City of Asheville Non-Discrimination Ordinance

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THE CITY OF ASHEVILLE



Non-Discrimination Ordinance

Purpose

- To prevent discrimination within the City of Asheville in priviate employment and public accommondations.
- To provide assistance for anyone experiencing discriminatory housing practices.
- To align City regulations with that of Buncombe County.
- To advance the City's goal of fostering equity and inclusion throughout the community.

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Background

- In 2017, NC General Assembly adopted HB 142 (Session law 2017-4).
- This repealed the former law commonly referred to as as “HB 2.”
- This new law prohibited local governments from enacting ordinances regulating private employment practices and public accommodations.
- This prohibition ended December 1st, 2020.
- Multiple NC cities and counties have adopted new anti-discriminaion ordinances. (Chapel Hill, Carrboro, Hillsborough, Durham, Greensboro, Orange, and now Buncombe County)

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Proposed City Ordinance

- Prohibits discrimation based upon a person's race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability.
- Provides a Process for enforcement through education and conciliation.
- Includes options for civil penalties and other legal remedies when voluntary resolutions cannot be reached.

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Ordinance Elements

- Prohibits discrimation in Private Employment
  - Applies to any employer of one or more person.
  - Includes hiring, tenure, conditions of employment, etc.
- Prohibits discrimination in Public Accommondations
  - Any place, facility, store, or other establishment which supplies accommodations, goods, or services to the public.
- Exemptions
  - Among others, religious educational institutions or corporations

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Process and Penalties

- Complaints of discrimination filed with City Office of Equity and Inclusion
- Persons or entities receiving complaints may provide a written answer
- The Office of Equity and Inclusion will commence an investigation
- Some “Discovery” is authorized
- Investigations will use a “Reasonable Cause” standard of review
- Complaints will be addressed through education, mediation, and conciliation.
- If these efforts are unsuccessful, additional penalties may be utilized
  - $100 civil penalties and potential injunctive relief
  - No criminal penalties

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Due Process

- Following investigation, the Office of Equity and Inclusion will issue a final report to the parties.
- Appeals from these decisions can be made to the director of the Office of Equity and Inclusion, and to a panel consisting of the City Manager, the City Human Relations Director, and the City Attorney.
- Appeals must be filed in writing to the City Clerk within 10 days of the final decision.
- Further appeals can also be made to the State Superior Court.

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Timing

- In coordination with Buncombe County, the City's ordinance would take effect on July 1, 2021.
- This will allow local businesses and government agencies to prepare for implementation of the new rules.
- Provide a period for education and training

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Questions?

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