Creating a Local Human Rights Commission: Proposed Election Call

City of New Orleans
Election Call: fighting discrimination on the ballot

- This is an historic opportunity to combat discrimination in local law
  - Safeguard residents from discrimination, as part of a larger initiative
  - Ensure we have every available tool in our toolkit as a local government
  - Reflect the City’s civil rights history, struggle, and progress
  - Realize Dorothy Mae Taylor’s original vision
Goal: to have a fully-functioning local human rights commission as envisioned in La R.S. 2236:

- **Step One**: Voters approved addition of Human Rights Commission to the City Charter
  - If voters approve charter amendment, move to Step Two

- **Step Two**: Revise Chapter 86 of the City Code
Proposed Charter Change:

- City Charter establishes the powers and duties of boards and commissions (such as HDLC)

- All charter changes must be approved by the voters

- Step 1: November 16 General Election Ballot
  - Ask voters to add a Human Rights Commission to the City Charter
Step 1: Proposed Ballot Language

“Shall Article V of the Home Rule Charter of the City of New Orleans be amended to add sections 5-1101 through 5-1103 thereto to create a local Human Rights Commission to safeguard all individuals in the City of New Orleans from discrimination and to exercise all powers, duties and functions provided by applicable state and municipal law?”

If approved by voters, this would:

- Establish a Human Rights Commission as an unattached board
- 15 Commissioners serving three-year staggered terms
  - Eight appointed by the Mayor, seven appointed by the City Council, all confirmed by the City Council
- Authority rests in Commission, tasks executed by Commission staff
La R.S. 2236: Administrative powers of local human rights commissions:

- Receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders, or resolutions forbidding discrimination adopted by the parish or municipality.

- Compel the attendance of witnesses and the production of evidence before it by subpoena issued by the district court of the parish wherein the local commission is authorized to act.

- Issue orders, which are enforced by Civil District Court.
Benefits of a local human rights commission:

- Provides administrative processes free of cost
- Offers alternative to litigation
- May compel responses, investigate, produce credible findings of fact and issue orders (enforcement of orders is by Civil District Court)
- Often resolves discrimination complaints before they get to court
- Eases burden for legal services and enforcement agencies
- Leverages local laws and authorities
Current Human Relations Commission

- Current Human Relations Commission created in Chapter 86 of City Code with an enforcement mission, however as currently written there are legal issues

  - Intended to act as local human rights commission, but not properly established according to state law

  - Must be in City’s Home Rule Charter to utilize all powers authorized by the State

  - Chapter 86 itself also needs to be revised if voters approve the amendment to the City Charter
Step 2: Revising Chapter 86

- Address current legal issues
- Remove redundancies and simplify language wherever possible
- Strengthen enforcement powers to the maximum extent permissible under the Louisiana Constitution and the City Charter
Step 2: Amending Chapter 86

- Tie powers and duties of the commission to state human rights law
- Change references of “human relations” to “human rights”
  - “Human Relations Commission” to “Commission on Human Rights”
- Update and simplify provisions relative to time for filing complaints
- Remove the New Orleans City Council as an appellate body
  - Civil District Court may enforce Commission orders and acts as appellate body
- Consider additional enforcement tools available to local government
Current Human Relations Commission:

Housed within the Office of Human Rights and Equity; provides information and referral to those who allege discrimination and tracks these inquiries.

Have made limited progress under its existing authority, such as:

- Regular case reviews
- Share complaint data with the public through Advisory Committee
- New process that discloses limitations of the office’s powers
- Professional case documentation standards
- Online intake form
- Professionalized forms and documents
- Created a process for complaints against a City department or agency.
Goal: to have a fully-functioning local human rights commission as envisioned in La R.S. 2236:

- Step One: Voters approve addition of Human Rights Commission to the City Charter
  - Ordinance Cal No 32,701 adds the proposed charter amendment to November 16 general election ballot upon approval of the full Council
Thank you