



City of Albuquerque

MAYOR / CAO OFFICE

Timothy M. Keller, Mayor

June ____, 2020

ADMINISTRATIVE INSTRUCTION NO.: 8-25 (2020)

TITLE: *Albuquerque Closed Captioning Ordinance Enforcement*

PRIMARY DEPARTMENT: *Office of Civil Rights*

The City of Albuquerque acknowledges its continuing commitment to the principles of equal access. Pursuant to the Albuquerque Closed Captioning Ordinance (“Ordinance”), enacted as O-2019-035 and currently located at Chapter 13, Business and Occupations, Article 18 of the Albuquerque Code of Ordinances (“Code”), the principles of equal access include closed captioning in places of public accommodation.

The Albuquerque Office of Civil Rights (“OCR”) shall enforce the Ordinance pursuant to the Albuquerque Human Rights Ordinance (“HRO”) located at Chapter 11, Article 3 of the Code. If the Ordinance conflicts, or is interpreted to conflict, with the HRO, the HRO shall control. If the Ordinance conflicts, or is interpreted to conflict, with state or federal law, such state or federal law shall control. If OCR receives a complaint against a local government entity, OCR shall refer the matter to the appropriate enforcement individual or entity.

Generally, OCR will process complaints using the following steps:

1. The Complainant must contact OCR within 90 days of an alleged violation.
2. OCR will conduct an intake interview.
3. OCR makes a determination whether to issue a complaint to the entity alleged to have violated the Ordinance.
4. At this stage, if both parties agree, they may pursue pre-determination settlement.
5. If the parties do not pursue pre-determination settlement, or if pre-determination settlement is unsuccessful, OCR will conduct an investigation.
6. Thereafter, OCR provides a report to the Human Rights Board (“HRB”) with a recommended decision.
7. The HRB may issue a decision based upon the report or require a hearing.
8. If the HRB finds probable cause to believe the Ordinance was violated, OCR will engage the parties in conciliation.

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9. The HRB may find that an entity has violated the Ordinance and order the entity to stop the violation immediately.
 10. If the entity fails to comply with the HRB order, OCR and the HRB may pursue the matter in the Bernalillo County Metropolitan Court, seeking fines against the Respondent for \$250 for the initial violation and \$500 for each subsequent violation.

Sarita Nair
Chief Administrative Officer

Effective Date