigate all complaints received regarding the failure of the city to provide accessible buildings and programs or to prevent discrimination against people with disabilities through its administration of its ordinances and the management of its programs and properties, as required by applicable federal and state laws and implementing regulations. In carrying out this activity, the commission shall:
 - a. Determine whether in its opinion the city has violated any applicable federal or state laws and implementing regulations.
 - b. Recommend any remedies or reasonable accommodations that are needed to remedy the situation.
 - c. Report its findings to the city manager and city secretary.
 - d. Keep an active file on any complaint in which it finds that the charge has some basis and shall, through its administrator, work with the appropriate city official to end any discriminatory practices to the satisfaction of the commission, to the end that the commission can satisfy itself that the basis for the charge has been eliminated.
 - e. File with each party receiving a copy of its initial report any supplemental reports of its findings as may be indicated until the file is closed.
- (9) Acting through the administrator, investigate all complaints received regarding discrimination against qualified persons with disabilities by the owner of any place of public accommodation, including the employees and agents of the owner, has unreasonably withheld any of the advantages,

facilities, programs, or services offered to the general public by a place of public accommodation or failed to make a reasonable accommodation to the person with a disability.

- a. Determine whether in its opinion there has been a violation of the applicable federal or state laws and implementing regulations by the place of public accommodation.
 - b. Report its findings to the city manager and city secretary.
 - c. Keep an active file on any complaint in which it finds that the charge has some basis and shall, through its administrator, work with the appropriate city official to end any discriminatory practices to the satisfaction of the commission, to the end that the commission can satisfy itself that the basis for the charge has been eliminated.
 - d. File with each party receiving a copy of its initial report any supplemental reports of its findings as may be indicated until the file is closed.
- (c) The annual operating budget of the commission shall be established by the city's regular budgetary process and not be determined solely by outside sources of remuneration, such as through work sharing agreements with the state or federal agencies.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 3, 2-10-2004)

Sec. 24-5. - Continuing program for the promotion of better relations and interagency cooperation.

As part of its continuing program, it shall be the duty of the commission to:

- (1) Cooperate with federal, state and city agencies, citizens, citizens' organizations, school districts and parochial and private schools in formulating and developing plans, procedures, methods and educational programs to stimulate the interest of the entire population in accomplishing the objectives of the commission.
- (2) Enlist the cooperation of all racial, religious, educational, community, civic, labor, fraternal, benevolent, governmental and other constructive community forces and talents that would be helpful in discharging its duties.
- (3) Conduct voluntary surveys, assemble pertinent data, confer with any and all groups, and hold hearings to expedite the work of the commission.

- (4) Endeavor by education to induce public and private employers, labor and professional organizations, and employment agencies to institute nondiscriminatory practices in employment, union membership, promotion, wages, working conditions, layoffs and job opportunities.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-6. - Committees; consultation.

The chair of the commission shall have authority to appoint committees consisting only of commission members. The authority of each committee shall be restricted to specific assignments set forth by the commission and such authority shall terminate upon a final report and recommendation to the full commission. The chair, with the advice and consent of the commission, may call upon individuals from throughout the community to assist the commission or its committees in the investigation of any matter being considered by the commission.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-7. - Subpoena powers.

- (a) In connection with any complaint filed under Chapter 24, the administrator or an investigator on his/her staff may at any reasonable time request access to premises, witnesses, records, and documents relevant to a complaint. If such request is denied, the administrator shall report such denial to the commission, and the commission may, in its discretion, issue a subpoena to compel access to such witnesses or items. If any party fails to comply with a subpoena issued by the commission, the commission may request the city attorney to initiate legal proceedings in district court to enforce compliance with the subpoena.
- (b) In connection with any complaint filed under Chapter 24, the commission may request and, if necessary, compel by subpoena, the attendance of necessary witnesses for examination under oath or affirmation and the production, for inspection and copying, of records, documents and other evidence relevant to the investigation of complaints filed under Chapter 24. If any party fails to comply with a subpoena issued by the commission, the commission may request the city attorney to initiate legal proceedings in an appropriate judicial forum to enforce compliance with the subpoena.

(Ord. No. 23411, § 1, 8-18-1998)

Secs. 24-8—24-19. - Reserved.

ARTICLE II. - DISCRIMINATION IN PLACE OF PUBLIC ACCOMMODATION

Sec. 24-20. - Definitions.

For purposes of this article, the following words shall have the following meanings:

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; a record of impairment; or being regarded as having such an impairment.

- a. Physical or mental impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- b. Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- c. Has a record of such impairment means a history of, or has been misclassified as having a mental or physical impairment that substantially limits one (1) or more major life activities.
- d. Is regarded as having an impairment means has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or has none of the impairments defined above but is treated as having an impairment.

Place of public accommodation means every business within the city, whether wholesale or retail, which is open to the general public and offers, for compensation, any product, service or facility. The term "place of public accommodation" shall include, but not be limited to, all other places of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited. As used in this chapter, the term place of public accommodation does not apply to any facility or program owned or operated by the federal or state governments or political subdivisions of the state.

Public facilities includes streets, highways, sidewalks, walkways, all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation, hotels, motels, or other places of lodging, public buildings maintained by any unit or subdivision of government, buildings to which the general public is invited, college dormitories and other educational facilities, restaurants or other places where food is offered for sale to the public, and all other places of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 4, 2-10-2004)

Sec. 24-21. - Policy.

It is the policy of the city to encourage and enable individuals with a disability and all other persons regardless of race, color, national origin, sex, age, or religion to participate fully in the social and economic life of the city, to achieve maximum personal independence, to become gainfully employed, and to otherwise fully enjoy and use all public facilities, programs, and services available within the city.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 5, 2-10-2004)

Sec. 24-22. - Discrimination prohibited.

- (a) Subject only to limitations and conditions established by law and applicable to all persons, persons with disabilities have the same right as those who are not disabled to the full use and enjoyment of any public facility, program, service, and

place of public accommodation in the city under Chapter 121, "Participation in Social and Economic Activities" of Title 8 of the Human Resources Code, as amended, of the State of Texas.

- (b) To the extent required by federal or state law, it shall be unlawful for any person or any employee or agent thereof, within the city, to withhold from or deny any person, because of race, color, sex, religion, age, disability, or national origin, any public facility or any of the advantages, facilities, programs, or services offered to the general public by a place of public accommodation.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 6, 2-10-2004)

Sec. 24-23. - Civil remedies available to persons subject to discrimination.

This article shall neither add to nor detract from any civil remedies now available or which may become available to persons subject to discrimination on the basis of race, color, sex, age, national origin or disability.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-24. - Inapplicability of Article II.

Except as may otherwise be provided or required by federal or state law, section 24-22(b) shall not apply to:

- (1) Any hotel, motel, restaurant, or place of amusement which is operated as a bona fide private club if the facilities and services are restricted to members of such club and their invited guests.
- (2) Any bona fide social, fraternal, educational, civic, political or religious organization if the profits from any facilities or services defined above are solely for the benefit of such organization.
- (3) Any hotel or motel located within a building which contains less than six (6) rooms for rent or hire and which is also actually occupied by the proprietor as his/her residence.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-25. - Penalty for violation of Article II.

Any person violating any provision of this article shall be punished by fine of up to the maximum provided in section 1-6 of the Code of Ordinances of the City of Corpus Christi ("City Code"). Violations of section 24-22(a) of this article may also be forwarded to the appropriate governmental body to enforce and punish such conduct to the extent and manner prescribed by applicable law.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 7, 2-10-2004)

Sec. 24-26. - Committee for persons with disabilities.

The committee for persons with disabilities may assist the human relations commission in identifying issues affecting persons with disabilities under this article.

(Ord. No. 24364, § 2, 2-13-2001)

Secs. 24-27—24-29. - Reserved.

ARTICLE III. - DISCRIMINATION IN HOUSING^[2]

Sec. 24-30. - Declaration of policy.

- (a) It is hereby declared to be the policy of the city to bring about, through fair, orderly and lawful procedures, the opportunity for each person to obtain housing without regard to his/her race, color, sex, religion, disability, familial status, or national origin.
- (b) It is further declared that this policy is grounded upon a recognition of the inalienable right of each individual to provide for himself and his/her family a dwelling according to his/her own choosing; and further, that the denial of such rights through considerations based upon race, color, sex, religion, disability, familial status, or national origin is detrimental to the health, safety and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such inalienable right which is within the power and the proper responsibility of government to prevent.
- (c) To provide rights and remedies substantially equivalent to those granted under state and federal law, pursuant to authority explicitly granted municipalities by the Texas Local Government Code Sec. 51.002.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-31. - Definitions.

For purposes of this article, the following words and phrases shall have the following meanings:

Aggrieved person includes any person who claims to have been injured by a discriminatory housing practice or believes that such person will be injured by a discriminatory housing practice that is about to occur.

Complainant means a person, including the commission, who files a complaint under section 24-40 (complaint).

Commission means the City of Corpus Christi Human Relations Commission.

Conciliation means the attempted resolution of issues raised by a complaint or by the investigation of the complaint through informal negotiations involving the aggrieved person, the respondent, and the administrator.

Conciliation agreement means a written agreement setting forth the resolution of the issues in conciliation.

Discriminatory housing practice means an act prohibited by this article.

Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed and intended for occupancy as, a residence by one (1) or more families, or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or part of a building or structure described in this article.

Family includes a single individual.

Familial status means one (1) or more individuals (who have not attained the age of eighteen (18) years) being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2)

The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Disability means (a) a physical or mental impairment that substantially limits one (1) or more of the major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment but such term does not include the current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. 802 and does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite.

Major life activities means functions such as, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11, receivers, and fiduciaries.

To rent includes to lease, sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Respondent means:

- (1) The person accused of a violation of this article in a complaint of a discriminatory housing practice; or
- (2) Any person identified as an additional or substitute respondent under section 24-43 (Additional or substitute respondent) or an agent of an additional or substitute respondent.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-32. - Administration.

- (a) [*Generally.*] The commission shall administer this article.
- (b)

Rules. The commission may adopt rules necessary to implement this article, provided that substantive rules adopted by the commission shall impose obligations, rights, and remedies which are substantially the same as provided in federal fair housing regulations. The commission may adopt procedural rules to implement this article.

- (c) *Complaints.* The administrator shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this article.
- (d) *Delegation of authority.* The commission may, by rule, authorize the administrator to exercise the commission's powers or perform the commission's duties under this article.
- (e) *Reports, studies.* The commission shall, at least annually, make a written report to the city council recommending legislative or other action to carry out the purposes of this article. The commission shall make studies relating to the nature and extent of discriminatory housing practices in this city.
- (f) *Cooperation with other entities.* The commission shall cooperate with and, as appropriate, may provide technical and other assistance to federal, state, local, and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.
- (g) *Subpoenas, discovery.* The administrator may issue subpoenas and order discovery as provided by this section in aid of investigations and hearings under this article. The subpoenas and discovery may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in state district court.
- (h) *Witness fees.* Witnesses summoned by a subpoena under this article shall be entitled to the same witness and mileage fees as witnesses in state district court. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party, or, where a party is indigent, by the administrator.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-33. - Exemptions and exclusions.

- (a) There shall be exempted from the application of section 24-36:
 - (1)

Any single-family house sold or rented by an owner: provided, that such private individual owner does not own more than three (3) single-family houses at any one (1) time, provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in nor is there owned or reserved on his/her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; provided further, the sale or rental of any such single-family house shall be excepted from such application only if such house is sold or rented:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, licensed under the Real Estate license Act (Art. 6753a, Vernon Texas Civil Statutes), or of any employee or agent of any such broker, agent, salesman or person, or of such facilities or services of any person in the business of selling or renting dwellings, and
 - b. Without the publication, posting or mailing of any advertisement or written notice in violation of section 24-36(c); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title;
- (2) The rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner actually maintains and occupies one of such living quarters as his/her residence.
- (3) For purposes of subdivision (1)(a) of this subsection, a person shall be deemed to be in the business of selling or renting dwellings if:
 - a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

- b. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - c. He is the owner of any dwelling designed or intended for occupancy, or occupied by, five (5) or more families.
- (b) Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.
 - (1) As used in this section, "housing for older persons" means housing:
 - a. Provided under any state or federal program specifically designed operated to assist elderly persons (as defined in the state or federal program); or
 - b. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
 - c. Intended and operated for occupancy by persons 55 years of age or older, and:
 - 1. At least eighty (80) percent of the occupied units are occupied by at least one person who is fifty-five (55) years of age or older;
 - 2. The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and
 - 3. The housing facility or community complies with rules issued by the secretary for verification of occupancy, which shall:
 - i. Provide for verification by reliable surveys and affidavits; and
 - ii. Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.
 - (2) Housing shall not fail to meet the requirements for housing for older persons by reason of:
 - a.

Persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subdivision (1)b. or (1)c.; provided, that new occupants of such housing meet the age requirements of subdivisions (1)b. or (1)c.; or

- b. Unoccupied units: provided, that such units are reserved for occupancy by persons who meet the age requirements of subdivisions (1)b. or (1)c.
- (3) a. A person shall not be held personally liable for monetary damages for a violation of this article if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.
- b. For purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that:
 - 1. Such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and
 - 2. The facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.
- (c) Nothing in this article prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. 802.
- (d) Nothing in this article shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, disability, familial status, or national origin.
- (e) Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-34. - Appraisal exemption.

This article does not prohibit a person engaged in the business of furnishing appraisals of residential real property from taking into consideration factors other than race, color, religion, sex, disability, familial status, or national origin.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-35. - Effect on other law.

- (a) This chapter does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or a restriction relating to health or safety standards.
- (b) This article does not affect a requirement of nondiscrimination in any other ordinance or state or federal law.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-36. - Discrimination in the sale or rental of housing.

Except as exempted by section 24-33, it shall be unlawful for any person:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, sex, religion, disability, familial status, or national origin.
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion, disability, familial status, or national origin.
- (3) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference limitation or discrimination based on race, color, sex, religion, disability, familial status, or national origin, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, color, sex, religion, disability, familial status, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

- (5) For profit, or with the hope or expectation of profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, disability, familial status, or national origin.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-37. - Disability.

- (a) A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of:
 - (1) That buyer or renter;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (3) Any person associated with that buyer or renter.
- (b) A person shall not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:
 - (1) That buyer or renter;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (3) Any person associated with that person.
- (c) For purposes of this section only, discrimination includes:
 - (1) A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises of a dwelling, provided that, in the case of a rental, a landlord may (a) reasonably condition permission for modifications upon the renter's agreement to restore the interior of the premises to its premodification condition, reasonable wear and tear excepted, and (b) reasonably condition such permission on the renter providing a reasonable description of the proposed modifications and reasonable assurances that all work will be done in a workmanlike manner and that all required permits will be obtained.

- (2) A landlord may not increase for a person with a disability any customarily required security deposit, except that, to ensure available funds for restorations, if any, a landlord may negotiate an agreement that the renter deposit into an interest bearing escrow account, over a reasonable period, a reasonable amount not to exceed the cost of restorations where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restoration. All interest shall accrue to the renter's benefit.
- (3) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling, including public and common use areas.
- (4) Making any inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling or any person associated with that person, has a disability or to determine the nature or severity of any disability, except that the following inquiries may be made if these inquiries are made of all applicants, regardless of disability:
 - a. Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;
 - b. Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability;
 - c. Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability;
 - d. Inquiring whether an applicant for a dwelling is a current illegal user or addict of a controlled substance;
 - e. Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.
- (d) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for persons with physical disabilities, commonly cited as "ANSI A117.1," suffices to satisfy the requirements of subsection (f) of this section.
- (e) As used in this section, the term "covered multi-family dwellings" means:

- (1) Buildings consisting of four (4) or more units if the buildings have one or more elevators; and
 - (2) Ground floor units in other buildings consisting of four (4) or more units.
- (f) Covered multifamily dwellings occupied by March 13, 1991, or if the building permit or renewal is made before June 15, 1990, are not covered. Federal Regulations exclude such buildings from the requirements of accessibility. Federal regulations state that dwelling for first occupancy after March 13, 1991, must meet accessible route requirements, while dwellings designed and constructed for first occupancy on or before March 13, 1991, were exempted. The covered multifamily dwellings, shall be designed and constructed to have at least one building entrance on an accessible route unless it is impractical to do so because of terrain or unusual characteristics of the site. For purposes of this section, a covered multifamily dwelling shall be deemed to be designed and constructed for first occupancy after March 13, 1991. If the dwelling is occupied by that date, or if the last building permit or renewal thereof for the dwelling is issued by a State, County, or local government on or before June 15, 1990, it is exempt. The burden of establishing impracticality because of terrain or unusual site characteristics is on the person or persons who designed or constructed the housing facility. All covered multifamily dwellings for first occupancy after March 13, 1991, with a building entrance on an accessible route shall be designed and constructed in a manner that:
- (1) The public use and common use portions of the dwellings are readily accessible to and usable by persons with a disability;
 - (2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons in wheelchairs; and
 - (3) All premises within the dwellings contain the following features of adaptive design:
 - a. An accessible route into and through the dwelling;
 - b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - c. Reinforcements in bathroom walls to allow later installations of grab bars; and
 - d. Usable kitchens and bathrooms so that an individual in a wheelchair can

maneuver about the space.

- (g) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-38. - Discrimination in the financing of housing, residential real estate-related transactions.

- (a) A person whose business includes engaging in residential real estate related transactions may not discriminate against another in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status, or national origin.
- (b) In this section, "residential real estate related transaction" means:
 - (1) The making or purchasing of loans or the provision of other financial assistance:
 - a. To purchase, construct, improve, repair, or maintain a dwelling; or
 - b. To secure residential real estate; or
 - (2) The selling, brokering, or appraising of residential real property.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-39. - Discrimination in the provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership or participation, on account of race, color, sex, religion, disability, familial status, or national origin.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-40. - Complaint.

- (a) The administrator shall begin an investigation within thirty (30) days of filing an alleged discriminatory housing practices.

- (b) A complaint must be in writing and under oath according to the form prescribed by HUD and the commission.
- (c) An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the administrator alleging the discriminatory housing practice.
- (d) Not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, which ever is later, the commission may file its own complaint.
- (e) A complaint may be amended at any time.
- (f) On the filing of a complaint the administrator shall:
 - (1) Give the aggrieved person notice that the complaint has been received;
 - a. Advise the aggrieved person of the specific time limits applicable to complaint processing and the procedural rights and obligations of the aggrieved person and choice of forums under this article including that he/she has the right to commence a civil action under Section 813 of the Fair Housing Act in the United States District Court not later than two years after the occurrence or termination of the alleged discriminatory housing practice; and
 - b. A copy of the original complaint will be sent to the aggrieved person(s).
 - (2) Not later than the 10th day after the filing of the complaint or the identification of an additional respondent under section 24-43, serve on each respondent:
 - a. A notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this article; and
 - b. A copy of the original complaint will be sent to the aggrieved person(s).
 - (3) The agency must make a final administrative disposition of a complaint within one year of the date of filing of the charge.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, 2-8-2000)

Sec. 24-41. - Answer.

- (a) Not later than the 10th day after receipt of the notice and copy under section 24-40(f), a respondent may file an answer to the complaint.

- (b) An answer must be:
 - (1) In writing;
 - (2) Under oath; and
 - (3) In the form approved by the commission.
- (c) An answer may be amended at any time.
- (d) An answer does not inhibit the investigation of a complaint.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-42. - Investigation.

- (a) If the state or federal government has referred a complaint pursuant to the work sharing agreement, to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the administrator shall begin an investigation into the allegations set forth in the complaint within thirty (30) days from the receipt of complaint.
- (b) The commission shall direct the administrator to investigate all complaints, and the administrator shall complete an investigation no later than the 100th day after the date the complaint is filed, or if it is unable to complete the investigation within the one hundred-day period, the administrator shall notify the complainant and the respondent in writing of the reasons for delay.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-43. - Additional or substitute respondent.

- (a) The administrator may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation the administrator determines that the person should be accused of a discriminatory housing practice.
- (b) In addition to the information required in the notice under subsection (f) of section 24-40 (complaint), the administrator shall include in a notice to a respondent joined under this section an explanation of the basis for the determination that the person is properly joined as a respondent.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-44. - Conciliation.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-46. - Investigative report.

- (a) The administrator shall prepare a final investigative report showing:
 - (1) The names and dates of contacts with witnesses;
 - a. The investigative report will not disclose the names of witnesses that request anonymity, unless the administrator is required to do so under court order.
 - (2) A summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts;
 - (3) A summary description of other pertinent records;
 - (4) A summary of witness statements; and
 - (5) Answers to interrogatories.
- (b) A final report under this section may be amended if additional evidence is discovered.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-47. - Reasonable cause determination.

- (a) The administrator shall determine, based on the facts, whether reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur.
- (b) The administrator shall make the determination under subsection (a) of this section not later than the 100th day after the date a complaint is filed unless:
 - (1) It is impractical to make the determination; or
 - (2) The administrator has approved a conciliation agreement relating to the complaint.
- (c) If it is impractical to make the determination within the time period provided by subsection (b) of this section, the administrator shall notify the complainant and respondent in writing of the reasons for the delay.
- (d)

If the administrator determines that reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur, the administrator shall, except as provided by section 24-49 (land use law), immediately issue a charge on behalf of the aggrieved person.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-48. - Charge.

- (a) A charge issued under section 24-47 (Reasonable Cause Determination):
 - (1) Must consist of a short and plain statement of the facts on which the administrator has found reasonable cause to believe that a discriminatory housing practice occurred or is about to occur;
 - (2) Must be based on the final investigative report; and
 - (3) Need not be limited to the facts or grounds alleged in the complaint.
- (b) Not later than the three (3) days after the Administrator issues a charge, the Administrator shall send a copy of the charge with information concerning the election under Section 24-52 (Election of judicial determination) of this article to:
 - (1) Each respondent, together with a notice of the opportunity for a hearing provided by section 24-54 (administrative hearing); and
 - (2) Each aggrieved person on whose behalf the complaint was filed.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-49. - Land Use Law.

If the administrator determines that the matter involves the legality of a state or local zoning or other land use law or ordinance, the administrator may not issue a charge and shall immediately refer the matter to the city attorney for appropriate action.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-50. - Dismissal.

- (a) If the administrator determines that no reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur, the administrator shall promptly dismiss the complaint.
 - (1) the administrator shall issue a short and plain written statement of the facts

upon which the no reasonable cause determination is based;

- (2) Dismiss the Complaint;
- (3) Notify each aggrieved person and each respondent of the dismissal and make public disclosure of the dismissal; unless
- (4) The complainant or respondent makes a request that no public disclosure of the dismissal be made.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-51. - Pending Civil Trial.

The administrator may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law or this article seeking relief with respect to that discriminatory housing practice.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-52. - Election of Judicial Determination.

- (a) A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action.
- (b) The election must be made no later than the 20th day after the date of receipt by the electing person of the charge, or, in the case of the administrator not later than the 20th day after the date the charge was issued.
- (c) The person making the election shall give notice to the Commission through the Administrator and to aggrieved persons, all other complainants and respondents to whom the charge relates.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-53. - City Attorney Action For Enforcement.

- (a) If a timely election is made under section 24-52 (Election of Judicial Determination), the administrator upon review by and with the concurrence of the city attorney shall file a civil action on behalf of the aggrieved person in a state district court seeking relief under this section.

- (b) An aggrieved person may intervene in the action.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-54. - Administrative Hearing.

- (a) If a timely election is not made under section 24-52 (Election of Judicial Determination), the commission shall provide for a hearing on the charge. All commissioners, regardless of age, shall participate equally in all aspects of the commission except that members must be eighteen years of age to participate in administrative hearings and enforcement proceedings.
- (b) Except as provided by subsection (c) of this section, the local administrative procedures govern a hearing and an appeal to state district court of a hearing under this section.
- (c) A hearing under this section may not continue regarding any alleged discriminatory housing practice after the beginning of a trial of a civil action commenced by the aggrieved person under this article or federal or state law seeking relief with respect to that discriminatory housing practice.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-55. - Administrative penalties.

- (a) If the commission determines at a hearing under this section that a respondent has engaged in or is about to engage in a discriminatory housing practice, the commission may order the appropriate relief; actual damages (including damages caused by humiliation and embarrassment), reasonable attorney's fees, court costs, and other injunctive or equitable relief.
- (b) To vindicate the public interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed:
 - (1) Eleven thousand dollars (\$11,000.00) if the respondent has not been adjudged by order of the commission; in any administrative hearing under the Fair Housing Act, or any State or local Fair Housing Law, or in any licensing or regulatory proceeding conducted by a Federal, State or local agency or a court to have committed a prior discriminatory housing practice;
 - (2)

Except as provided by subsection (c) of this section, twenty-seven thousand five hundred dollars (\$27,500.00) if the respondent has been adjudged by order of the commission; in any administrative hearing under the Fair Housing Act, or any State or local Fair Housing law, or in any licensing or regulatory proceeding conducted by a Federal, State or local agency or a court to have committed one (1) other discriminatory housing practice during the five (5) year period ending on the date of the filing of this charge; and

- (3) Except as provided by subsection (c) of this section, fifty-five thousand dollars (\$55,000.00) if the respondent has been adjudged by order of the Commission; in any administrative hearing under the Fair Housing Act, or any State or local Fair Housing law, or in any licensing or regulatory proceeding conducted by a Federal, State or local agency or a court to have committed two (2) or more discriminatory housing practices during the seven (7) year period ending on the date of the filing of the charge.
- (c) If the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in subdivisions (2) and (3) of subsection (b) of this section may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.
- (d) At the request of the administrator and after review and determination by the city attorney that the civil penalty has been assessed pursuant to the commission's authority under this article, the city attorney shall sue to recover a civil penalty under this section. Funds collected under this section shall be paid to the city treasurer for deposit in the general revenue fund.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-56. - Effect of commission order.

- (a) A commission order under section 24-55 (Administrative penalties), does not affect a contract, sale, encumbrance, or lease that:
 - (1) Was consummated before the commission issued the order; and
 - (2) Involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge filed under this article.
- (b) Judicial Review and Enforcement of Final Decision.

- (1) *Petition for review.* Any party adversely affected by a final decision under section 24-55 may file a petition in the appropriate United States Court of Appeals for review of the decision. The petition must be filed within thirty (30) days of the date of issuance of the final decision.
- (2) *No petition for review.* If no petition for review is filed under subsection (a) within forty-five (45) days from the date of issuance of the final decision, the findings of facts and final decision shall be conclusive in connection with any petition for enforcement described under subsection (c) filed thereafter by the city attorney, and in connection with any petition for enforcement described under subsection (d).
- (3) *Enforcement.* Following the issuance of a final decision, the city attorney may petition the appropriate United States Court of Appeals for the enforcement of the final decision and for appropriate temporary relief or restraining order.
- (4) *Enforcement by others.* If before the expiration of sixty (60) days from the date of issuance of the final decision, no petition for review of the final decision has been filed, and the city attorney has not sought enforcement of the final decision as described in paragraph (c) of this section, any person entitled to relief under the final decision may petition the appropriate United States Court of Appeals for the enforcement of the final decision.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-57. - Licensed or regulated businesses.

If the commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a government agency, the commission shall direct the administrator to not later than the 30th day after the date of the issuance of the order:

- (1) Send copies of the findings and the order to the governmental agency; and
- (2) Recommend to the governmental agency appropriate disciplinary action.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-58. - Order in preceding five years.

If the commission issues an order against a respondent whom another order was issued within the preceding five (5) years under section 24-55 (administrative penalties), the commission shall send a copy of each order issued under that section to the Texas Commission on Human Rights and to the Attorney General for the State of Texas.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-59. - Cooperation with state and federal agencies.

- (a) The commission is encouraged to cooperate with the Secretary of Housing and Urban Development and the Attorney General of the United States in the enforcement of the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended, and may assist the Secretary or Attorney General of the United States in any way consistent with the policy of this chapter. The commission is encouraged to cooperate with the Texas Commission on Human Rights in the enforcement of the Texas Fair Housing Act, Ch. 301 Texas Property Code, as amended, and may assist the commission in any way consistent with the policy of this chapter.
- (b) The commission shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended, or by the Texas Commission on Human Rights under the Texas Fair Housing Act, Ch. 301 Texas Property Code, as amended, as a complaint dual filed under this article. No action will be taken under this article against a person for a discriminatory housing practice if the referred complaint was filed with the governmental entity later than one (1) year after an alleged discriminatory housing practice occurred or terminated.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-60. - Civil action.

- (a) An aggrieved person may file a civil action in district court not later than the end of the second (2nd) year after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this article, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.
- (b)

The two (2) year period does not include any time during which an administrative hearing under this article is pending with respect to a complaint or charge under this article based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.

- (c) Except as otherwise provided in subsections (d) and (e), an aggrieved person may file an action under this section whether or not a complaint has been filed under section 24-40 (Complaint), and without regard to the status of any complaint filed under that section.
- (d) If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.
- (e) An aggrieved person may not file an action under this section with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the administrator if the commission has begun a hearing on the record under this article with respect to the charge.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-61. - Intervention by city attorney.

- (a) On request of the administrator and with the concurrence of the city attorney, the city attorney may intervene in an action if the administrator certifies that the case is of general public importance.
- (b) The city attorney may obtain the same relief available under section 24-54 (pattern and practice cases).

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-62. - Pattern and practice cases.

- (a) On the request of the administrator and with the concurrence of the city attorney the city attorney may file a civil action in state district court for appropriate relief if the administrator has reasonable cause to believe that:
 - (1) A person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this article; or
 - (2) A person has been denied any right granted by this article and that denial

raises an issue of general public importance.

(b) In an action under this section the court may:

- (1) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this chapter as necessary to assure the full enjoyment of the rights granted by this chapter;
- (2) Award other appropriate relief, including monetary damages, reasonable attorney fees, and court costs; and
- (3) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed:
 - a. Fifty thousand dollars (\$50,000.00) for a first violation; and
 - b. One hundred thousand dollars (\$100,000.00) for a second or subsequent violation.

(c) A person may intervene in an action under this section if the person is:

- (1) A person aggrieved by the discriminatory housing practice; or
- (2) A party to a conciliation agreement concerning the discriminatory housing practice.
- (3) Additionally, relief is available to the intervenor. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-63. - Subpoena enforcement.

The city attorney, on behalf of the administrator or other party at whose request a subpoena is issued under this article, may enforce the subpoena in appropriate proceedings in state district court.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-64. - Prevailing party.

The court in a civil action or the commission in an administrative hearing under section 24-54 (Administrative Hearing), may award reasonable attorney's fees to the prevailing party and assess costs against the nonprevailing party.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-65. - Interference, coercion, or intimidation: enforced by civil action

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this section.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-66. - Criminal Penalty—Intimidation or interference

Whomever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (a) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (b) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - (1) Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section or
 - (2) Affording another person or class of persons opportunity or protection so to participate; or
- (c) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.
- (d) An offense under this section is a Class A Misdemeanor.

(Ord. No. 23931, § 1, 2-8-2000)

Secs. 24-67—24-79. - Reserved.

ARTICLE IV. - DISCRIMINATION IN EMPLOYMENT^[3]

Sec. 24-80. - Declaration of policy.

- (a) It is hereby declared to be the policy of the City of Corpus Christi to bring about through fair, orderly and lawful procedures, the opportunity for each person to obtain employment without regard to race, color, religion, sex, national origin, disability, or age as set forth by the commission on human rights act.
- (b) It is further declared that this policy is grounded upon a recognition of the inalienable rights of each individual to work to earn wages and obtain a share of the wealth of this city through gainful employment; and further that the denial of such rights through considerations based upon race, color, religion, sex, national origin, disability, or age is detrimental to the health, safety and welfare of the inhabitants of the City of Corpus Christi and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-81. - Definitions.

For purposes of this article the following terms shall have the following meanings:

Because of age or on the basis of age refers only to discrimination because of age or on the basis of age against an individual forty (40) years of age or older as defined by the Texas Commission on Human Rights Act, as amended.

Because of disability or on the basis of disability, in section 24-81 refers to discrimination because of or on the basis of a physical or mental condition that does not impair an individual's ability to reasonably perform a job.

Because of sex or on the basis of sex, includes but is not limited to discrimination because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other individuals not so affected but similar in their ability or inability to work.

Bona fide occupational qualification means a qualification that is reasonably related to the satisfactory performance of the duties of a job and for which there is a factual basis for believing that a person of the excluded group would be unable to perform satisfactorily the duties of the job with safety or efficiency.

Disability means a mental or physical impairment that substantially limits at least one major life activity or a record of such a mental or physical impairment. The term does not include:

- (1) A person with a current condition of addiction to the use of alcohol or any drug or illegal or federally controlled substance; or
- (2) A person with a currently communicable disease or infection including but not limited to acquired immune deficiency syndrome or infection with the human immunodeficiency virus, that constitutes a direct threat to the health or safety of other persons or that makes the affected person unable to perform the duties of the person's employment.

Disabled means having a disability.

Employee means an individual employed by an employer including employees subject to the civil service laws of a state government, governmental agency or political subdivision; except that "employee" shall not include any person elected to public office in any state or political subdivision of any state by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate advisor with respect to the exercise of the constitutional or legal powers of public office.

Employer means a person engaged in an industry affecting commerce who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

Employment shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

Labor organization means a labor organization and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates

of pay, hours, or other terms or conditions of employment; and any conference, general committee, joint or system board, or joint Council so engages which is subordinate to a national or international labor organization.

National origin includes the national origin of an ancestor.

Religion means all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he/she is unable reasonably to accommodate the religious observance or practice of an employee or applicant without undue hardship on the conduct of the employer's business.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-82. - Discrimination in employment; prohibited and permitted acts.

- (a) It shall be an unlawful employment practice for an employer:
 - (1) To fail or refuse to hire or to discharge an individual, or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of race, color, disability, religion, sex, national origin or age; or
 - (2) To limit, segregate, or classify an employee or applicant for employment in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, color, disability, religion, sex, national origin or age.
- (b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, an individual because of race, color, religion, disability, sex, national origin, or age, or to classify or refer for employment an individual on the basis of race, color, disability, religion, sex, age or national origin.
- (c) It shall be an unlawful employment practice for a labor organization:
 - (1) To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his/her race, color, disability, religion, sex, age or national origin;
 - (2) To limit, segregate, or classify its membership, or applicants for membership or to classify or fail or refuse to refer for employment an individual, in any way which would deprive or end to deprive an individual of employment

opportunities, or would limit such employment opportunities otherwise adversely affect an employee or an applicant for employment, because or race, color, religion, sex, disability, age, or national origin; or

- (3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.
- (d) It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his/her race, color, religion, sex, age, disability, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training or retraining opportunities.
- (e) Notwithstanding any other provision of this article it shall not be an unlawful employment practice:
 - (1) For an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retaining programs to admit or employ any individual in any such program, on the basis of his/her disability, religion, sex, national origin or age in those certain instances where disability, religion, sex, national origin or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and
 - (2) For an educational organization operated, supervised, or controlled in whole or in substantial part, by a religious corporation, association, or society to limit employment or give preference to members of the same religion.
 - (3) For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment under a bona fide seniority system, bona fide merit system, or a bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade this article, or under a system which measures earnings by quantity or quality of production, if those different standards are not discriminatory on the basis of race, color, disability, religion, sex, national origin or age.
 - (4)

For an employer to apply to employees who work in different locations, different standards of compensation, or different terms, conditions, or privileges of employment if those different standards are not discriminatory on the basis of race, color, disability, religion, sex, national origin, or age;

- (5) For an employer to impose minimum or maximum age requirements for peace officers or firefighters.
- (f) It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published a notice or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee indicating a preference, limitation, specification, or discrimination, based on disability, religion, sex, national origin or age, unless disability, religion, sex, national origin or age is a bona fide occupational qualification for employment.
- (g) It shall be an unlawful employment practice for an employer to discriminate against any of his/her employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he/she has opposed any practice made an unlawful employment practice by this article, or because he/she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this article.
- (h) It shall be unlawful for any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful employment practice by this article, or to obstruct or prevent any person from enforcing or complying with the provisions of this article or any rule, regulation or order of the commission, or to attempt directly or indirectly to commit any act declared by this article to be an unlawful employment practice.

- (i) Nothing contained in this article shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this article to grant preferential treatment to any individual or to any group because of the race, color, disability, religion, sex, national origin, or age of that individual or group because an imbalance exists between the total number or percentage of persons of that individual's or group's race, color, disability, religion, sex, national origin, or age employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by an labor organization, or admitted to, or employed in any apprenticeship, on-the-job or other training or retraining program, and the discriminatory practice for a person subject to this article to disability, religion, sex, national origin, or age within the city, or in the available work force within the city. However, it is not a discriminatory practice for a person subject to this article to adopt and carry out an affirmative action plan to eliminate or reduce imbalance with respect to race, color, disability, religion, sex, national origin, or age if the plan has been filed with the commission or any other appropriate agency.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-83. - Enforcement.

- (a) The powers exercised by the city, commission, its officers and employees, except those based on the laws of the State of Texas and the City Charter, are derived by virtue of contract with the Equal Employment Opportunity Commission. In connection with any investigation of a charge filed under this ordinance, the commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that related to unlawful employment practices covered by this article and is relevant to the charge under investigation.
- (b) Every employer, employment agency, and labor organization subject to this article shall:
 - (1) Make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed;
 - (2) Preserve such records for such periods; and
 - (3)

Make such reports therefrom as the commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this article or the regulations or orders thereunder.

- (c) In prescribing requirements pursuant to subsection (b) of this section, the commission shall consult with other interested state and federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies.
- (d) In any case in which an employer, employment agency, or labor organization fails to comply with the commission's request for inspection of records during investigation, the commission will refer the complaint to the appropriate office of the equal employment opportunity commission.
- (e) The administrator may conduct a conciliation conference in accordance with the commission's rules of procedure, in an attempt to effect a conciliation or resolution of a complaint under this article. Such conference and any action taken by the administrator as a result of the conference shall be in accordance with the provisions of Title VII of the Civil Rights Act of 1964.
- (f) In the event the respondent fails or refuses to comply with any order of the commission or violates any of the provisions of this article, the commission shall certify the case and the entire record of its proceedings to the city attorney who shall invoke the aid of an appropriate court or governmental body to secure enforcement or compliance with the order or to impose the penalties as prescribed by law.

(Ord. No. 23411, § 1, 8-18-1998)

Secs. 24-84—24-89. - Reserved.

ARTICLE V. - DISCRIMINATION AGAINST AN INDIVIDUAL WITH A DISABILITY

Sec. 24-90. - Policy.

- (a) It is the policy of the city that no individual with a disability shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity operated or contracted for by the city, provided that such participation does not fundamentally alter the program or activity. The city will make every effort to make a reasonable

accommodation to individuals with a disability, consistent with the requirements of the applicable federal and state laws, and implementing regulations, including the Americans with Disabilities Act.

- (b) It is the policy of the city that all persons and entities receiving financial assistance from the city comply with all applicable civil rights laws and rules, including all of the rules and regulations found in this chapter.
- (c) The city endorses the fundamental purpose behind the Americans with Disabilities Act, which includes the removal of physical and non-physical barriers when readily achievable, where applicable.
- (d) The city further endorses a public policy that businesses within the city's jurisdiction must also comply with the Americans with Disabilities Act, including the removal of physical barriers whenever removal is readily achievable.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-91. - Definitions.

As used in this article, the following words and phrases have the following meanings:

Auxiliary aid includes services or devices such as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, texts on tape, materials in Braille, and large print materials. This list is not exclusive and functional equivalents may be substituted for any auxiliary aid.

Financial assistance means the receipt, from the city, of any specific grant, loan, lease, contract (other than contracts for goods, insurance or guaranty, or services upon payment of full and fair compensation or upon obtaining a lease, license, or use privilege agreement upon payment of fair market value or the payment of fees required by city ordinance), or the use of city personnel or property without the payment of fair market value or full and fair compensation.

Qualified person with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. Determining if barrier removal is readily achievable is, by necessity, a case-by-case judgment. Factors to consider include:

- a. The nature and cost of the action.
- b. The overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site.
- c. The geographic separateness and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity.
- d. If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities.
- e. If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

Reasonable accommodation means any change or adjustment to the service, activity or program for the known physical or cognitive limitations of an otherwise qualified person with a disability unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the program. Any particular change or adjustment would not be required if, under circumstances involved, it would result in an undue hardship.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-92. - Effect on other governmental entities.

Nothing in this article is intended to apply to any facility or program owned or operated by the federal or state governments or political subdivision of the state.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-93. - General prohibitions against discrimination.

The department of justice's "General prohibitions against discrimination," 28 CFR 35.130, are

adopted by the city and read as follows:

"(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b)(1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

- (i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
- (ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- (iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- (iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;
- (v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entities program;
- (vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;
- (vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entities program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same state.

(4) A public entity may not, in determining the site or location of a facility, make selections—

(i) That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.

(5) A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with

disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

(8) A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

(c) Nothing in this part prohibits a public entity from providing benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.

(d) A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(e)(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part which such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.

(g) A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association."

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-94. - Requirements to ensure city facilities, programs, and services are accessible to qualified persons with disabilities.

- (a) No qualified individual with a disability will, because of inaccessibility to or unusability of the city facilities, be denied the benefits of, be denied participation in, or otherwise be subjected to discrimination under any program or service.
- (b) The city will operate its programs and services so that the programs and services, when viewed in their entirety, are readily accessible to qualified individuals with disabilities.
- (c) Each facility or part of a facility designed and constructed by or for the use of the city or persons and entities receiving financial assistance must be designed and constructed in a manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities in compliance with ADA and regulatory standards, including Texas Accessibility Standards of the Architectural Barriers Act.
- (d) Each facility or part of a facility that is altered by, on behalf of, or for the use of the city or persons and entities receiving financial assistance must be altered in a manner that ensures that the facility or part of the facility is readily accessible to and usable by persons with disabilities.
- (e) The city will not provide financial assistance to any entity or program that does not comply with this chapter.
- (f) This subsection does not require that every existing facility or every part of a facility be made accessible to and usable by persons with disabilities.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-95. - Personal devices and services.

- (a)

Nothing required in this article includes, or may be construed to include, a requirement that the city provide to individuals with disabilities personal devices, such as wheelchairs, individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use of study; or services of a personal nature including assistance in eating toileting or dressing.

- (b) Nothing in this article requires the city to fundamentally alter its programs or services.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-96. - Communications.

- (a) The city shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
 - (1) The city shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the city.
 - (2) In determining what type of auxiliary aid and service is necessary the city shall give primary consideration to the requests of the individuals with disabilities.
- (b) The city, and those receiving financial assistance from the city, must provide auxiliary aids and services as reasonable accommodations when they are necessary to ensure effective communication with individuals with hearing, vision, or speech impairments.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-97. - Certificate of compliance for applicants for financial assistance.

All applications for financial assistance from the city must certify on a form provided by the director that the applicant will operate its programs and services in compliance with this article.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-98. - Annual evaluation by city.

- (a) The city will annually:

- (1) Evaluate, with the assistance of interested persons, including people with disabilities or organizations representing persons with disabilities, the city's current policies and practices.
 - (2) Modify, after consultation with interested persons, including persons with disabilities or organizations representing persons with disabilities, any policies that do not meet the requirements of this article.
 - (3) Take, after consultation with interested persons, including persons with disabilities or organizations representing persons with disabilities, appropriate steps to eliminate the effects of any discrimination that results from the failure to adhere to this article.
- (b) The city will maintain on file and make available for public inspection:
- (1) A list of the interested persons consulted.
 - (2) A description of areas examined and any problems identified.
 - (3) A description of any modifications made and of any remedial actions taken.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-99. - Adoption by the city of designated coordinator and grievance procedure.

- (a) The city will designate at least one (1) person to coordinate its efforts to comply with this article.
- (b) The city will adopt grievance procedures that incorporates appropriate due process standards and provides for the prompt and equitable resolution of complaints alleging any action prohibited by this article.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-100. - Nondiscrimination notice regarding individuals with disabilities.

- (a) The city will take appropriate and continuing steps to notify participants, beneficiaries, employees, or applicants, including those with impaired vision or hearing, and unions or professional organizations officially recognized by the city that the city does not discriminate on the basis of disability.
- (b) The notification will include the identification of the individual and department responsible for investigating complaints of discrimination.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-101. - Administration.

- (a) The director will serve as the city's focal point for coordinating the implementation of this article.
- (b) The director will coordinate the implementation of any relevant new and existing laws and ordinances relating to the discrimination against persons with disabilities.
- (c) The director is responsible for:
 - (1) Coordinating the investigation and/or conciliation procedure outlined in section 24-102, and assisting in resolving grievances to assure prompt solutions.
 - (2) Preparing and disseminating information regarding disability rights to the public, city departments, and community agencies.
 - (3) Researching administrative policies and procedures to identify for city management modifications required for accessibility to individuals with disabilities.
 - (4) Monitoring city activities related to individuals with disabilities and conducting periodic compliance reviews to assure that all city departments are providing services that are accessible to individuals with disabilities.
 - (5) Recommending training programs to city departments to assure that city services are available to the disability community.
 - (6) Providing technical assistance and consultation to city departments in areas related to accessibility as defined by law.
 - (7) Assisting in the development of long-range planning activities to accomplish compliance with applicable laws and regulations.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-102. - General enforcement guidelines.

- (a) Any individual who has been discriminated against because of disability may file with the director a request to have the director investigate the complaint of discrimination.
- (b) If the director receives a complaint against an agency of the federal or state governments, or a political subdivision of the state, the director will refer the complainant to the appropriate authority.

- (c) Nothing in this article creates a civil cause of action for damages against the city or precludes any aggrieved person from seeking any other remedy provided by law. Nothing in this article authorizes criminal enforcement of this article against the city, its officers, employees, or agents.
- (d) Filing a complaint with the director is not a prerequisite and does not bar the filing of some other legal complaint or the pursuit of any other remedy provided by law.
- (e) The pendency of a complaint before the director does not bar any aggrieved party from seeking civil action, but a final judgment in any civil action bars any further investigation of a pending complaint on the same alleged act of discrimination.
- (f) In connection with any investigation of a charge filed under this article, the director, or an investigator designated by the director, shall have access to, for the purposes of examination, and the right to copy relevant evidence from any person or entity being investigated. This access to evidence is to be limited by applicable laws governing the investigation of civil rights claims.
- (g) No person may knowingly, intentionally, or recklessly obstruct, or prevent compliance with this article or hinder or interfere with the performance of the proper exercise of a duty, obligation, right, or power of the director, the director's representatives, or other officials with duties, obligations, rights, and powers established by this article.
- (h) Where appropriate, and when not in violation of conflicts of interest or other ethical rules of the State Bar of Texas, the city attorney may assign counsel to assist the director.
- (i) The city manager may make administrative arrangements as are normal and necessary for the functioning of the human relations department.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-103. - Filing and investigating complaints of discrimination against the city.

- (a) Any individual with a complaint that the city has violated this article may file a complaint with the director. The complaint must be filed on a form provided by the director, and must identify the entity or person(s) alleged to have committed the discriminatory practice. In situations where the complainant's disability requires assistance to submit a complaint, the director will make reasonable effort to assist the person in filing a complaint. The director must provide complaint forms and furnish them without charge to any person, upon request.

- (b) All complaints must be filed within one hundred eighty (180) days following the occurrence of an alleged discriminatory practice.
- (c) As soon as practicable, but in no more than fifteen (15) calendar days, the director must meet with the complainant to discuss the complaint and possible resolutions. After investigation and within fifteen (15) calendar days after meeting with the complainant, the director must respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response must explain the position of the city and offer options for substantive resolution of the complaint, if appropriate.
- (d) If the response by the director does not satisfactorily resolve the issue, the complainant may appeal the director's decision to the city manager. The appeal must be filed within fifteen (15) calendar days after receipt of the director's response.
- (e) Within fifteen (15) calendar days of the appeal, the city manager or the city manager's designee must meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the city manager or city manager's designee must respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- (f) All formal complaints received by the director, the responses to the complaints and the record of appeals to the city manager must be retained by the director for at least three (3) years.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-104. - Retaliation and coercion.

- (a) The city and any person or entity receiving financial assistance from the city may not discriminate against any individual because that individual has opposed any act or practice prohibited by this article, or because that individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this article or any applicable law, including the Americans with Disabilities Act of 1990.
- (b) The city and any person or entity receiving financial assistance from the city may not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of the individual having exercised or enjoyed, or on

account of the individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this article or the Americans with Disabilities Act of 1990.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-105. - Remedial or voluntary action.

- (a) If the outcome of an investigation finds that the city has violated this article by discriminating against a qualified person with a disability, the city manager, or designee, will take any remedial or voluntary actions appropriate and necessary to rectify the problem.
- (b) All appeals of a grievance must follow the city's established grievance appeal procedures.
- (c) If the outcome of an investigation finds that a person or entity hired by the city to operate a city program or a person or entity receiving financial assistance from the city has participated in the discrimination, the city manager, or designee, may require the person or entity receiving financial assistance from the city to take appropriate action to rectify the problem.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-106. - City council status reports.

The director shall submit an annual status report to the city council that apprises the council on the implementation of this article.

(Ord. No. 25650, § 8, 2-10-2004)