

FAIRFAX COUNTY OFFICE OF HUMAN RIGHTS & EQUITY PROGRAMS



FEDERAL FISCAL YEAR 2022

ANNUAL REPORT

October 1, 2021 – September 30, 2022



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BOARD OF SUPERVISORS

FAIRFAX COUNTY BOARD OF SUPERVISORS

Until Dec. 31, 2023

CHAIRMAN



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HUMAN RIGHTS COMMISSION

The Human Rights Commission, created by the Fairfax County Board of Supervisors, consists of 12 county residents. Each member serves a three-year term. Annually, the Commissioners select a Chairperson, a Vice-Chairperson, and a Secretary as officers of the Commission.

The Commission not only receives and investigates complaints alleging a violation of the Human Rights Ordinance, but also cooperates and interacts with employers, the housing industry, and other businesses in the County to make sure that everyone understands their duty to ensure equal opportunity and equal access. The Commission consists of the following members:

Gloria J. Crawford, Chair	Harry R. Salinas
Shahid S. Malik, Vice Chair	Freda Bailey Shipman
Eduardo Conde, Secretary	Josh Shumaker
Jimez Ashby	Manny Solon
Meena Bhinge	Denver Supinger
Bryan W. Hudson	

Kenneth L. Saunders, Director

STATEMENT OF PURPOSE

In July 1974, the Fairfax County Board of Supervisors adopted the Human Rights Ordinance, which establishes the Human Rights Commission “to institute an affirmative human rights program of positive efforts to eliminate discrimination and provide citizen recourse for discriminatory acts.” The Ordinance and Fair Housing Act were amended by the Board of Supervisors in October 2003, November 2010, July 1, 2020, and July 1, 2021.

The Office of Human Rights and Equity Programs enforces the Fairfax County Human Rights Ordinance and the Fairfax County Fair Housing Act, as well as managing the County’s Equal Employment Enforcement (EEO) program. This includes receiving and investigating each complaint filed by a person who believes that he/she has been discriminated against in Fairfax County by a private business, organization, or private educational institution in violation of the County’s Human Rights Ordinance or a housing provider in violation of the County’s Fair Housing Act, ensuring the County’s compliance with all federal, state, and county mandates granting equal access to all County services, programs, and employment opportunities, and administering the County’s Fair Housing Program.

EXECUTIVE SUMMARY

Workload and Staffing

The Office of Human Rights and Equity Programs (OHREP) currently has 21 full time staff positions, three of which are fully funded by federal monies generated by complaint resolutions and the work-sharing agreements with both the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD).

Professional Development

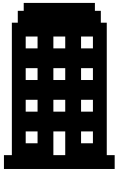
OHREP continues to make significant strides in both its Outreach and Career Development efforts. During FY 2022, members of OHREP attended required professional training within its budget. Professional development is essential to provide quality services to our customers. Staff attended substantive training in the following areas:

- NFHTA Basics of Fair Housing
- NFHTA Fundamentals of Fair Housing - Intake
- INTLDP Outreach Training
- Equal Rights Center-Housing Discrimination-Sex, etc.
- How Racial Bias Restricts Housing, Neighborhood Choice, and Integrated Communities
- NFHTA: Assistance Animals Are Not Pets-Reasonable Accommodations Related to Support Animals
- OHREP: Diversity, Equity, and Inclusion-Barriers and Bridges to Fair Housing
- OHREP: How Racial Bias Restricts Housing, Neighborhood Choice, and Integrated Communities
- IAOHRA Conference: A Unified Vision for Equity & Justice
- IAOHRA: Moving the Needle Towards a Human Rights Framework
- INTLDP Advanced Fair Housing Case Development
- INTLDP Advanced Fair Housing Investigations
- Professional Writing Training
- EEOC ARC Training
- EEOC Training for New Investigators

In addition, staff continued to participate in individual career training.

Office of Human Rights & Equity Programs (OHREP)

The mission of the Fairfax County Office of Human Rights and Equity Programs is to promote justice, equal opportunity, diversity, and inclusiveness by protecting the civil rights of all in Fairfax County. Staff members at the agency accept and investigate complaints of discrimination, provide technical expertise, education and outreach services, and work to ensure compliance with all federal, state, and local laws, as well as endeavor to prohibit acts of discrimination.



EQUITY PROGRAMS DIVISION (EPD)

In 1972, the Fairfax County Board of Supervisors adopted the County's Equal Employment Opportunity/Affirmative Action (EEO/AA) policy and in 1974 hired its first EEO coordinator to investigate issues regarding county employees. In 1991, the Office of Equity Programs (OEP) was created to ensure the County's compliance with this policy and all mandates prohibiting discrimination in employment and public services for county employees and others receiving services from Fairfax County Government.

Investigations



County policies and procedures offer broader protections than federal, state, and local anti-discrimination laws, prohibiting discrimination against or harassment of any employee/applicant for County employment, County clients or customers, and County volunteers and visitors, based upon race, sex (including gender-based conduct, pregnancy, sexual orientation, gender identity, and conduct of a sexual nature), color, national origin, creed, age, religion, disability, political or union affiliation, veteran's status, disabled military status, genetic information, and marital status. The use of EPD's complaint procedures does not preclude an employee's or applicant's right to file a complaint with external enforcement agencies, including the U.S. Equal Employment Opportunity Commission (EEOC).

Technical Assistance/Education – Outreach

A major component of the work of EPD is to provide technical assistance as well as education and outreach services to County employees and others interacting with County employees or individuals receiving services. EPD staff members regularly assess the training needs of County employees to address discrimination issues, develop training materials, and conduct training sessions to ensure compliance with anti-discrimination laws, policies, and increase awareness about diversity-related issues. Special training for supervisors, HR staff, and customized training for specific EEO employment needs are also provided. Prevention includes the development of EEO policies, advising senior management about EEO and ADA issues, as well as providing responses to federal reporting requirements and the inclusion of appropriate language in contract awards and

communications. To ensure a balanced workforce, EPD staff members also assess and monitor departmental diversity plans, related reports, and statistics.

Education

Through Employee-U, OHREP's trainings are now delivered on demand, when and where they are needed, both on-site and off-site. In 2021, employees completed 24,781 OHREP trainings and in 2022, employees completed 28,436 OHREP trainings. Today, more employees are knowledgeable about how to recognize and confront discrimination, as well as what steps to take if someone believes they are being discriminated against.

HUMAN RIGHTS DIVISION (HRD)

Presentations

As part of its outreach and education initiatives, OHREP conducts presentations designed to educate residents; vulnerable populations; housing providers; representatives from the private, non-profit, and public sectors working in the housing field; and others in the community about fair housing laws and related issues. Information about the role of the agency in fair housing enforcement, educational services, and outreach activities available is also provided. Throughout 2022,¹ OHREP conducted 11 presentations.

Resource Fairs

In 2022, the agency continued to increase awareness about the services it provides. During this period, staff members participated in five resource fairs and festivals held virtually and throughout the County. Agency staff members managed booths, interacted with attendees, distributed brochures and other informational materials, and answered questions.

Other Outreach Activities/Meetings

To promote the resources and services available, staff members continued to foster ongoing relationships with community leaders, non-profit organizations, and the faith-based community. Staff attended and contributed to three community meetings. Staff met with representatives of organizations and participated in:

- Fairfax County Human Rights Commission (HRC) Fair Housing Taskforce (virtual)
- Mobile Homes Taskforce Meeting
- Source of Funds Virtual Training
- Fair Housing Month Event: Diversity, Equity & Inclusion: Barriers and Bridges to Fair Housing
- How Racial Bias Restricts Housing, Neighborhood Choice, and Integrated Communities Virtual Training
- Regional Analysis of Impediments: Joint Meeting with Community Advisory Committee
- Low Vision Townhall meeting



¹ Education and Outreach data is presented based on the U.S. Department of Housing and Urban Development's Case processing year which runs from July 1, 2021 - June 30, 2022. Housing case data will also reflect this time period.

Brochures/Publications

The agency continued to distribute various fair housing brochures and related publications at fair housing presentations, resource fairs, receptions, and other venues. In addition, the agency regularly provides materials to various other County agencies and organizations for display and distribution. Fair housing materials are also available at libraries throughout the county, for download on the agency's website, and in hardcopy upon request.

Fair Housing Display/Annual Fair Housing Month Forum

During Fair Housing month, OHREP in collaboration with the Equal Rights Center, Legal Services of Northern Virginia, and the Northern Virginia Association of Realtors®, hosted a virtual fair housing presentation and training session. The training portion was conducted by the Equal Rights Center and Legal Services of Northern Virginia and included a detailed discussion on Source of Funds protections and Reasonable Accommodations. Approximately 190 individuals representing the public, private, and non-profit sectors, including representatives of the real estate industry attended.

Media

OHREP's website continues to feature a variety of fair housing videos, brochures, and other publications. The video "How Racial Bias Restricts Housing, Neighborhood Choice, and Integrated Communities is a webinar been posted on OHREP's website and available on YouTube, with a one-page hand out that has also been posted on OHREP's website. The video "Fair Housing: Housing Discrimination Based on Sex, Sexual Orientation, and Gender Identity" is a webinar been posted on the OHREP's website and available on YouTube, with a one-page hand out that has also been posted on OHREP's website.

A Covid-19 animated video "Fair Housing Concerns & COVID-19" is posted on OHREP's website and is available via YouTube and Fairfax County's video on demand. This animated video focuses on fair housing issues that have emerged as a result of the COVID- 19 pandemic.

A Protected Classes animated video "New Protected Classes in Fairfax County" has been posted on OHREP's website and is available via YouTube and Fairfax County's video on demand. This animated video focuses on the new protected classes in Fairfax County (as of June 2020): Source of Funds, Sexual Orientation, Gender Identity, and Military Status.

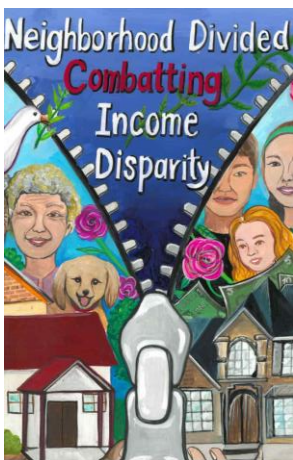
The Video "Equity: Predatory Lending" is posted on the OHREP's website and available on Fairfax County's video on demand. In the video, prominent civil rights attorney, John Reiman, answers

Internet forum questions on predatory lending. Relman describes how unfair lending practices have historically targeted communities of color and how consumers and advocates can hold banks and lenders accountable for deceptive sales tactics.

The video “Fair Housing Act (50 Years)” is posted on the OHREP’s website and is available on Fairfax County’s video on demand. This video includes interviews with featured speakers on the significance of and events surrounding the passage of the Fair Act in 1968 and related current issues.

Student Human Rights Commission

The Fairfax County Office of Human Rights & Equity Programs, in partnership with Fairfax County Public Schools, continues to host a Fairfax County Student Human Rights Commission (SHRC). The Student Commission develops programs in support of its purpose of promoting dialogues on diversity, fostering a greater understanding and appreciation of differences, creating exposure to human and civil rights laws, such as the Fairfax County Human Rights Ordinance and the Fairfax County Fair Housing Act, and encouraging leadership and active participation in government.



SHRC members hosted their Twelfth Annual Fair Housing Art and Literary contest in honor of Fair Housing Month in April. The 2022 contest theme was “A Neighborhood Divided: Combating Income Disparity.”

Contestants were invited to submit an art or literary entry reflecting the theme. A winner in each category was selected: Nicole Deng of Oakton High School was named the literary winner and Bonny Koo of Chantilly High School was named the art winner. Each student received a monetary prize co-sponsored by the Northern Virginia Association of Realtors (NVAR).

STATISTICS – HUMAN RIGHTS DIVISION

Introduction

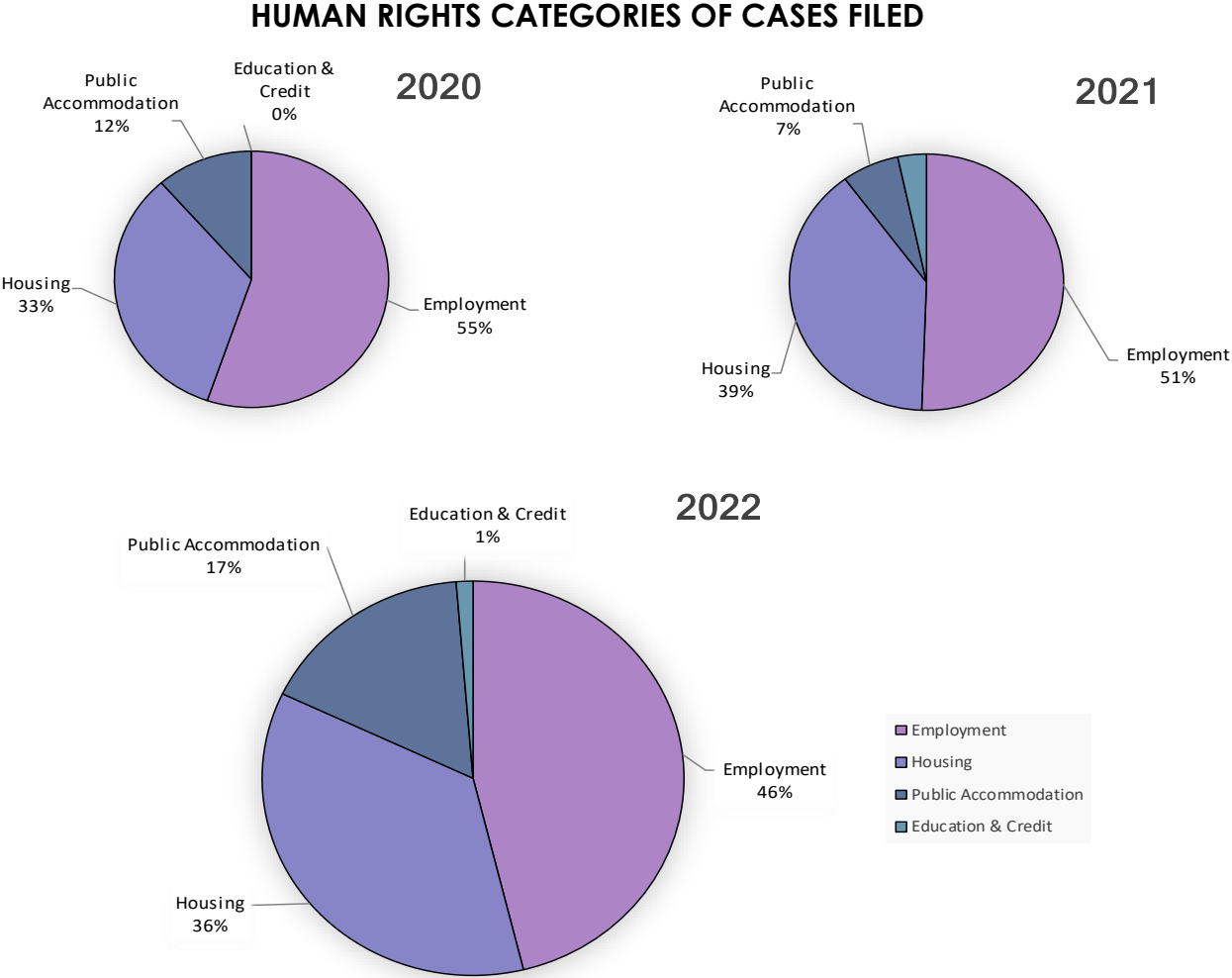
This is a report of matters generated under provisions of Chapter 11, Code of Fairfax County, Virginia (i.e., the Human Rights Ordinance and the Fair Housing Act) focusing on the activities of the staff under the administration of the Director, as well as the Human Rights Commission. While this report concentrates principally on the past two fiscal years, FY 2021 and FY 2022, we have selected a three-year span of data to reflect the behaviors and trends of the relevant activities.

Case load adjudication is the primary focus of the Human Rights Division (HRD) and it is useful to explain the difference between “cases” and “issues.” The term “case” refers to all activities generated by a complaint filed with OHREP. Each case may contain several issues of discrimination and each issue must be investigated, analyzed, and individually determined. A total of 276 cases were pending at the end of FY 2022. OHREP continued to emphasize the reduction of older cases.

The following figures depict the activities of the agency with regard to the cases received and resolved by the staff over the last two years.

Charts and Figures

Figure 1

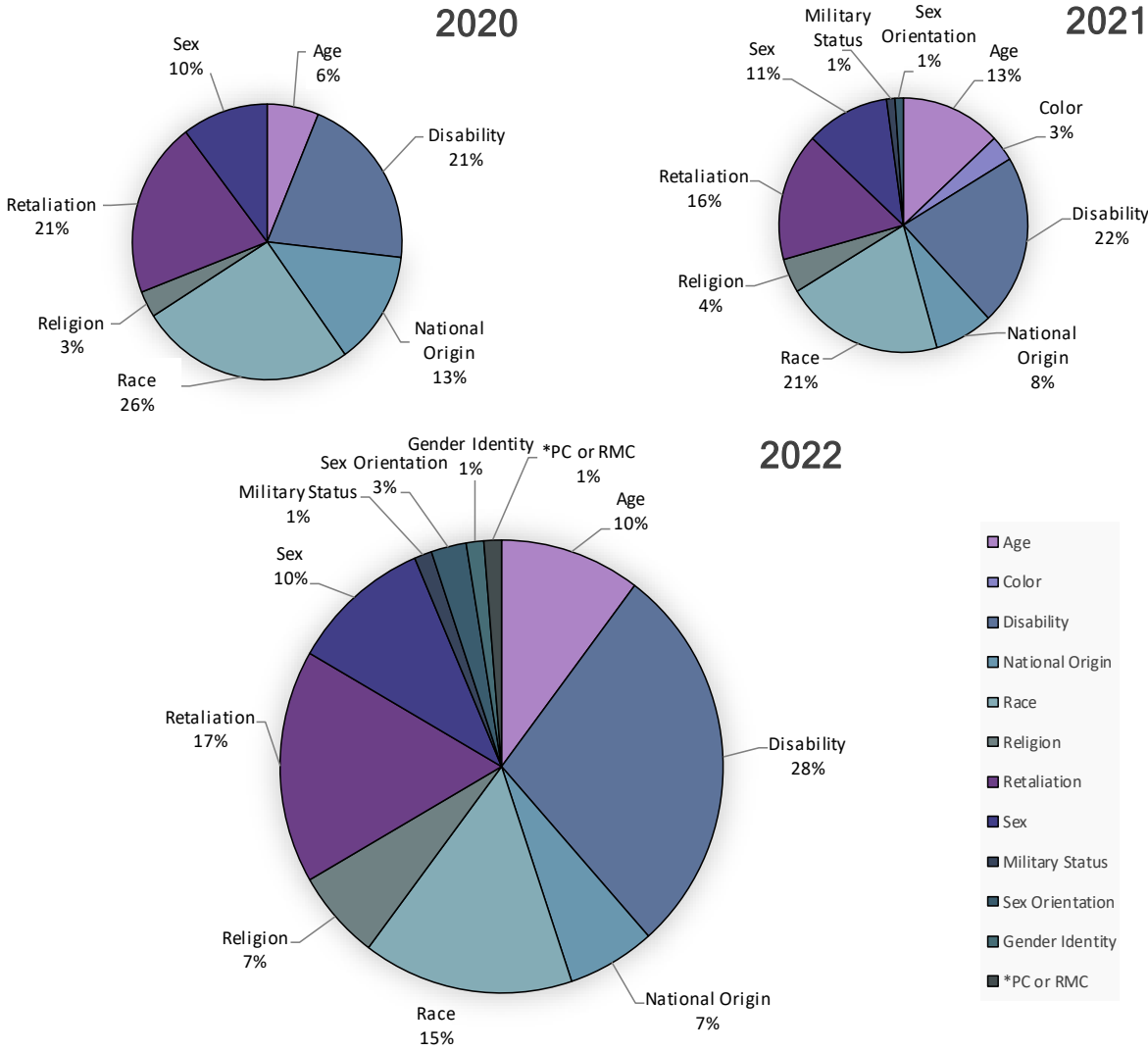


CATEGORY	2020	2021	2022
Employment	58	45	36
Housing	35	35	28
Public Accommodation	12	6	13
Education & Credit	0	3	1
TOTAL	105	89	78

Figure 1 depicts a breakdown of the major categories of cases received during FY 2020, 2021, and 2022. As can be seen, employment continues to be the leading category in which individuals file allegations of discrimination.

Figure 2

HUMAN RIGHTS BASES OF NON-HOUSING DISCRIMINATION CASES



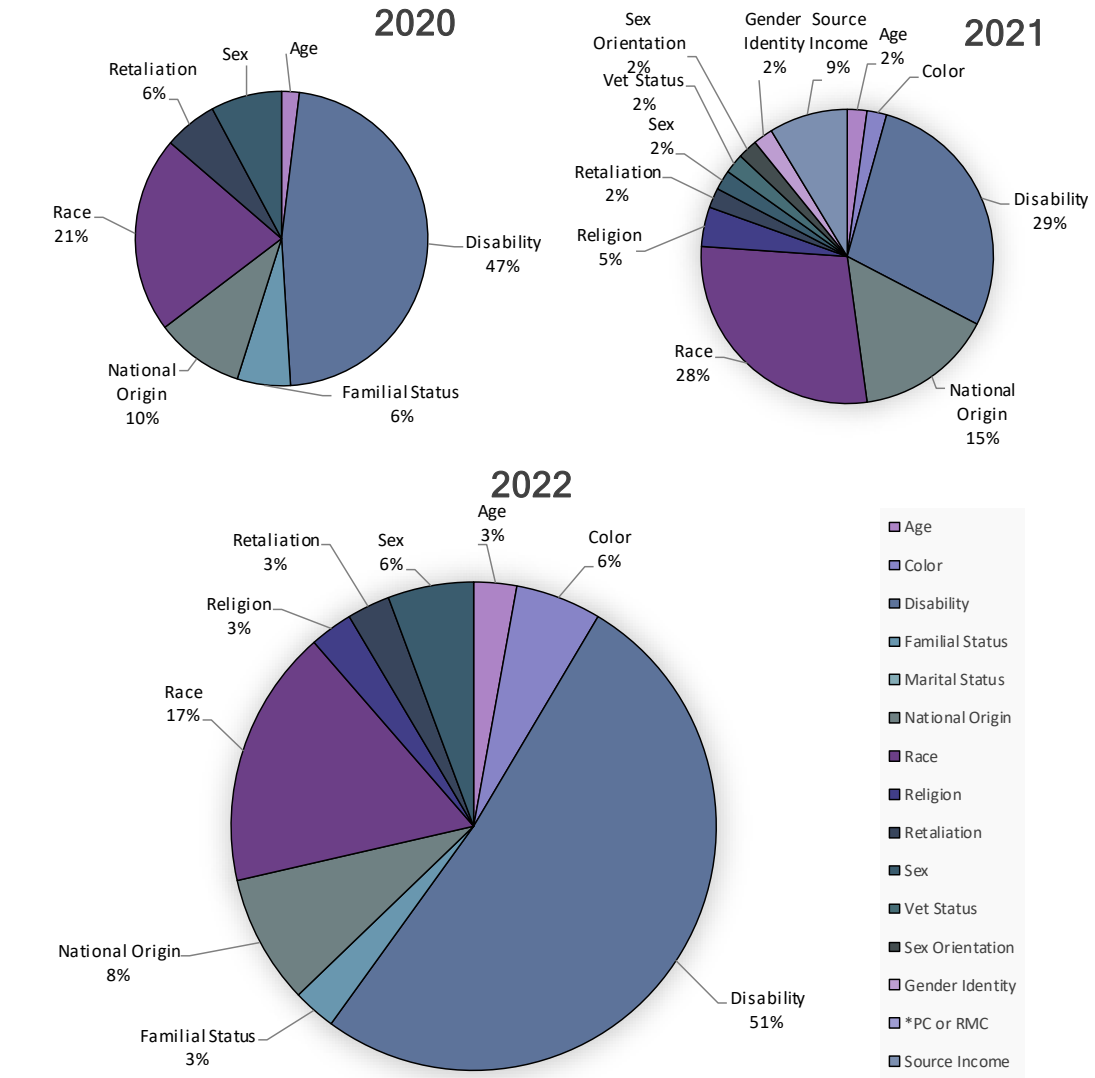
BASES	2020	2021	2022
Age	6	12	8
Color		3	
Disability	20	20	22
National Origin	13	7	5
Race	25	19	12
Religion	3	4	5
Retaliation	20	15	13
Sex	10	10	8
Military Status		1	1
Sex Orientation		1	2
Gender Identity			1
*PC or RMC			1
TOTAL	97	92	78

*PC or RMC = Pregnancy, Childbirth, or Related Medical Condition

Figure 2 depicts a breakdown of the protected class categories of non-housing cases received during FY 2020, 2021, and 2022.

Figure 2A

HUMAN RIGHTS BASES OF HOUSING DISCRIMINATION CASES



BASES	2020	2021	2022
Age	1	1	1
Color		1	2
Disability	24	13	18
Familial Status	3		1
Marital Status			
National Origin	5	7	3
Race	11	13	6
Religion		2	1
Retaliation	3	1	1
Sex	4	1	2
Vet Status		1	
Sex Orientation		1	
Gender Identity		1	
*PC or RMC			
Source Income		4	
TOTAL	51	46	35

*PC or RMC = Pregnancy, Childbirth, or Related Medical Condition

Figure 2a depicts a breakdown of the protected class categories of housing cases received during FY 2020, 2021, and 2022.

Figure 3

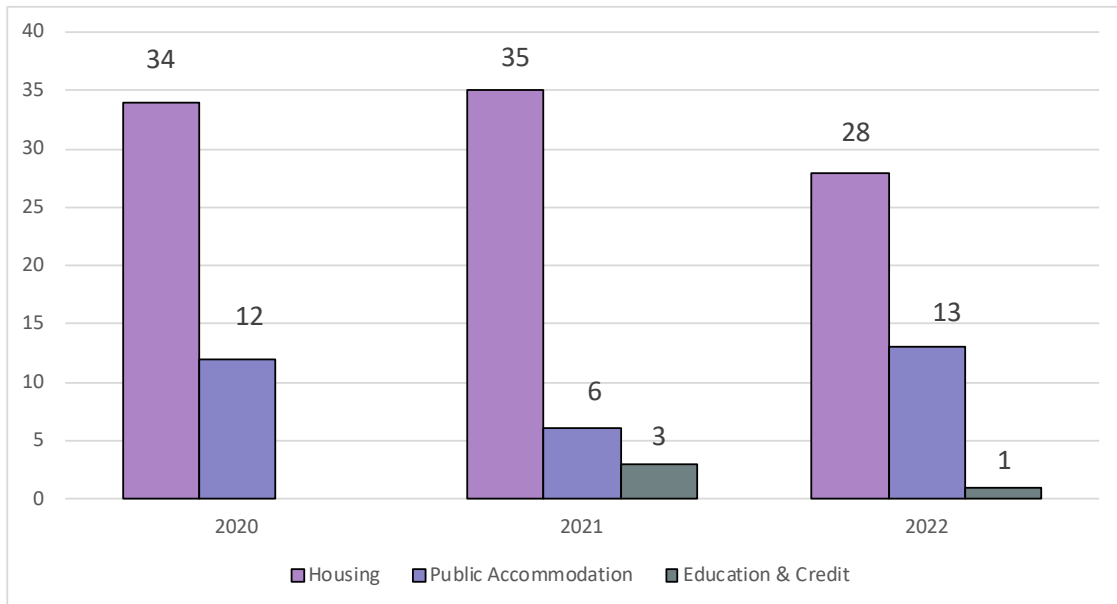
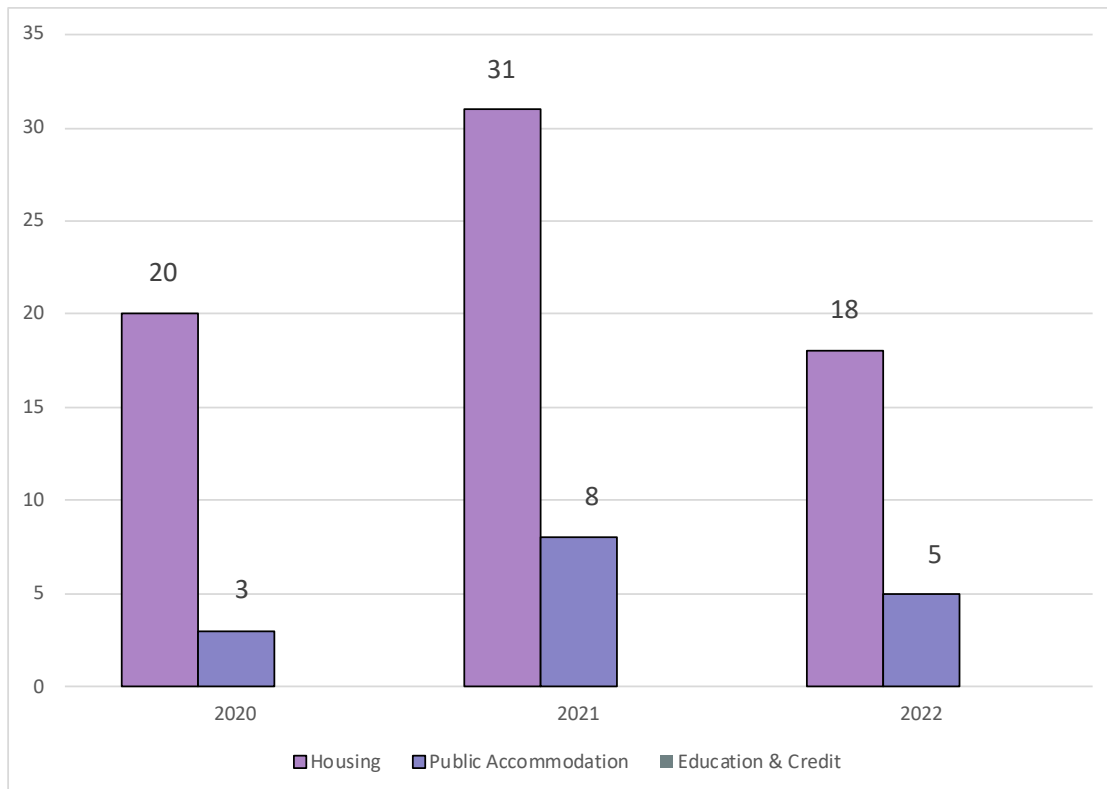
HOUSING, PUBLIC ACCOMMODATION, EDUCATION & CREDIT CASES RECEIVED

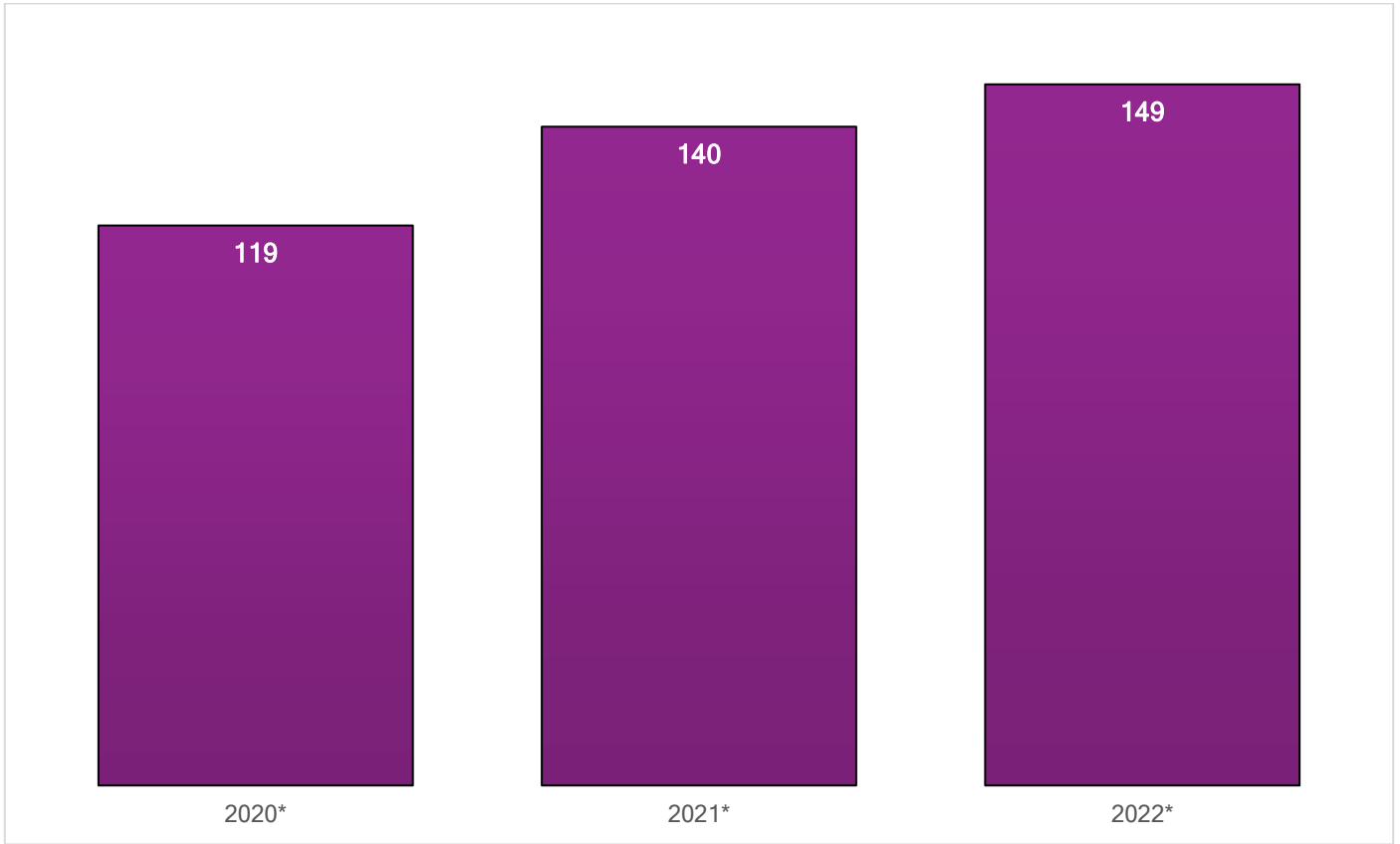
Figure 4

HOUSING, PUBLIC ACCOMMODATION, EDUCATION & CREDIT CASES RESOLVED

Figures 3 and 4 show the number of Housing, Public Accommodations, Credit, Education and Employment cases received and the number of cases resolved by the office.

Figure 5

EMPLOYMENT CASES RESOLVED

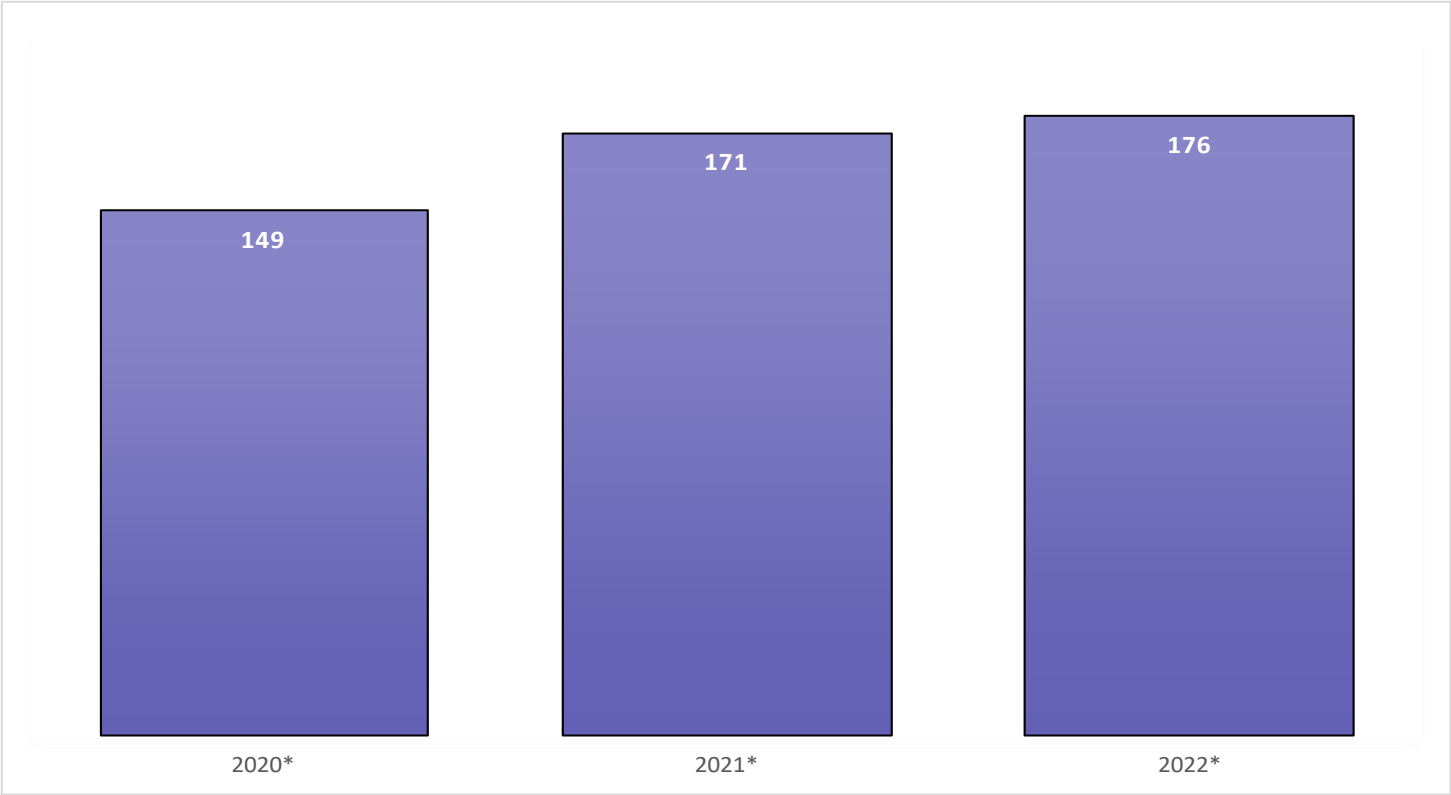


The numbers shown in **Figure 5** reflect the employment cases that were fully investigated, mediated, conciliated, or administratively closed.

*The total includes countywide employment cases and Equity Programs employment cases.

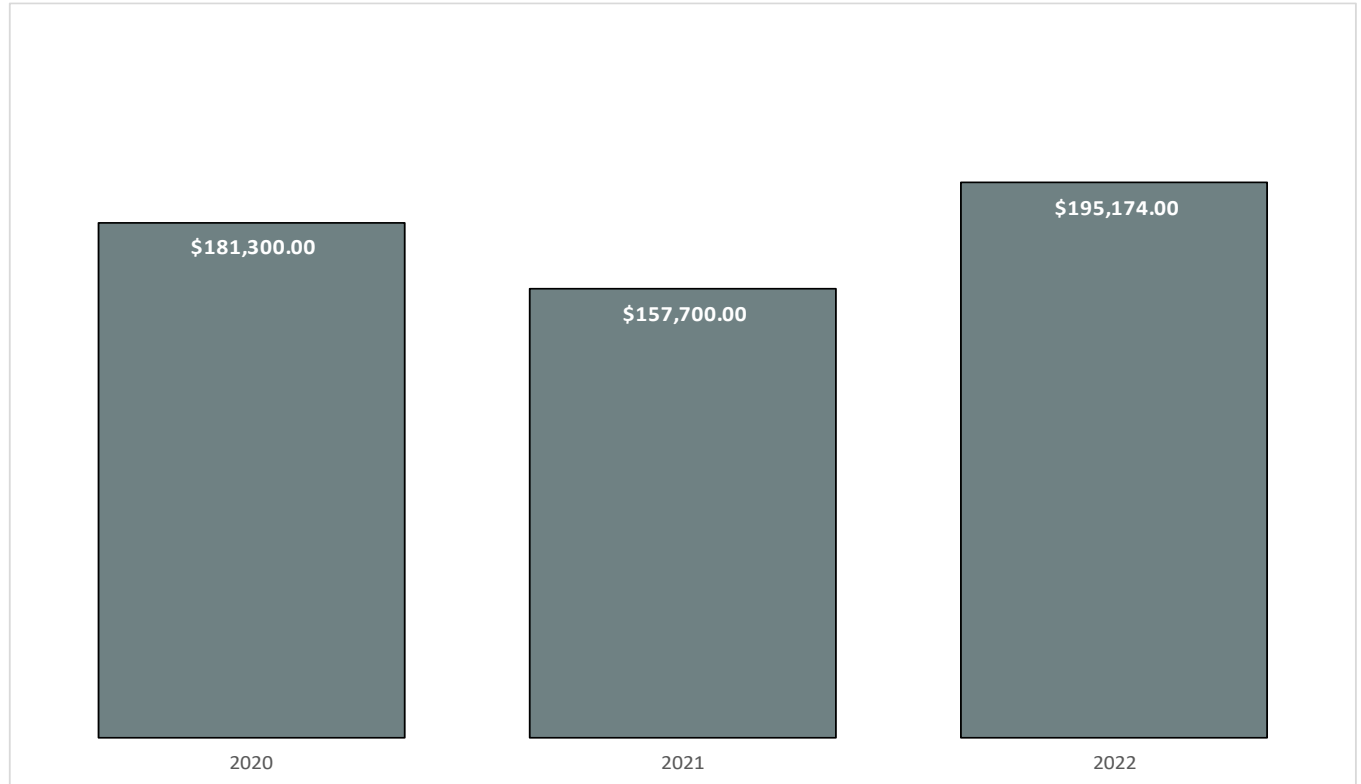
Figure 6

TOTAL CASES RESOLVED



*The numbers shown reflect the cases that were fully investigated, mediated, or conciliated.

Figure 7

MONETARY SETTLEMENTS RECEIVED

In addition to monetary settlements as reflected in **Figure 7**, a number of complainants resolved their complaints for non-monetary awards such as company policy changes, training, accommodations (disability and religious), and job references. For many complainants, a non-monetary resolution may be more important than a financial settlement.

The final agreements often include, in addition to the monetary relief for the complainant, a commitment by the respondent to take deliberate corrective action that improves the environment for all of the employees in a company or tenants in an apartment complex. The benefits resulting from these actions are non-monetary in nature. A corrective action may result in a simple policy change with regard to an employment practice that was found to be in violation of the Ordinance. Another type of corrective action may involve training of the company's management personnel in matters relating to the kinds of employment decisions permitted under the law. Such actions are viewed as affecting all of the employees or tenants and improving fairness regarding the terms, conditions, and benefits of their employment or tenancy.

During this time period, OHREP also conciliated housing cases which resulted in monetary settlements. Also, every agreement included a public interest provision, i.e. fair housing training, change in policies, etc. Each housing conciliation agreement must be approved by the Human Rights Commission.

SCORE CARD RESULTS – HUMAN RIGHTS DIVISION MEASURES

Below are the Score Card Results for the Human Rights Division for FY 2021 and FY 2022. The Score Card is a more effective and innovative way to improve the services provided by OHREP.

Human Rights Division Measures

FY2022		
Performance Measures:	Target:	Outcome:
<i>Percentage of complainant/respondent satisfaction with the overall quality of HRD's intake and mediation services</i>	80%	100%
<i>Complaints formalized and presented to the complainant for signature within 5 business days</i>	90%	100%
<i>Improve scheduling and utilization of mediation services</i>	90%	91%

FY2021		
Performance Measures:	Target:	Outcome:
<i>Percentage of complainant/respondent satisfaction with the overall quality of HRD's intake and mediation services</i>	95%	100%
<i>Complaints formalized and presented to the complainant for signature within 5 business days</i>	95%	100%
<i>Improve scheduling and utilization of mediation services</i>	90%	95%
<i>Decrease the number of aged cases over 270 days</i>	5%	5.8%



[fairfaxcounty.gov/humanrights](https://www.fairfaxcounty.gov/humanrights)

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