

ORDINANCE NO. 2517

AN ORDINANCE to amend and reordain Section 18A-2 and Section 18A-3 by deleting the definition of "physical handicap," to amend Section 18A-3 by adding new definitions and by inserting the word "handicap" in certain definitions, to amend and reordain Section 18A-4, Section 18A-5, subsection 1, Section 18A-6, Section 18A-7, Section 18A-8, the first paragraph of Section 18A-9, Section 18A-10, Section 18A-12, Section 18A-13, subsections (d), (e), (g) and (i), Section 18A-15 and Section 18A-16, Chapter 18A of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 18A relates to HUMAN RIGHTS, which Section 18A-2 relates to FINDINGS OF FACT AND DECLARATION OF POLICY, which Section 18A-3 relates to DEFINITIONS, which definition to be deleted relates to PHYSICAL HANDICAP, which new definitions relate to HANDICAP, HANDICAPPED PERSON and QUALIFIED HANDICAPPED PERSON and which definitions of AFFIRMATIVE ACTION, PATTERN OR PRACTICE OF DISCRIMINATION and RESTRICTIVE COVENANT shall have the word HANDICAP inserted, which Section 18A-4 relates to UNLAWFUL HOUSING PRACTICES, which Section 18A-5 relates to UNLAWFUL EMPLOYMENT PRACTICES, which Section 18A-6 relates to CITY CONTRACTS, which Section 18A-7 relates to HEALTH AND SOCIAL SERVICE PRACTICES, which Section 18A-8 relates to PUBLIC ACCOMMODATIONS, which Section 18A-9 relates to CREDIT, which Section 18A-10 relates to EDUCATION, which Section 18A-12 relates to HUMAN RIGHTS COMMISSION; CREATION; COMPOSITION, which Section 18A-13 relates to ORGANIZATION, MEETINGS, SECRETARY AND CHAIRPERSON OF THE HUMAN RIGHTS COMMISSION, which Section 18A-15 relates to POWERS AND DUTIES OF THE HUMAN RIGHTS COMMISSION, which subsection 1 relates to POWERS AND DUTIES, which subsection (d) relates to AUTHORITY TO CONDUCT STUDIES AND HOLD HEARINGS, which subsection (e) relates to AUTHORITY TO INSTITUTE AND CONDUCT EDUCATIONAL AND INFORMATIONAL PROGRAMS, which subsection (g) relates to AUTHORITY TO REVIEW AFFIRMATIVE ACTION PROGRAM, which subsection (i) relates to AUTHORITY TO CONDUCT AND HOLD PUBLIC HEARINGS ON POLICIES AND PRACTICES OF PUBLIC EDUCATIONAL INSTITUTIONS and which Section 18A-16 relates to COMPLAINTS GENERALLY.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 18A-2, Chapter 18A 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. 18A-2. Findings of fact and declaration of policy.

1. Findings--The City Council of the City of Alexandria, Virginia, having conducted public hearings finds:

(a) The population of the City of Alexandria consists of people of different races, colors, sexes, religions, ancestries, national origins, marital status, ages and handicaps, many of whom because of their race, color, sex, religion, ancestry, national origin, marital status, age or handicaps, in some instances have been unjustly discriminated against with respect to housing, employment, public accommodations, health and social services, education, credit and city contracts.

(b) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicaps

with respect to housing causes, at least in part, circumscribed and segregated areas within the city and deprives many persons of the opportunity to live in the city or the opportunity to live in decent housing.

(c) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap with respect to employment denies job opportunities to many citizens of Alexandria and causes depressed living conditions.

(d) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap in places of public accommodation causes embarrassment and inconvenience to citizens and visitors of the city and is detrimental to the welfare of the city.

(e) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap with respect to credit, credit-related services or credit ratings arbitrarily denies financial opportunities and purchasing power to many citizens.

(f) Discrimination because of race, color, sex or handicap with respect to education denies appropriate role models and career and athletic opportunities to the students, teachers and administrative staff.

(g) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap with respect to health and social services is detrimental to the health of many citizens and deprives many needy and unfortunate citizens of the bare essentials of life.

(h) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap with respect to city contract employment denies job opportunities to many citizens and causes depressed living conditions.

(i) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap is contrary to the law of the United States of America and the spirit of the Constitution of Virginia.

(j) It is in the public interest and in furtherance of the welfare and well being of all citizens of Alexandria, Virginia, to assure that each citizen is treated fairly, provided equal protection of the law and afforded full and equal opportunity to enjoy life, liberty, property and the pursuit of happiness.

(k) The conditions set forth in subsections (a) through (i) above have caused or are capable of causing, or encouraging crime, riots, disturbances, disorders, delinquency, breach of peace, fires, poverty, slums, blighted areas, overcrowding, unhealthy and unsanitary conditions, disease, increased mortality, unstable family life, increased cost of government, excessive public assistance problems, unemployment, loss of manpower, loss of womanpower, loss of tax revenue, loss of trade, commerce, business and productivity.

2. Policy--The City Council of the City of Alexandria, Virginia, hereby declares:

(a) That it is contrary to the policy of the city to permit the conditions mentioned in this section to exist or to arise.

(b) That it is the duty and policy of the city to exercise all available means and every power it possesses to protect the city and its citizens from such conditions and from the undesirable results that have been or may be caused or encouraged by the existence of such conditions.

(c) That, except as hereinafter provided, it is and shall be the policy of the city, in the exercise of its police power and all other powers it may possess, to protect the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, to assure all persons the opportunity to obtain housing, public accommodations, employment, health and social services, credit, education and city contracts without regard to race, color, sex, religion, ancestry, national origin, marital status, age or handicap.

(d) That to carry out these goals and policies it is and shall be the policy of the city generally, except as hereinafter provided, to prohibit discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap with respect to housing, public accommodations, employment, health and social services, credit, education and city contracts.

Section 2. That Section 18A-3, Chapter 18A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained by deleting the definition of physical handicap and inserting the word handicap in the definitions of affirmative action, pattern or practice of discrimination and restrictive covenant and by adding alphabetically new definitions of handicap, handicapped person and qualified handicapped person to read as follows:

Affirmative action employment program. A positive program designed to ensure that a good faith effort will be made to employ applicants without regard to race, color, sex or handicap. Such program, to be developed by the commission and approved by city council, shall include, where applicable, but shall not be limited to, the following: recruitment and recruitment advertising, selection and selection criteria, upgrading, promotion, demotion or transfer, lay-off or termination, rates of pay or other forms of compensation, other terms or conditions of employment and selection for training, including apprenticeship, and shall include realistic and attainable goals, methodology and timetable for implementation of the program.

Handicap. A physical or mental impairment which substantially limits one or more major life activities. "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genito-urinary; 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. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Handicapped person. Any person who has a handicap, as defined above, or had a record of such impairment, or is regarded as having such an impairment. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. "Is regarded as having an impairment" means (a) has a physical or mental impairment that does not substantially limit major life activities but is treated by a respondent as constituting such a limitation; (b) 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 (c) has none of the impairments defined under "handicap" above but is treated as having such an impairment by any person within the jurisdiction of this ordinance.

Pattern or practice of discrimination. Any event, course of conduct or way of doing business with respect to housing, employment, public accommodations, credit, health and social services or city contracts which happens on several occasions and which actually or predictably results in different treatment which is discriminatory on the basis of race, color, sex, religion, ancestry, national origin, marital status, age or handicap.

Qualified handicapped person. (1) With respect to employment, a handicapped person, who with reasonable accommodation, can perform the essential functions of the job in question and (2) with respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

Restrictive covenant. For purposes of this chapter, this is a provision written into a deed, lease, mortgage, deed of trust, or contract that bars any person from owning or occupying housing on the basis of race, color, religion, national origin or handicap.

Section 3. That Section 18A-4, Chapter 18A 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. 18A-4. Unlawful housing practices.

1. Unlawful housing practices--Sale or rental.

Except as provided in subsection 5 of this section, it shall be unlawful for any person:

(a) 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, housing to any person because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap.

(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services of facilities in connection therewith, because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap.

(c) 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 housing that indicates any preference, limitation or discrimination based on race, color, sex,

religion, ancestry, national origin, marital status, age or handicap, or an intention to make any such preference, limitation or discrimination.

(d) To represent to any person because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap, that any housing is not available for inspection, sale or rental, when such housing is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or not sell or rent or not rent any housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, ancestry, national origin, marital status, age or handicap.

(f) Except in connection with a written affirmative action plan, to make an oral inquiry or to use a written inquiry or form of application or photograph, as a condition of the transaction in connection with the sale or rental of housing that elicits or attempts to elicit information concerning race, color, religion, ancestry, national origin or handicap.

## 2. Unlawful housing practices--Financing.

(a) It shall be unlawful for any lending institution to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against him or her 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, sex, religion, ancestry, national origin, marital status, age or handicap of such person.

It shall also be unlawful for any lending institution to deny such a loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, age or handicap of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which such loan or other financial assistance is to be made or given.

It shall also be unlawful for any lending institution to deny such a loan or other financial assistance to any person because of the race, color, sex, religion, ancestry, national origin, marital status, age or handicap of any person associated with such person in connection with the loan or other financial assistance or the purposes of the loan or other financial assistance.

(b) 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 housing by:

(1) denying a loan or other financial assistance,

or

(2) 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, color, religion, ancestry, national origin, sex, marital status, age or handicap of the residents of the neighborhood in which such housing is located.

3. Unlawful housing practices--Brokerage services.

(a) It shall be unlawful for any person 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 housing, or to discriminate against such person in the terms or conditions of such access, membership or participation, on account of race, color, sex, religion, ancestry, national origin, marital status, age or handicap of such persons.

(b) It shall be unlawful for any real estate broker or salesperson or other person in the business of selling or renting housing to solicit the sale or rental of housing or discourage the purchase or rental of housing by representations regarding the existing or potential proximity to real property owned, used or occupied by a person or persons of a particular race, color, sex, ancestry, national origin, marital status, age or handicap.

4. Unlawful housing practices--Restrictive covenants, as defined.

(a) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city willfully and knowingly to include therein any restrictive covenant that discriminates on the basis of race, color, religion, national origin or handicap, except that nothing in this subsection shall be construed to prohibit any person from conveying or preparing any legal document for any conveyance of housing or land to a religious organization for use only by members of such religious organization.

(b) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city, where any restrictive covenant is incorporated by reference to another document or instrument, to fail to include therein a statement that such restrictive covenant is invalid and unenforceable.

(c) The clerk of the Circuit Court for the City of Alexandria, Virginia, is hereby authorized and directed:

(1) To post in a conspicuous location in the clerk's office and in the land record room the following notice printed in fourteen-point type:

"It is a violation of the Human Rights Code of the City of Alexandria, Virginia, for any person to include any provision in a deed, mortgage, deed of trust, lease or contract affecting title or any interest in land which purports to restrict or affect, on the basis of race, color, religion, national origin or handicap the holding, occupancy or transfer of any interest in

land, and any such provision shall be void and unenforceable."

(2) When a copy of any deed, mortgage, deed of trust, lease or contract affecting title or interest in land or housing recorded in the clerk's office is requested, to affix to such copy a statement that any provision contained in such legal instrument which purports to restrict or affect the holding, occupancy, ownership, rental, lease or transfer of any interest on the basis of race, color, religion, national origin or handicap is invalid or unenforceable.

5. Exemptions and exceptions.

(a) Nothing in section 18A-4 shall prohibit a religious organization, association or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this chapter 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 or from giving preference to its members.

(b) Nothing in section 18A-4 other than subsection (c) of subsection 1 shall apply to:

(1) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such 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 or her behalf, under any express or voluntary agreement, title to or any rights 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, that the owner sells or rents such housing (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 salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (c) of subsection 1 of this section; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in housing 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 (1) of such living quarters

as his or her residence, provided that the owner sells or rents such rooms or units (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 salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent salesperson or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (c) of subsection 1 of this section, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

For the purposes of this subsection (b) a person shall be deemed to be in the business of selling or renting housing if:

(A) he or she has, within the preceding twelve (12) months, participated as principal, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in three (3) or more transactions involving the sale or rental of any housing or any interest therein, or

(B) he or she has, within the preceding twelve (12) months, participated as agent, other than in the sale of his or her 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 housing or any interest therein, or

(C) he or she is the owner of any housing designed or intended for occupancy by, or occupied by, five (5) or more families.

(c) Nothing in section 18A-4 shall be construed to:

(1) Bar any person from restricting sales, rentals, leases or occupancy, or from giving preference, to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors.

(2) Make it an unlawful act to require that a person have legal capacity to enter into a contract or lease.

(3) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for, and occupied exclusively by, individuals of one sex, to any individual of the opposite sex.

(4) Bar any person from selling, renting or advertising any housing which is planned exclusively for, and occupied exclusively by, unmarried individuals to unmarried individuals only.

(5) Bar any person from refusing to sell or rent any housing to unmarried individuals cohabiting contrary to law.

(6) Bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested.

(7) Require any person selling or leasing housing to modify such housing in any way, or to exercise a higher degree of care, for a person having a handicap than for a person who does not have a handicap; or to forbid distinctions based on the inability to fulfill the terms or conditions including financial obligations of any such lease, contract of sale, deed or mortgage.

Section 4. That Section 18A-5, Chapter 18A 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. 18A-5. Unlawful employment practices.

1. Except as provided in subsection 2 of this section, it shall be unlawful:

(a) For any employer to fail or refuse to hire or to discharge any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap, when such person is a qualified handicapped person.

(b) For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, the employment, membership or apprenticeship opportunities of any person on the basis of race, color, sex, religion, ancestry, national origin, marital status, age or handicap, when such person is a qualified handicapped person.

(c) For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or to participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap, when such person is a qualified handicapped person.

(d) For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated with intent to circumvent the spirit and purpose of this section, any notice or advertisement relating to employment or membership which indicates any preference, limitation or discrimination based on race, color, sex, religion, ancestry, national origin, marital status, age or handicap, when such person is a qualified handicapped person, or an intention to make any such preference, limitation or discrimination.

(e) For any employment agency to fail or refuse to accept, register, classify properly or refer for employment or otherwise to discriminate against any person because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap, or when such person is a qualified handicapped person.

(f) For any labor organization to discriminate against any person in any way which would deprive or limit his or her employment opportunities or otherwise adversely affect his or her

status as an applicant for employment or as an employee with respect to hiring, seniority, tenure, referral, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap, or when such person is a qualified handicapped person.

(g) For any employer, employment agency or labor organization to discriminate against any person because he or she has opposed any practice forbidden by this section or because he or she has made a complaint or testified or assisted in any manner in any investigation or proceeding under this chapter relating to the provisions of this section.

(h) For any employer to deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodations to the physical or mental limitations of the employee or applicant.

2. Exceptions. Nothing in subsection 1 of this section shall apply to:

(a) Any type of employment, occupation or position where the job involves a bona fide occupational qualification requiring the employment of a person or persons of a particular religion, sex, national origin, ancestry, marital status, age or physical or mental capabilities, where such qualification is reasonably necessary to the normal operation of that business or enterprise.

(b) Any employment practice based upon applicable laws or regulations established by the United States or any agency thereof, the Commonwealth of Virginia, or any political subdivision of the Commonwealth having jurisdiction in the City of Alexandria.

(c) An employer terminating employment or otherwise taking action concerning a person under the terms of a bona fide retirement, pension or disability plan or group or employee insurance plan.

(d) Any person who is sixty-five (65) years of age or older; provided, however, that no form of discrimination based on race, color, sex, religion, ancestry, national origin, marital status or handicap that is prohibited by this section may be practiced against any person who is sixty-five (65) years of age or older.

(e) Agreements or contracts concerning contribution rates for employer or employee for group insurance, when such contribution rate may be affected by marital status or number of dependents.

(f) Any employment agency providing services only to elderly persons or to minors; provided, however, that no such employment agency may discriminate on the basis of race, color, sex, religion, ancestry, national origin, marital status or handicap.

3. Affirmative action employment program. The city manager shall establish an affirmative action employment program for the city and shall report to the city council regarding the status of same, at least twice a year.

Section 5 That subsection 1, Section 18A-6, Chapter 18A 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. 18A-6. City contracts.

1. Any contract, except any contract for the sale, purchase or rental of land, to which the city is a party shall include substantially the following provisions:

Equal Employment Opportunity. The contractor hereby agrees:

(a) Not to discriminate against any employee or applicant for employment on account of race, color, religion, sex, ancestry, national origin, marital status, age or handicap, when such person is a qualified handicapped person, except as is otherwise provided by law.

(b) To implement an affirmative action employment program as defined in section 18A-3 of this chapter to ensure nondiscrimination in employment under guidelines to be developed by the commission and approved by the city council.

(c) To include in all solicitations or advertisements for employees placed by or in behalf of the contractor the words "Equal Opportunity Employer" or a symbol, approved by the commission, meaning the same.

(d) To notify each labor organization or representative of employees with which said contractor is bound by a collective bargaining agreement or other contract of the contractor's obligations pursuant to this equal employment opportunity clause.

(e) To submit to the city manager and the city's human rights administrator, upon request, no more frequently than annually, regular equal employment opportunity reports on a form to be prescribed by the city's human rights administrator with the approval of the city manager, except that the administrator may request more frequent special reports of particular employers provided the commission has found such employers to have violated any provision of this chapter.

(f) To post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this equal employment opportunity clause.

(g) To make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the contractor can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

(h) That for the purpose of this section reasonable accommodation may include (1) making facilities used by employees readily accessible to and usable by handicapped persons and (2) job restructuring, part-time or modified work schedules, acquisitions or modification of equipment or devices, the provision of readers or interpreters and other similar actions.

(i) That determining whether an accommodation would impose an undue hardship on the operation of the contractor's

business, factors to be considered include but are not limited to the following:

- (1) The overall size of the contractor's business with respect to the number of employees, the number and type of facilities and size of budget;
- (2) The type of the contractor's operation, including the composition and structure of the contractor's work force; and
- (3) The nature and cost of the accommodation needed.

(j) That it may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

(k) To include the provisions in subsections (a) through (j) of this clause in every subcontract so that such provisions will be binding upon each subcontractor.

(l) That in the event of the contractor's noncompliance with any provision of this equal employment opportunity clause, upon a finding of such noncompliance by the city's human rights commission and certification of such finding by the city manager, the city council may terminate or suspend or not renew, in whole or in part, this contract.

Section 6. That Section 18A-7, Chapter 18A 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. 18A 7. Health and social service practices.

1. Private health and social service practices. It shall be unlawful for any private health or social service agency:

(a) To discriminate against any person by refusing, denying or withholding from him or her any of the services, programs, benefits, facilities or privileges of any health and social program or service, or to discriminate in the quality of services offered through such programs because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap.

(b) To discriminate against any person, in the setting of rates or charges for any of the services, programs, benefits, facilities or privileges of any such agency because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap.

(c) To discriminate against any person by communicating, publishing, advertising or representing that any of the services, programs, benefits, facilities or privileges of any health or social service agency are withheld from or denied to any person because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap.

2. Exceptions. Nothing in subsection 1 of this section shall apply to any health or social service or practice: (1) that reasonably relates only to a particular race, color, sex, religion,

ancestry, national origin, marital status, age or handicap; or (2) with respect to which, race, color, sex, religion, ancestry, national origin, marital status, age or handicap is usually and normally considered an essential qualification or requirement for such service.

3. Public health and social service practices. The commission is hereby authorized to conduct studies, hold hearings and review the policies and practices of any public health and social service agency with respect to the provisions in subsection 1 of this section. The commission shall report its findings to the city council and city manager and may, at its discretion, enter into negotiations with any such agency, other than a city agency, to rectify any discriminatory policies or practices that may exist. In the case of a city agency, the commission may, at its discretion, develop with the city manager a plan to rectify any discriminatory policies or practices that may exist.

4. Public health or social service agencies. No qualified handicapped person shall, because a public health or social service agency has facilities which are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity provided by such public health and social service agencies.

An existing public health or social service facility shall be made accessible to handicapped persons by making structural changes or by other means such as redesign of equipment, reassignment of services to accessible buildings or alternate sites, assignment of aides to handicapped persons, providing home visits or other appropriate methods.

Section 7. That Section 18A-8, Chapter 18A 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. 18A-8. Public accommodations.

1. It shall be unlawful for any public accommodations to discriminate against any person on the basis of race, color, sex, religion, ancestry, national origin, marital status, age or handicap with respect to the access, use of, benefit of, or enjoyment of goods, services, facilities, privileges or any other advantages of any public accommodation, or to make or publish any statement evidencing an intent to do so.

2. Nothing in subsection 1 of this section 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 its offerings of goods, services, facilities and accommodations to persons of the same religion or from giving preference to such persons; provided, that such offerings above-mentioned are not, in fact, offered for commercial purposes. Nor shall anything in this section prohibit a nonprofit private club, in fact not open to the public, which, incident to its primary purpose provide certain public accommodations herein defined, for other than commercial purposes, from limiting such accommodations to its members, or giving preference to its members and guests of its members. Nor shall anything in this section make unlawful any program, service or benefit, relating

to any public accommodation, established and intended solely for elderly persons or minors.

Section 8. That Section 18A-9, Chapter 18A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained by adding the word "handicap" to the first paragraph to read as follows:

It shall be unlawful for any lending institution on the basis of race, color, religion, sex, ancestry, national origin, marital status, age or handicap to:

Section 9. That Section 18A-10, Chapter 18A 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. 18A-10. Education.

1. Private education. It shall be unlawful for any private educational institution, or its agents, employees or officers, on the basis of race, color, sex, national origin, ancestry or handicap:

(a) To discriminate against any person with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services of that institution;

(b) To make or use a written or oral inquiry or form of application for admission to an educational institution that elicits or attempts to elicit information concerning race, color or handicap; except as required to obtain grants or other funds from a public or private institution or agency;

(c) Except in connection with a written affirmative action plan, to require, or cause to be required that a photograph of any applicant for admission to an educational institution be submitted with any form of application for admission;

(d) To establish, make or follow a policy of denial or limitation of educational opportunities;

(e) To permit potential employers to recruit students on its premises or to permit such employers to use its placement facilities for referral of students for employment or permit such employers to participate in any job-training or work-study program operated by or in conjunction with the educational institution unless the potential employer has submitted to the educational institution a statement certifying that the employer is an equal opportunity employer;

(f) To deny to any member of its student body educational services or facilities that are generally available to members of the opposite sex; or

(g) To fail to provide services to handicapped persons which are provided to nonhandicapped persons;

(h) To fail to provide services to a handicapped person who meets the academic and technical standards requisite to admission or participation in a postsecondary and vocational education program or activity.

(i) No subject an member of its faculty or staff to a discriminatory practice stated as unlawful under subsections (a) through (h) of this subsection.

2. Nothing in subsection 1 of this section shall be construed to make unlawful any private educational institution established exclusively for either all males or females.

3. Public education. The commission is hereby authorized to conduct studies, hold hearings and review the policies and practices of any public educational institution with respect to race, color, sex, national origin, ancestry, religion or handicap. The commission shall report its findings to the appropriate policy-making body and chief administrator of the public educational institution (for instance, the school board and superintendent of public schools in the city or to the president of the Northern Virginia Community College and the community college board or to the policy-making body and chief administrator of any other public educational program) and may, at its discretion, enter into negotiations with said policy-making body and chief administrator to rectify any discriminatory policies or practices that may exist.

Section 10. That Section 18A-12, Chapter 18A 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. 18A-12. Human rights commission; creation; composition.

For the purpose of making effective the provisions of this chapter, there is hereby created a commission of the City of Alexandria, Virginia, to be known as the "human rights commission," herein referred to as the commission, which shall consist of thirteen (13) members, each of whom shall reside in the city at the time of appointment to the commission and while serving on it. They also shall be as broadly representative of residents of the city as is practicable. Of the thirteen (13) members, nine shall be citizens at large and one each shall be members of the economic opportunities commission, the commission on the status of women, the landlord-tenant relations board and the mayor's committee for the handicapped. All the members shall be appointed by city council. The members representing the aforementioned city boards and commissions shall be nominated by the board or commission each represents. Of the at-large members first appointed, as decided by lot, three (3) shall be appointed for a term of one (1) year, three (3) for a term of two (2) years and three (3) for a term of three (3) years. Thereafter, at-large 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 representing other boards or commissions shall serve coextensive with their term on their parent body, or until such time as their parent body shall nominate and the city council shall appoint a replacement from among the members of the parent body, but under no circumstances shall any member serve on the commission beyond his or her term on the parent body. Members shall serve without compensation but may receive reimbursement for expenses, subject to availability of funds. On the request of any board, commission or committee of the city, the commission may invite a designated representative from such board, commission or committee to act as a participating observer at any meeting of the commission other than a hearing under sections 18A-18 or 18A-21 of this chapter. Also on request, the commission may provide agendas and minutes

of any meeting and any other official document, except for conciliation agreements, to any other public agency, board, commission, committee or the general public.

Section 11. That Section 18A-13, Chapter 18A 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. 18A-13. Organization, meetings, secretary and chairperson of the human rights commission.

All meetings of the commission shall be open to the public to the extent required by state law and a full and impartial hearing shall be granted on all matters. The commission shall hold at least ten monthly meetings during the calendar year. Insofar as reasonably possible, all hearings shall be informal.

The city council shall designate a convener and the commission shall elect one of its members as chairperson, another of its members as vice-chairperson, and such other officers as the commission may deem necessary. The commission shall designate a secretary among its members or staff as it sees fit. The secretary to the commission shall cause minutes of its proceedings to be kept and all findings and decisions to be reduced to writing and entered as a matter of public record in the office of the administrator.

All meetings of the commission shall be held in facilities which are accessible to handicapped persons, and, where a handicapped person attends a meeting and so requests in advance, the commission shall make reading or interpretive services available for the blind or deaf, as appropriate.

In matters concerning the procedure for meetings not covered by this chapter, the commission may establish its own rules; provided these are not contrary to the mandate or spirit of this chapter. The commission shall annually prepare and submit a budget to the city manager.

Section 12. That subsections (d), (e), (g) and (i) of subsection 1, Section 18A-15, Chapter 18A of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby are amended and reordained to read as follows:

(d) Conduct studies and hold hearings on social conditions that may cause discrimination on the basis of race, color, religion, sex, national origin, ancestry, marital status, age or handicap. Gather and disseminate reliable information by issuing publications and reports of studies and research relating to such discrimination.

(e) Institute and conduct educational and informational programs with wide sectors of business, unions, professions, agencies and organizations to promote equal rights and opportunities for all persons and to promote understanding among persons and groups of different races, colors, sexes, religions, ancestries, national origins, marital status, ages or handicaps.

(g) Review the city's affirmative action employment program and the performance of the city government, its contractors and subcontractors in employment policies and practices as they

may relate to discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age or handicap. The commission shall report its findings to the city manager and city council.

(1) Conduct studies and hold public hearings on policies and practices of public educational institutions with respect to discrimination on the basis of race, color, sex, religion, national origin, ancestry and handicap and of public health and social service agencies with respect to discrimination on the basis of race, color, religion, sex, ancestry, national origin, marital status, age or handicap, and bring to the attention of the appropriate policy-making body and chief administrator problems that require notice or action to resolve.

Section 13. That Section 18A-16, Chapter 18A 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. 18A-16. Complaints generally.

Complaints under this chapter may be filed only by (1) any person claiming to have been injured by an unlawful discriminatory practice under this chapter (known as "person aggrieved"), or (2) the human rights administrator on behalf of any person or persons who he or she has probable cause to believe has been the subject of an unlawful discriminatory practice under this chapter. All complaints shall be made in writing, be under oath or affirmation and accompanied by an affidavit. An additional copy shall be made for each respondent, if more than one. Any complaint shall be on a form furnished by the human rights 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 human rights administrator shall forthwith transmit a copy of the complaint to each respondent by certified mail, return receipt requested, with another copy by ordinary mail. Each complaint shall be held in confidence by the human rights administrator unless or until the complainant (person aggrieved) and the respondent consent to its being made public, or until the time a hearing procedure such as described in section 18A-21 has begun. A complaint must be filed within sixty (60) days after the date of the alleged unlawful discriminatory practice and not later.

Where a complainant or respondent in a case filed with the human rights administrator is a handicapped person, the administrator shall provide reader services if blind, interpreter services if deaf, or other special services to handicapped persons as are appropriate.

Nothing in this chapter shall prevent any member of the human rights commission from filing a complaint if he or she claims himself or herself to be the subject of a discriminatory practice or to be a person aggrieved under this section. Such person shall disqualify himself or herself as a member of the commission when his or her complaint is before the commission for a public hearing and for disposition.

Nothing in this section shall be construed to prevent any person from seeking the commission's good offices to conciliate through actions not involving a penalty under this chapter pursuant to section 18A-15(1)(a).

Section 14. The title of and an explanatory statement explaining 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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: October 14, 1980