

Substantial evidence means more than a mere scintilla of evidence. It means such a minimum amount of relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

5.40.010 - Complaints.

- A. A person who sincerely believes he or she is aggrieved or injured by any discriminatory act or practice prohibited by this title may file a verified written complaint with the equal rights commission within 180 days from the date of the alleged discriminatory act or practice, stating the name and address of the person alleged to have engaged in the discriminatory act or practice, and a short plain statement of each alleged unlawful discriminatory act or practice.
- B. Consistent with subsection A., the executive director, with the approval of a panel of 3 commissioners selected on a rotating basis by the Commission Chair, may also file a verified written complaint on behalf of a person or persons aggrieved by an alleged discriminatory act or practice within 180 days from the date of the alleged discriminatory act or practice or within 60 days after the alleged discriminatory act or practice comes to the executive director's attention, whichever is later, including an identification of the person or persons affected by the alleged unlawful practice which is sufficient to enable staff to investigate the complaint.
- C. If the alleged act or practice is of a continuing nature, the date of its occurrence shall be considered to be any date after the commencement of the practice up to and including the date on which the practice ceased.

5.50.060 - General investigations.

- A. The commission, or the executive director with the approval of a panel of 3 commissioners selected on a rotating basis by the Commission Chair, may, on their own motion, initiate a general investigation to determine the extent to which an individual, group, corporation, business, industry, agency, or organization is complying with the provisions of chapter 5.20 of the Anchorage Municipal Code.
- B. In the course of a general investigation, the executive director may require the submission of information by an individual, group, corporation, business,

industry, agency or organization being investigated, concerning the race, color, sex, religion, national origin, marital status, age, or physical or mental disability, of any employee or other person, if available, and all other information relevant to the investigation.

- C. A general investigation may be as broad in scope as may be necessary to effectuate the purposes of title 5 of the Anchorage Municipal Code.

5.50.020 - Fact finding procedures.

- C. Each allegation of the complaint and response, if any, shall be closely examined and fully discussed. Each party shall be allowed a reasonable time to present evidence in support of his or her position. ~~Each party may bring a reasonable number of witnesses.~~ Staff may limit the number of persons in attendance. ~~Complainant may be accompanied by one support person or an attorney. Respondent may choose no more than two representatives to attend, in addition to an attorney.~~ Complainant and Respondent may be accompanied by an attorney. In addition, Respondent may choose no more than two representatives to attend and Complainant may choose to be accompanied by a support person.

5.50.010 - Investigative overview.

The commission shall investigate promptly and impartially the matters set out in the filed complaint. If it determines the allegations are supported by substantial evidence, it shall immediately attempt to eliminate the alleged discriminatory act or practice by conference, persuasion and conciliation. If the commission determines the allegations are not supported by substantial evidence, the complaint shall be closed or dismissed. The commission shall, ~~unless good cause is shown, in any event~~ issue its determination within 240 days after the filing of the complaint. If good cause is shown to extend an investigation beyond 240 days, the commission shall notify the parties.

5.50.030 - Effect of failure to furnish responses to requests for essential information or produce witnesses or attend fact finding conference.

- A. The executive director may dismiss a complaint if the complainant fails to attend the fact finding conference or to furnish the information requested in subsection 5.50.020B.2. of this title, without good cause, or if the executive director has determined that the complainant has unreasonably obstructed the fact finding conference.
- B. If the respondent fails to timely furnish the information requested in subsection 5.50.020B.2. of this title, or if the respondent fails to provide responses to a request for essential information or interrogatories, or fails to attend the fact finding conference without good cause or unreasonably obstructs the fact finding conference, ~~this conduct may be treated as an admission of the allegations in the complaint for purposes of the substantial evidence determination only. the commission's staff shall analyze the available evidence and determine whether the complaint is supported by substantial evidence; the staff may seek enforcement of a subpoena or subpoena duces tecum~~ (requiring the production of documents or other evidence) in superior court.

Public accommodation means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, (1) whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public, or (2) that accepts public funds.

5.20.020 - Unlawful practices in the sale, rental or use of real property.

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- B. Notwithstanding the provisions of this section, this section does not apply where the renter or lessee shares common living areas in an individually or privately owned home or dwelling unit with the owner, lessor, manager, agent or other person and the owner, lessor, manager, agent actually occupies the home or dwelling unit as a resident. This section also does not apply to aplces which are institutional in nature and for which housing is merely incidental to a broader purpose, such as rehabilitation or medical care. Such institutional places may still be covered under Section. 5.20.050.