

ORDINANCE NO. 1917

AN ORDINANCE to amend Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, by amending and reordaining the definition of "Housing Administrator" and by deleting the definition of "Secretary" in Section 17A-3, subsection 2 of Section 17A-4, subsection (b) of subsection 2 of Section 17A-5, Sections 17A-7, 17A-8, 17A-9, 17A-10, 17A-11, 17A-12, 17A-13, and 17A-14, and by adding to said Chapter new sections numbered 17A-7.1 and 17A-14.1; which Chapter 17A relates to HOUSING AVAILABILITY, which definition of "Housing Administrator" relates to the DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT, which definition of "Secretary" relates to the DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT, which Section 17A-3 relates to DEFINITIONS, which Section 17A-4 relates to UNLAWFUL HOUSING PRACTICES, which subsection 2 of Section 17A-4 relates to UNLAWFUL HOUSING PRACTICES - FINANCING, which Section 17A-5 relates to EXEMPTIONS AND EXCEPTIONS, which subsection (b) of subsection 2, Section 17A-5 relates to ROOMS OR UNITS IN DWELLINGS TO BE OCCUPIED BY NO MORE THAN FOUR FAMILIES, which Section 17A-7 relates to HOUSING AVAILABILITY BOARD - CREATION; COMPOSITION, which Section 17A-8 relates to SAME - ORGANIZATION; MEETINGS; SECRETARY; THE BOARD SHALL ELECT ITS CHAIRMAN FROM ITS MEMBERSHIP, which Section 17A-9 relates to COMPLAINT - FILING AND PROCEDURE, which Section 17A-10 relates to SAME - INVESTIGATION; PROBABLE CAUSE, which Section 17A-11 relates to SAME - CONCILIATION, which Section 17A-12 relates to SAME - AMENDMENTS, which Section 17A-13 relates to ANSWERS, which Section 17A-14 relates to BOARD; DETERMINATION; HEARING; ORDER, which new Section 17A-7.1 relates to HOUSING AVAILABILITY BOARD - POWERS AND DUTIES, and which new Section 17A-14.1 relates to CONCILIATION AGREEMENT - BREACH OF AGREEMENT; PROCEDURE.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the definition of "Housing Administrator" in Section 17A-3 of Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Housing Administrator. The Director of the office of community services of the city or his authorized representative.

Section 2. That the definition of "Secretary" in Section 17A-3 of Chapter 17A of the Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is deleted.

Section 3. That subsection 2 of Section 17A-4 of Chapter 17A of the Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

2. Unlawful housing practices -- financing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, sex or marital status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective

owners, lessees, tenants or occupants of the dwelling or dwellings for which such loan or other financial assistance is to be made or given.

It shall also be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to discriminate against any person applying for a loan or other financial assistance, the proceeds of which are to be used for the purchase, construction, improvement, repair, or maintenance of a dwelling by:

- (a) denying a loan or other financial assistance, or
- (b) discriminating in the fixing of the amount, interest rate, duration, or other terms or conditions of a loan or other financial assistance;

because of the race, religion, national origin, marital status, or sex of the residents of the neighborhood in which such dwelling is located.

Nothing contained in this section shall impair the scope of effectiveness of the exception contained in subsection 2 of section 17A-5.

Section 4. That subsection (b) of subsection 2, Section 17A-5 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

(b) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence, provided that the owner sells or rents such rooms or units without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors and title companies necessary to perfect or transfer the title.

Section 5. That Section 17A-7 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 17A-7. Housing availability board; creation, composition.

For the purpose of making effective the provisions of this chapter there is hereby created a board to be known as the "housing availability board", herein referred to as the board, which shall consist of five members, each of whom shall reside in the city while serving and shall have resided in the city for at least one year next preceding his appointment. No more than two of such members shall be real estate brokers, agents, salesmen, or any person in the business of selling, or renting dwellings as defined in Section 17A-5(2)(c) of this chapter, or in the business of constructing dwellings or in the business of making real estate loans. The members shall be appointed by the city council and of the members first appointed two (2) shall be appointed for terms of one (1) year, two (2) shall be appointed for terms of two (2) years and one (1) shall be appointed for a term of three (3) years. Thereafter members shall be appointed for terms of three (3) years each. Any vacancy shall be filled by the council for the unexpired portion of a term. Members shall serve without compensation but may receive such reimbursement for expenses as council may allow.

Section 6. That Section 17A-8 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 17A-8. Housing availability board; organization meetings, housing administrator, the board shall elect its chairman from its membership.

All members of the board shall be entitled to vote and the decisions of the board shall be determined by a majority vote of the members present. A quorum of three members present is required before the board may take official action; except that four members shall constitute a quorum for a hearing held pursuant to section 17A-14 or 17A-14.1 of this chapter. A member present but not voting shall be considered in counting a quorum. When voting on any question the determination may be made by secret ballot but no proxy shall be allowed at any time. All meetings of the board shall be open to the public and full and impartial hearing shall be granted on all matters. Insofar as reasonably possible, all hearings shall be informal and free from technical rules of law and evidence. The housing administrator shall cause minutes of its proceedings to be kept and all findings, decisions, and orders reduced to writing and entered as a matter of public record in the office of the housing administrator. In matters concerning the procedure for meetings not covered by this chapter, the board may establish its own rules; provided these are not contrary to the mandate or spirit of this chapter. The board shall render on or before June 30 of each year to the city manager and city council a written report of its activities under the provisions of this chapter along with such comments and recommendations as it may choose to make.

Section 7. That Section 17A-9 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 17A-9, Complaint, filing and procedure.

Any person who claims himself to be a subject of a discriminatory housing practice or to have been injured by a discriminatory housing practice (known as "person aggrieved") and wishes to prevent such practice by means of the provisions of this chapter must first file a complaint with the housing administrator. Complaints shall be under oath, in writing, and accompanied by an affidavit. Such complaints shall be made in duplicate with an additional copy for each alleged respondent if more than one. Any complaint shall be on a form furnished by the housing administrator, shall state the name and address of each respondent, the address of the complainant (person aggrieved), the date of the alleged offense and the alleged facts surrounding the acts complained of. The housing administrator shall forthwith transmit a copy of the complaint to each respondent by ordinary mail. Each complaint shall be held in confidence by the housing administrator, the members of the board and other persons charged with administering this chapter, unless or until the complainant (person aggrieved) and the respondent consent to its being made public, or until the housing administrator has notified the board that he was unable to obtain conciliation in accordance with Section 17A-11 of this Chapter. A complaint must be filed within 30 days after the date of the alleged discriminatory housing practice and not later.

Nothing in this chapter shall prevent any member of the housing availability board from filing a complaint if he claims himself to be the subject of a discriminatory housing practice or to be a person aggrieved under this section. Such person shall disqualify himself as a member of the board when his complaint is before the board for a public hearing, consideration, and decision.

Section 8. That Section 17A-10 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 17A-10. Complaint, investigation, probable cause.

Upon the filing of such a complaint the housing administrator shall make an investigation to determine whether there is probable cause to credit the allegations of the complaint. The housing administrator shall make such determination within 45 days from the date the complaint was filed in his office. If he determines after such investigation that there is no probable cause to credit the allegations of the complaint, the housing administrator shall within the 45 day period, so notify by registered mail each party to the action. The notice shall further state that the complaint will be dismissed unless, within ten (10) days after receipt of said notice, the complainant files with the housing administrator a written request for a review hearing by the board. Upon request for such a hearing the housing administrator shall notify the board of such request and the board shall afford the complainant an opportunity to appear before the board at a public hearing in person or by counsel. If, after such hearing, the board determines that no probable cause exists for crediting the allegations of the complaint, the complaint shall be dismissed. There shall be no appeal from such determination or other review thereof.

Section 9. That Section 17A-11 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 17A-11. Same - Conciliation.

If the housing administrator, after investigation or at the direction of the board, determines that there is probable cause to credit the allegations of the complaint, he shall immediately endeavor to eliminate the discriminatory housing practice complained of. His effort initially shall consist of conciliation and persuasion. Conferences and other efforts at conciliation and persuasion shall be informal and may be conducted by the housing administrator or any member of his staff so designated. Nothing said or done during and as part of such conciliation efforts shall be made public or used as evidence in a subsequent proceeding instituted under this chapter unless each of the interested parties agrees thereto in writing.

If conciliation succeeds, the terms of the agreement reached shall be reduced to writing and signed by or on behalf of the parties and the housing administrator. Copies of such agreement shall be given each signatory and shall not be made public except at the request of all the persons accused.

Nothing in this chapter shall prohibit the housing administrator from continuing his efforts to reach conciliation at any time. A conciliation agreement shall, as soon as concluded, put an end to proceedings under this chapter, including any criminal proceedings brought hereunder, except as provided in Section 17A-14.1.

Section 10. That Section 17A-12 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 17A-12. Same - Amendments.

Complaints may be reasonably and fairly amended at any time prior to the fourteenth calendar day before the date of a hearing held pursuant to Section 17A-14 or 17A-14.1. Amendments must also be under oath, in writing, and accompanied by an affidavit and filed in duplicate with the housing administrator. The housing administrator shall forthwith send a copy of any such amendment to each respondent by registered mail.

Section 11. That Section 17A-13 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 17A-13. Answers.

Each respondent may file with the housing administrator an answer at any time within seven days prior to the hearing held pursuant to Section 17A-14 or 17A-14.1, provided it be under oath, in writing, accompanied by an affidavit and in duplicate. Answers may also be reasonably and fairly amended any time prior to same as above, if under oath, in writing, accompanied by an affidavit and filed in duplicate with the housing administrator. The housing administrator shall forthwith send a copy of any such amendment to the complainant by registered mail.

Section 12. That Section 17A-14 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 17A-14. Board, determination, hearing, order.

In the event the housing administrator is unable to obtain conciliation within 60 days from the date of determination of probable cause, he shall promptly so notify the board and the board shall thereupon schedule a public hearing to determine if a violation of this chapter has been committed. The board shall first verify that each respondent has received a copy of the complaint and any amendment thereto. Notice of the time and place of hearing shall be mailed to each respondent and complainant no later than two (2) weeks prior to the date of such hearing. The board shall schedule for hearing all parties named by the complainant, but may upon request or its own motion, schedule separate hearings for each respondent in any case. Each party respondent may appear at such hearing in person or by a duly authorized representative including an attorney. Each party may present testimony and evidence. The right to cross-examine witnesses shall be preserved. The housing administrator shall cause a qualified reporter or stenographer to be present throughout the hearing, or shall provide a voice recording device, and shall record the proceedings. Upon direction of the board, the proceedings shall be transcribed. All testimony shall be given under oath administered by the chairman or his representative.

If, at the conclusion of the hearing, the board shall determine, upon the preponderance of the evidence, that the respondent has violated any of the provisions of this chapter, the board shall:

(a) not later than fourteen (14) days thereafter render and announce a decision, which shall include a written statement of its findings;

(b) designate appropriate parts of the hearing to be transcribed for the public record at the cost of the city; and

(c) permit the complainant or each respondent to obtain copies of any part or all of the transcript of the proceedings at his cost;

Seven (7) days after the release of said written statement of findings the board shall issue and cause to be served on each respondent, by registered mail, an order requiring each respondent, within fifteen (15) days of receipt thereof, to take such action consistent with the law the board deems necessary to bring himself into compliance with this chapter.

If upon all the evidence at the hearing the board shall determine that a respondent has not violated any provision of this chapter, the board shall not later than fourteen (14) days following the conclusion of the hearing render and announce a decision, and record said decision in the minutes. The case shall then be closed and no further action shall be taken by the board in the matter.

Section 13. That Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 17A-7.1 to read as follows:

Sec. 17A-7.1. Housing availability board - powers and duties.

In addition to other powers and duties granted to the board pursuant to this chapter, the board is also hereby granted authority, subject to the availability of funds, to make studies with respect to discriminatory housing practices in the city and maintain records and publish reports and recommendations derived from such studies; and further to cooperate with federal, state, local and other public or private agencies, organizations and institutions which are engaged in the prevention and elimination of discriminatory housing practices.

Section 14. That Chapter 17A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 17A-14.1 to read as follows:

Sec. 17A-14.1. Conciliation agreement - breach of agreement; procedure.

In the event the housing administrator has reason to believe that a party to a conciliation agreement entered into pursuant to Section 17A-11 of this chapter has breached any provision of such agreement, he shall promptly so notify the board. The board shall thereupon schedule a public hearing to determine if the agreement has been breached. If the board determines that the agreement has not been breached, such agreement shall remain in effect. If the board determines that the agreement has been breached by the respondent, the board shall proceed with the public hearing to determine if a violation of this chapter has been committed. The board shall first verify that each respondent has received a copy of the complaint and any amendment thereto. Notice of the time and place of hearing shall be mailed to each respondent and complainant no later than two (2) weeks prior to the date of such hearing. The board shall schedule for hearing all parties named by the complainant, but may upon request or its own motion schedule separate hearings for each respondent in any case. Each party respondent may appear at such hearing in person or by a duly authorized representative including an attorney. Each party may present testimony and evidence. The right to cross-examine witnesses shall be preserved. The housing administrator shall cause a qualified reporter or stenographer to be present throughout the hearing, or shall provide a voice recording device, and shall record the proceedings. Upon direction of the board, the proceedings shall be transcribed. All testimony shall be given under oath administered by the chairman or his representative.

If, at the conclusion of the hearing, the board shall determine, upon the preponderance of the evidence, that the respondent has violated any of the provisions of this chapter, the board shall:

(a) not later than fourteen (14) days thereafter render and announce a decision, which shall include a written statement of its findings;

(b) designate appropriate parts of the hearing to be transcribed for the public record at the cost of the city; and

(c) permit the complainant or each respondent to obtain copies of any part or all of the transcript of the proceedings at his cost;

Seven (7) days after the release of said written statement of findings the board shall issue and cause to be served on each respondent, by registered mail, an order requiring each respondent, within fifteen (15) days of receipt thereof, to take such action consistent with the law as the board deems necessary to bring himself into compliance with this chapter.

If upon all the evidence at the hearing the board shall determine that a respondent has not violated any provision of this chapter, the board shall not later than fourteen (14) days following the conclusion of the hearing render and announce a decision, and record said decision in the minutes. The case shall then be closed and no further action shall be taken by the board in the matter.

Section 15. That this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
MAYOR

FINAL PASSAGE: JANUARY 22, 1974