

**ORDINANCE NO. _____, SUPPLEMENTAL
AMENDING CHAPTER 6, AUTHORITIES, BOARDS AND COMMISSIONS,
ARTICLE II, SOCIAL SERVICES COMMISSION**

WHEREAS, Chapter 6, Article II of the Code of Ordinances sets forth the powers, functions and duties of the Social Services Commission of the City of Stamford and contains a Code of Prohibited Discriminatory Practices; and

WHEREAS, Chapter 6, Article II of the Code of Ordinances should set forth and delineate the definitions as contained in C.G.S. § 46a-51, with slight revisions;

WHEREAS, Chapter 6, Article II should specifically include C.G.S. §§ 46a-81c to 46a-81f, inclusive, which prohibit discrimination based on sexual orientation and gender identity or expression.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 6, Authorities, Board and Commissions, Article II, Social Services Commission, of the City of Stamford Code of Ordinances shall be amended as follows:

Sec. 6-6. Definitions.

A. The City of Stamford hereby adopts those definitions contained in ~~§§ 46a-51~~, 46a-63 and 46a-65 of the Connecticut General Statutes, as amended, which are relevant and not inconsistent with the Code of Prohibited Discriminatory Practices adopted in § 6-7 below.

B. As used in this Article, the following terms shall have the meaning indicated:

(1) Blind refers to an individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees;

(2) Commission means the Social Services Commission created under this article;

(3) Commissioner means a member of the Social Services Commission;

(4) Court means the Superior Court or any judge of said court;

(5) Discrimination includes segregation and separation;

(6) Discriminatory employment practice means a violation of C.G.S. §§ 46a-60 and 46a-81c;

(7) Employee means any person employed by an employer but shall not include any individual employed by such individual's parents, spouse or child, or in the domestic service of any person;

(8) Employer includes the city and the departments, agencies, commissions and officers thereof, and any person with three (3) or more persons in such person's or employer's employ;

(9) Employment agency means any person undertaking with or without compensation to procure employees or the opportunity to work;

(10) Labor organization means any organization which exists for the purpose, in whole or in part, or collective bargaining or dealing with employees concerning grievances, terms of condition of employment, or of mutual aid or protection in connection with employment;

(11) Intellectual disability means intellectual disability as defined in C.G.S. § 1-1g;

(12) Person means one or more individuals, partnerships, associations, corporations, limited liability companies, legal representatives, trustees in bankruptcy, receivers, and the city and all departments, agencies, commissions and officers thereof;

(13) Physically disabled refers to any individual who has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including but not limited to, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device;

(14) Respondent means any person alleged in a complaint filed pursuant to this chapter to have committed a discriminatory practice;

(15) Discrimination on the basis of sex includes but is not limited to discrimination related to all aspects of religious observances and practices as well as belief unless an employer demonstrates that he/she is unable to reasonably accommodate a prospective employee's religious observance or practice without undue hardship on the employer's business;

(16) Learning disability refers to an individual who exhibits a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one (1) or more of the basic psychological processes involved in understanding or using language spoken or written, which may manifest itself in a diminished ability to listen, speak, read, write, spell or to do mathematical calculations;

(17) Mental disability refers to an individual who has a record or, or is regarded as having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

(18) Sexual orientation means actual or supposed heterosexuality, homosexuality or bisexuality;

(19) Gender identity or expression means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth;

(20) Religious institution means any institution that is operated for religious purposes.

Sec. 6-6.1. Role of Commission in city social services.

A. The Social Service Commission of the City of Stamford acts as an oversight committee in areas pertaining to the social welfare concerns facing the residents of Stamford, including, but not limited to:

(1) Promoting policies and strategies which direct appropriate city departments to provide residents of Stamford with guidance and information with regard to programs which address shelter, sustenance and health needs.

(2) Promoting coordination between those city departments concerned with social welfare, including the Board of Education, and the many nonprofit organizations also working in that area.

(3) Exercising such other rights and discharging such other responsibilities as shall be necessary and proper for the purpose of this Commission.

B. The Social Services Commission Coordinator, in addition to the duties as created in § 6-9 below, shall report to the Social Services Commission and shall assist the Commission in its duties as an oversight committee for social welfare concerns, Fair Rent and Human Rights.

C. This section shall take effect upon enactment.

Sec. 6-7. Adoption of Code of Prohibited Discriminatory Practices.

Pursuant to § 7-148(c)(9)(B) of the Connecticut General Statutes, as amended, the City of Stamford hereby adopts as its Code of Prohibited Discriminatory Practices the provisions of §§ 46a-58, 46a-59, 46a-60, 46a-61, 46a-64, 46a-66, and 46a-81c to 46a-81f, inclusive, of the Connecticut General Statutes, as amended, except that it shall not be prohibited discriminatory practice for any religious institution to devote its facilities exclusively or primarily to or for members of its own religion, to give preference to such members or to make such selection as is calculated by such institution to promote the religious principles for which it is established or maintained.

Sec. 6-8. Social Services Commission designated.

The Social Services Commission shall replace the Human Rights Commission and, pursuant to §§ C6-190-1 and C6-190-2 of the City of Stamford Charter, shall have all of the powers conferred by §§ 7-148i to 7-148n, inclusive, of the Connecticut General Statutes, as amended. Further, the Social Services Commission shall have the purpose, the functions and the powers conveyed to it by this Article.

Sec. 6-8.1. Purpose.

The Social Services Commission shall enforce the Code of Prohibited Discriminatory Practices, as adopted above, to encourage and bring about mutual understanding and respect among all groups in the city, to eliminate prejudice, intolerance, bigotry, unlawful discrimination and disorder occasioned thereby and to give effect to the guaranty by the Constitution and laws of the State of Connecticut and the United States of America.

Sec. 6-8.2. Functions.

The functions of the Human Rights Commission conveyed to the Social Services Commission shall be:

- A. To foster mutual understanding and respect among all racial, religious and ethnic groups in the city.
- B. To encourage equality of treatment for and discourage discrimination against any racial, religious or ethnic group or its members.
- C. To cooperate with business, civic, governmental and nongovernmental agencies and organizations in furtherance of the purposes of this Article.
- D. To make, in accordance with the powers and duties hereafter set forth, such investigations and studies in the field of human relations as, in the judgment of the Commission, will aid in effectuating its general purposes.
- E. To supplement, through action by the municipality, at all levels and through all agencies, the implementation in the city of §§ 46a-58, 46a-59, 46a-60, 46a-61, 46a-64, and 46a-66, and 46a-81c to 46a-81f, inclusive, of the Connecticut General Statutes, as amended.
- F. To administer the provisions of §§ 47-14 through 47-17 (Ordinance 358) of the Code of Ordinances concerning nondiscrimination in employment.

Sec. 6-8.3. Powers and duties.

The Social Services Commission shall have the following powers and duties:

- A. To receive, investigate and conciliate complaints alleging a violation of the Code of Prohibited Discriminatory Practices.
- B. To hold hearings relating to the exercise of any of the Commission's functions and relating to any allegation of discriminatory practice which it has found reasonable cause to believe has occurred, to administer oaths, to take testimony under oath and to issue any appropriate orders.
- C. To issue subpoenas or subpoenas duces tecum, enforceable upon application to the Superior Court, to compel the production of books, documents, records and papers and to compel the attendance and testimony of persons at hearings as are deemed necessary. Subpoenas issued under this section shall be signed by the Chairman or other officer and prepared under the direction of the Law Department or outside counsel retained by the Law Department.
- D. To issue written interrogatories and require written answers under oath thereto, enforceable upon application to the Superior Court.
- E. To petition the Superior Court for enforcement of any order issued by it upon a finding that a violation of the local Code of Prohibited Discriminatory Practices has occurred, including the power to petition the Superior Court for temporary injunctive relief upon a finding that irreparable harm to the complainant will otherwise occur.
- F. To do such things as, in the judgment of the Commission, will aid in effectuating its functions and purposes.
- G. To perform all of the powers and duties necessary to fulfill the provisions of §§ 47-14 through 47-17 (Ordinance 358) of the Code of Ordinances.

Sec. 6-9. Social Services Commission Coordinator.

- A. The Social Services Commission shall have a Coordinator, which position is hereby created and designed as an unclassified position, in accordance with Section C5-20-15(g) of the Stamford Charter. The Social Services Commission Coordinator shall be appointed by the Mayor with the approval of the Social Services Commission for a term of four (4) years.
- B. The Social Services Commission Coordinator shall report to the Social Services Commission and, through the Commission, to the Director of Public Safety, Health and Welfare and shall assist the Commission in the performance of its human rights duties, including all the duties named hereinafter, and in the performance of its fair rent duties, as set forth in §§ 6-11 through 6-11.4 below. The Coordinator shall have such additional duties as the Social Services Commission and the Director of Public Safety, Health and Welfare may assign and may be designated as the Americans with Disabilities Act (ADA) Coordinator.
- C. In the event that funding for the position of Social Services Commission Coordinator, as created above, is not included in the city operating budget for any fiscal year, the Director of Public Safety, Health and Welfare or his/her designee, subject to the approval of the Social Services Commission, shall perform the duties of said position on a temporary basis.

Sec. 6-10. Complaints, hearings and appeals.

- A. Any complaint filed pursuant to this Article shall be made under oath, shall be signed by the complainant, shall contain the name and address of the respondent or respondents, shall

set forth the particulars of the discriminatory practice or practices complained of and such other information as the Commission shall require. Any such complaint shall be filed not more than one hundred eighty (180) days after the alleged offense has been committed and may be amended at any time.

- B. Upon the filing of the complaint, the Coordinator shall conduct an investigation to determine whether reasonable cause exists to conclude that the respondent has violated or is violating the Code of Prohibited Discriminatory Practices. Such investigation shall result in a written report by the Coordinator stating the findings and recommendation that the complaint either be dismissed for lack of reasonable cause or be the subject of a hearing by the Commission for reasonable cause. Within seven (7) days after such written report is submitted to the Commission by the Coordinator, a copy shall be mailed to both the complainant and the respondent, and the complainant and respondent shall have thirty (30) days after such mailing in which to submit to the Commission a written response to such report. At any time after a complaint is filed, the Coordinator may resolve it by means of conciliation.
- C. After the expiration of the thirty-day period provided for in Subsection B above, the Commission shall meet and determine, based upon the report of the Coordinator and any response properly submitted by the complainant or respondent, whether reasonable cause exists to conclude that the respondent has violated or is violating the Code of Prohibited Discriminatory Practices or whether further investigation is warranted. If no reasonable cause is found to exist, the Commission shall issue an order dismissing the complaint. If reasonable cause is found to exist, the Commission shall schedule a hearing on the merits of the complaint, to commence within thirty (30) days of the finding of reasonable cause. Reasonable advance written notice of such hearing on the merits shall be given by the Commission to the complainant and the respondent. Prior to the Commission's meeting to determine reasonable cause as provided herein, the Coordinator shall attempt to resolve the complaint by means of conciliation. All efforts to conciliate a complaint shall be kept strictly confidential. If any Commission member participates in such conciliation attempt, he shall thereafter be disqualified from participating in any Commission hearing of the same complaint.
- D. In any matter in which a hearing is held, both the complainant and respondent shall be entitled to be represented by counsel, testify, present evidence and present and cross-examine witnesses.
- E. The Commission shall determine, by a preponderance of the evidence, if a violation by the respondent of the Code of Prohibited Discriminatory Practices occurred. The Commission's determination resulting from the public hearing shall be in writing and shall include the findings of fact upon which the determination is based.
- F. If the Commission determines that the evidence presented at the public hearing does not sustain a finding that the respondent violated the Code of Prohibited Discriminatory Practices, it shall dismiss the complaint.
- G. If the Commission determines that the evidence presented at the public hearing sustains a finding that the respondent violated the Code of Prohibited Discriminatory Practices, it may order the respondent to cease and desist from such practice and order such additional affirmative action and remedies as, in the judgment of the Commission, will effectuate the purpose of this Article.

- H. Any person aggrieved by any order of the Commission may appeal to the State Commission on Human Rights and Opportunities within thirty (30) days after the Commission mails out its written determination.

Sec. 6-10.1. Action on finding of violation.

Upon a finding of a violation of any provision of the Code of Prohibited Discriminatory Practices, the Commission shall have the power to fine any guilty respondent in an amount provided by law and issue appropriate orders of equitable relief.

Sec. 6-10.2. Severability.

If any part, section or portion of this Article is declared by a court of competent jurisdiction to be null and void, the remainder shall remain in full force and effect.

Sec. 6-10.3. When effective.

This Article shall take effect upon its enactment.

Sec. 6-11. Social Service Commission designated as Fair Rent Commission. ^[7]

- A. The Social Services Commission shall replace the Fair Rent Commission and, pursuant to §§ C6-190-1 and C6-190-2 of the City of Stamford Charter, shall have all of the powers conferred by Sections 7-148b to 7-148f, inclusive, of the Connecticut General Statutes, as amended, and shall carry out the provisions of Section 47a-20 and Subsection (b) of Section 47a-23c of the Connecticut General Statutes concerning retaliatory action by landlords.
- B. The Social Services Commission Coordinator, as created in § 6-9 above, shall assist the Commission in the performance of its fair rent and landlord/tenant duties.

Sec. 6-11.1. Purpose of Fair Rent Commission conveyed to Social Services Commission.

The Social Services Commission shall act to control and eliminate excessive rental charges for housing accommodations within the City of Stamford and shall carry out the purposes, duties, responsibilities and all provisions of the above-described sections of the Connecticut General Statutes and any other sections, as they may be amended from time to time, pertaining to fair rent commissions.

Sec. 6-11.2. Escrow account.

- A. The Social Services Commission shall have the authority to establish an escrow account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it pursuant to its findings of noncompliance in accordance with Section 7-148d of the Connecticut General Statutes. The Commission shall hold such funds in the escrow account until the landlord makes such repairs or changes as are required to bring the housing accommodation into compliance with law.
- B. If the landlord shall have corrected such violations, the landlord may petition the Commission for the payment of the rent held in the escrow account. Said funds shall be released to the landlord if the Commission shall find that such violations have been corrected and shall order such release or if the landlord shall be successful in an appeal to the court.

Sec. 6-11.3. Rules and regulations adopted.

The Social Services Commission shall adopt rules and regulations for the implementation of §§ 6-11 through 6-11.4 of this Article to carry out the powers and duties of a fair rent commission.

Sec. 6-11.4. When effective.

Sections 6-11 through 6-11.4 of this Article shall take effect upon enactment.