



TO: Elizabeth Pauli, City Manager
FROM: Diane Powers, Office of Equity and Human Rights Director; Andreta Armstrong, Human Rights Manager
COPY: City Council and City Clerk
SUBJECT: Ordinance Amending Tacoma Municipal Code 1.29 and the Administrative Rules Governing the Human Rights Commission
DATE: June 26, 2017

SUMMARY:

The Office of Equity and Human Rights is requesting approval of an ordinance to adopt proposed amendments to Tacoma Municipal Code (TMC) 1.29 and to the Administrative Rules Governing the Human Rights Commission. The proposed amendments to TMC 1.29 update code language to make clear that the Office of Equity and Human Rights, not the Neighborhood and Community Services Department, provide staff support for human rights complaints filed with the Human Rights Commission. The proposed amendments to TMC 1.29 also include a change which allows the City Attorney’s Office more flexibility in commencing a civil action where a respondent in a fair housing complaint elects for civil action in lieu of adjudication by the Hearing Examiner. The proposed amendments to the Administrative Rules Governing the Human Rights Commission similarly updates language regarding staff support by the Office of Equity and Human Rights and removes the requirement that human rights complaints must be notarized prior to processing. This change is consistent with the practice of the City’s state and federal human rights partners.

STRATEGIC POLICY PRIORITY:

The strategic policy priorities that best align with this action are the following:

- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Cultivate a vibrant cultural sector that fosters a creative, cohesive community.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

BACKGROUND:

Tacoma Municipal Code 1.29 establishes the City’s Human Rights Commission, outlines the Commission’s duties and powers, and describes staff responsibilities in support of the Commission. As currently written, TMC 1.29 tasks the City’s Neighborhood and Community Services Department with staff support for the Commission. In 2015, staff support for the Human Rights Commission shifted to the newly created Office of Equity and Human Rights. The proposed amendments to TMC 1.29 bring ordinance language up-to-date by reflecting this change.

As written, TMC 1.29.160(B) requires the Commission to authorize and the City Attorney’s Office to commence a civil action not later than 30 days after a respondent in a fair housing complaint elects to have claims adjudicated by the Pierce County Superior Court rather than by the City’s Hearing Examiner. The proposed change to TMC 1.29.160(B) grants the City Attorney’s Office more flexibility in commencing civil action after such an election. This change is consistent with the practice of our state human rights partners and more closely matches the state’s corresponding provision, RCW 49.60.340.



TMC 1.29.020(A) (8) authorizes the Commission to adopt and promulgate administrative rules and guidelines which govern its operation. In accordance with TMC 1.29.020, the Administrative Rules Governing the Human Rights Commission set forth the practices and procedures of the Commission. The proposed amendments to these Administrative Rules include similar updates which make clear that staff support for the Commission is provided by the Office of Equity and Human Rights.

The proposed amendment to Administrative Rule 8.01 removes language which requires that human rights complaints filed with the Commission be sworn to before a notary public and notarized before the case may be accepted for processing. This change removes an unnecessary barrier to case processing and is consistent with the practice of the City's state and federal human rights partners, none of which require notarization of an administrative complaint prior to processing.

ISSUE:

The proposed amendments recommended by the Office of Equity and Human Rights will bring the local code up to date, will streamline human rights complaint processing, and will bring the City's practices closer in line with our state and federal human rights partners.

ALTERNATIVES:

If the Council were not to enact these proposed amendments, the code would remain inconsistent with the City's department and office structure, and inconsistent with state and federal practices.

FISCAL IMPACT:

There is no fiscal impact to this proposal.

RECOMMENDATION:

The Office of Equity and Human Rights recommends adoption of the proposed amendments to TMC 1.29 and to the Administrative Rules Governing the Human Rights Commission and requests approval by the City Council. These amendments bring the ordinance up-to-date and contain important revisions which will improve the City's processing of human rights complaints. The City Attorney's Office has reviewed the proposed amendments and has given their approval for presentation to the Council.

ATTACHMENTS:

- Exhibit A, proposed amendments and staff recommended changes to TMC 1.29.
- Exhibit B, proposed amendments and staff recommended changes to the Administrative Rules Governing the Human Rights Commission.