



NOTICE OF MEETING
The Regular Meeting of the
CEDAR RAPIDS CIVIL RIGHTS COMMISSION

Will Be Held

Wednesday, November 18, 2015 at 5:30 p.m.

Civil Rights Commission Office
50 2nd Avenue Bridge, 4th Floor, Cedar Rapids, IA

A G E N D A

- I. Call to Order
- II. Roll Call – Introductions
- III. Public Response
- IV. Approval of Minutes from October Meeting
- V. Report from Chair
- VI. Closed Session
The Commission may go into closed session to discuss the filing of one or more complaints, information gathered during investigation of such complaints, and attempts to eliminate such alleged discrimination pursuant to Iowa Code Sections 21.5(1)(a) and 216.15(5) (2012).
 - Pearson v. Seldin Properties, LLC
- VII. Committee Reports
 - Finance Committee
 - Outreach Committee
 - Marion Civil Rights Commission Liaison
- VIII. Mission Moment –Smartphone Application
- IX. Director’s Report
- X. Adjournment

NOTICE: Any person needing visual/audio assistance or language interpretation should contact Civil Rights at 319-286-5036 at least 48 hours prior to the meeting.

CEDAR RAPIDS CIVIL RIGHTS COMMISSION (CRCRC)
MEETING MINUTES
October 28, 2015 5:30 p.m.
Civil Rights Commission
50 2nd Avenue Bridge
Cedar Rapids, IA 52401

Commissioners Present: Mr. Keith Rippy, Chair
Ms. Salma Igram, Vice Chair
Dr. Emily Bowman
Mr. Leland Freie
Ms. Laura O’Leary
Mr. Robin Tucker
Mr. Keith Wiggins

Commissioners Absent: Ms. Ashley Reynolds
Dr. Ruth White

Staff Present: Mr. Johnny Sevier, Training & Outreach Coordinator

Guests: Susie Weinacht, Cristy Hamblin

I. Call to Order

Commissioner Rippy, Chair, called the meeting to order at 5:35 pm.

II. Roll Call/Introductions

Commissioners, staff and guests introduced themselves.

III. Public Response

No public response.

IV. Approval of Minutes from August Meeting

Commissioner Igram moved to approve the minutes. Commissioner O’Leary seconded the motion, which was unanimously approved.

V. Cedar Rapids Police Department Young Services Project Update

Cristy Hamblin of the Cedar Rapids Police Department updated commissioners on the Youth Services Project. Ms. Hamblin noted the Department has several ongoing projects under this umbrella. She began by informing commissioners of the history of the Georgetown project, which began two years ago. She noted the project was designed to examine disparate rates of criminal charges, which negatively impact youth of color. She shared the statistic that of the 233 criminal charges at schools in 2012-2013, 51% were charged to students of color. Ms. Hamblin also shared the top ten offenses that occurred amongst this population and noted they were minor charges, not serious crimes. In response to this data, she noted that the CRPD has developed a mentoring program with the following mission statement: “Through collaboration and change in policy and practice, youth of color will have access to equal educational opportunities.” This is the second year of the program, which is targeting Roosevelt Middle School and Jefferson High School. The program has partnered with Big Brothers/Big Sisters and is currently working to de-stigmatize the program as well as reach out to the community for mentors. Ms. Hamblin also shared information

about the Youth Citizens Academy and the Adult Citizens Academy where citizens can see what it is like to be a police officer. She handed out brochures to commissioners on the Adult Citizens Academy. Finally, Ms. Hamblin noted the CRPD is also reaching out the community by meeting with faith-based organizations in an effort not only to build relationships and educate the public about the role of the CRPD, but also to recruit future police officers from diverse backgrounds.

VI. Report from Chair

Commissioner Rippy noted the CRCRC continues to work with the City Attorney to update the 28E Agreement with Marion. This is an ongoing project.

VII. Committee Reports

Development and Personnel Committee

Commissioner O'Leary stated she had nothing new to report.

Finance Committee

Commissioner Igram stated she had nothing new to report; the committee has not met.

Outreach Committee

Commissioner Bowman noted that Bernie Walther was in the process of finalizing dates for EEOC training and mediation training, but at the time of the committee meeting these dates were still tentative. The CRCRC "app" is now up and running thanks to Alicia Abernathey. Commissioners should put January 17 on their calendars as the CRCRC will host a film screening of *Selma* at the CR Public Library that day.

Marion Civil Rights Commission Liaison

Commissioner Tucker stated he did not attend the last Marion meeting due to illness. He noted that the Marion Community event has been pushed back to early 2016. The next Marion meeting is Wednesday, November 4th; the MCRC meets the first Monday of each month.

VIII. Director's Report

Commissioner Rippy called attention to the Director's Report included in the meeting packet and asked commissioners to read it. Commissioner Rippy noted Janet Abejo is serving as the person in charge (PIC) during Ms. Yates's absence.

IX. Adjournment

The meeting was adjourned at 6:08 p.m.

Respectfully submitted by Emily Bowman

CEDAR RAPIDS CIVIL RIGHTS COMMISSION

Tanaka Pearson,)
)
 Complainant,) CRCRC NO. 3423
)
 Vs.) PROPOSED DECISION
)
 Seldin Properties, LLC,)
 d/b/a Valley View Apartments,)
 Respondent.)

PROPOSED ORDER

I. STATEMENT OF THE CASE

1. The Complainant, Tanaka Pearson, (hereinafter known as "Pearson"), filed a charge against Seldin Properties, LLC. (hereinafter known as "Seldin") alleging discrimination in the area of housing on the basis of disability in violation of Chapter 69, Section 19 of the Code of Ordinances of the City of Cedar Rapids, Iowa.
2. A hearing was held in Cedar Rapids, Iowa, before the undersigned on April 10, 2015.

II. FINDINGS OF FACT

1. Complainant Pearson has been diagnosed with arthritis in her knees over five years ago. Due to the diagnosis, Complainant is in need of a total knee replacement.
2. Due to the Complainant's arthritis in her knees she has pain when she walks, sits, and sleeps.
3. As a result of the Complainant's arthritis she must walk with a cane at times to walk. The arthritis in Complainant's knees is aggravated by stairs which causes inflammation and swelling.
4. Complainant's arthritis has affected her ability to work because she cannot stand for long periods of time. Complainant was deemed incapacitated because of her knees by Dr. Fabian in January of 2014.

5. Valley View is managed by Respondent Seldin Properties and owned by C & H – Cedar Rapids, L.P. and is located at 505 Ashton Place NE in Cedar Rapids, Iowa.
6. In May of 2013, Complainant met with the Manager of Valley View at the time Traelei Annett-Jaeger, to complete a rental application. Complainant had previously notified the manager that she needed a first floor apartment due to the arthritis in her knees and the difficulty in using stairs. Complainant also asked Ms. Annett-Jaeger for a ride to the bus station due to her difficulty walking with the arthritis in her knees. When Complainant returned to sign the lease she was informed she was given a unit on the third floor, rather than the agreed upon first floor. Ms. Annett-Jaeger and Samantha Appleby, assistant manager were present during the meeting and were aware that Complainant was upset about the third floor unit.
7. Complainant moved into the unit about two weeks later because she believed she did not have a choice. Complainant made several requests to move to a first floor apartment.
8. Ms. Shelton and Ms. Annett-Jaeger saw Complainant using a cane while living at the unit.
9. Respondent was aware Complainant had someone living with her during the tenancy to assist her in getting up and down the stairs since her unit was on the third floor of the complex.
10. Complainant's request to move to a first floor apartment was not granted despite the fact that three first floor units became available during the time Complainant resided in the third floor unit.
11. According to Ms. Appleby, Respondent has a policy of requiring documentation from a doctor if a unit transfer request is made on the basis of a disability if that disability is not visible. However, if the disability is visible, Respondent's policy is to proceed with the transfer request. If documentation is required for a unity transfer request, it is up to the manger to decide what constitutes sufficient documentation. Ms. Appleby on behalf of the Respondent was unsure if Complainant was ever given a unit transfer request form. Complainant testified she was never given a unit transfer request form. Ms. Appleby also testified she did not explain the process of transferring units to Complainant.

III. ISSUES

1. Whether Complainant is handicapped and if so was she a victim of unlawful discrimination in housing based upon her disability.
2. Whether Ms. Pearson sustained damages and, if so, the amount thereof.

IV. ANALYSIS

1. In order to prove an accommodation discrimination case based on accommodations, the Complainant must prove the following by a preponderance of the evidence:
 - (a) That Tanaka Pearson was a disabled person.
 - (b) That Tanaka Pearson requested to enjoy the accommodations of a rental on the basis of disability.
 - (c) That Tanaka Pearson was denied or refused of those accommodations or other discrimination.
2. The Court does find based upon the testimony given that Tanaka Pearson is a disabled person under CRCRC Section 69.19. The Court finds based upon the testimony given and exhibits that Ms. Pearson's disability substantially limits her major life activities including but not limited to walking, standing, working and at least during 2013 the ability to care for herself. The Respondent knew or should have known that Pearson had a disability at all times relevant to this matter both verbally and visually.
3. The Court also finds that on several occasions prior to moving in and after moving in that Pearson requested a first floor unit to be able use and enjoy her dwelling and not be housebound with a person living with her to assist her with the stairs.
4. Respondent failed to accommodate Pearson's disability on at least three occasions when a first floor unit became available while Pearson lived at the unit and also when Respondent failed to explain the unit transfer request process at any time.

V. PROPOSED DECISION

1. That the Complainant has proven by a preponderance of the evidence that the Respondent discriminated against Tanaka Pearson.

2. The Respondent shall cease and desist from discriminatory or unfair practices in providing accommodations to all individuals regardless of disability.
3. The Respondent shall place fair housing posters in common use areas so that all residents and guests will be aware of their fair housing rights and responsibilities within 60 days.
4. The Respondent shall review all fair housing laws to assure conformity within 60 days of the final order in this matter.
5. Within 60 days of the final order in this matter, Respondent and employees shall successfully complete fair housing training provided by the Cedar Rapids Civil Rights Commission, or equivalent fair housing training.
6. The Respondent is ordered to pay the cost of this action within 30 days of the date of the final order in this matter.
7. The Respondent shall be enjoined and restrained from any future violations of Cedar Rapids Municipal Code Chapter 69.

DATED THIS 20th DAY OF OCTOBER, 2015.


ROBIN L. O'BRIEN LICHT
Administrative Law Judge
Cedar Rapids Civil Rights
Commission

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Cedar Rapids Civil Rights Commission

Director's Report

November 18, 2015

INFORMATIONAL ITEMS

- **EnerGov System Update**

Project Lead: Janet

- Staff will meet on December 2nd to walk through the major functions of EnerGov and ensure all have an understanding of the system. This will be an opportunity for staff to ask any questions regarding the system and how it works.

OUTREACH AND EDUCATION

- **CRCRC Community Quarterly Trainings**

Project Lead: Bernie

- *EEOC Training for HR Professionals & Public:*
EEOC Training was postponed due to issues with the Training Agreement. Randy Hartman in Finance will continue to work with Maria Flores at EEOC to finalize the contract. Once contract is finalized, we will propose a different date.
- *Mediation Training:*
A Training Agreement has been signed. Staff training will be held on November 19th. Public training will be held February 9th from 10:00 AM to Noon at the CRPD Community Room. The public training target audience includes HR professionals, realtors and landlords.
- *Civil Rights Movie Night:*
Movie Night is confirmed with the showing of *Selma* and will be held at the CR Public Library on Sunday, January 17 at approximately 2:00 – 4:00 PM in the Whipple Auditorium. Staff is continuing to work out logistics and marketing. Staff hopes to combine efforts with a Public Employee Job Fair partnering with the City of Cedar Rapids Human Resources Department, Linn County Human Resources Department and the Cedar Rapids Community School District. Information regarding the Youth Fair Housing Poster Contest will also be provided at this event.
- *Fair Lending:*
A proposed contract was received from John Marshall Law School Center for Fair Housing and was forwarded to the City Contracts Administrator for review. Staff is set to meet with the Cedar Rapids Realtors Association to discuss a partnership and have forwarded them a tentative agenda for review. The tentative timeframe is April 2016 in coordination with Fair Housing Month. Staff is currently working on a location. The training would be open to the public with a target audience of realtors and lenders.
- *Human Rights Month Proclamation:*
Executive Director Yates and various community members will accept a Proclamation at the December 15th City Council meeting dedicating December 2015 as Human Rights Month. The meeting will be at 4:00 PM.

- **New Hire Orientation**

Project Lead: N/A

Judy Goldberg conducted the October 2015 NHO training and Bernie Walther conducted the November 2015 NHO training.

- **Staff Training**

- Executive Director Yates and all Investigators will attend Mediation Training provided by Annie Tucker on Thursday, November 19th.
- All staff will participate in Teambuilding Training on Monday, November 30th.

MARION ITEMS

- **Marion Caseload and Mediations:**

- For reporting period October 2014 - October 2015, four cases were filed with the Marion Civil Rights Commission.
- Five were closed during the same reporting period. There is one case currently on file with the Marion Commission; the housing case that went to public hearing on July 14th. A decision from ALJ is still pending at this time.

- **MCRC Agreements with HUD and ICRC:**

- CRCRC staff is continuing to transfer Marion cases to ICRC and HUD, as needed, to avoid any conflict until issues are resolved with agreements. CRCRC staff will continue to provide updates on this matter in the coming months.

Respectfully submitted by

LaSheila Yates
Executive Director

Agency Outreach Performance

Performance Indicators: <i>50% of participants rating presentations & events as satisfactory or better</i>							
<i>15% of increased knowledge in participants after trainings</i>							
	July	August	September	October	November	December	YTD Total
% of participants rating presentations & events as satisfactory or better	N/A	N/A	N/A	N/A			N/A
% of increased knowledge in participants after trainings	N/A	N/A	N/A	N/A			N/A

Agency Customer Service Performance

Performance Indicators: <i>Average customer service rating of 2.5 or higher on a 5 point scale</i>							
	July	August	September	October	November	December	YTD Total
Average Intakes customer service rating	N/A	5	5	5			15
Average Investigations customer service rating	N/A	N/A	N/A	N/A			N/A
Average Outreach customer service rating	N/A	N/A	5	5			10

Agency Case Investigation Performance

Performance Indicators: <i>85% of non-housing cases investigated in 300 days or less</i>							
<i>50% of housing cases investigated in 100 days or less</i>							
	July	August	September	October	November	December	YTD Total
Cases filed	0	3	2	2			7
Intakes in Progress	3	2	3	2			10
Cases closed - Housing	0	0	0	0			0
- no probable cause determination (%)	N/A	N/A	N/A	N/A			N/A
- probable cause determination (%)	N/A	N/A	N/A	N/A			N/A
- administrative closure (%)	N/A	N/A	N/A	N/A			N/A
- settlement (%)	N/A	N/A	N/A	N/A			N/A
- public hearing (%)	N/A	N/A	N/A	N/A			N/A
Number of Housing cases closed on time (100 Days)	N/A	N/A	N/A	N/A			N/A
% of Housing cases closed on time (100 Days)	N/A	N/A	N/A	N/A			N/A
Cases closed - Non-Housing	0	0	0	1			1
- no probable cause determination (%)	N/A	N/A	N/A	100%			100%
- probable cause determination (%)	N/A	N/A	N/A	N/A			N/A
- administrative closure (%)	N/A	N/A	N/A	N/A			N/A
- settlement (%)	N/A	N/A	N/A	N/A			N/A
- public hearing (%)	N/A	N/A	N/A	N/A			N/A
Number of Non-Housing cases closed on time (300 Days)	N/A	N/A	N/A	1			1
% of Non-Housing cases closed on time (300 Days)	N/A	N/A	N/A	100%			100%
Average age of complaint caseload (days)	N/A	27	47	44			N/A

Cedar Rapids Civil Rights Commission Case Report - November 13, 2015

Cases Filed October 2014 - October 2015		
October 2014	4	2 Emp, 1 Hsg, 1 PA
November 2014	0	
December 2014	5	3 Emp, 2 Hsg
January 2015	2	2 Emp
February 2015	2	1 Emp, 1 Hsg
March 2015	10	5 Emp, 4 Hsg, 1 Edu
April 2015	0	
May 2015	0	
June 2015	0	
July 2015	1	1 Emp
August 2015	2	1 Emp, 1 Hsg
September 2015	2	2 Emp
October 2015	2	2 Emp
TOTAL FILED	30	

Settlements October 2014 - October 2015		
October 2014	1	\$ 300.00
November 2014	0	\$ -
December 2014	0	\$ -
January 2015	0	\$ -
February 2015	1	\$ 390.00
March 2015	1	\$ 15,000 (Marion)
April 2015	0	\$ -
May 2015	0	\$ -
June 2015	0	\$ -
July 2015	0	\$ -
August 2015	0	\$ -
September 2015	0	\$ -
October 2015	0	\$ -
TOTAL	3	\$ 690.00

Cases Closed October 2014 - October 2015		
October 2014	10	7 Emp, 2 Hsg, 1 Edu
November 2014	2	2 Hsg
December 2014	5	4 Emp, 1 Hsg
January 2015	1	1 Emp
February 2015	28	21 Emp, 1 Hsg, 2 Edu, 3 PA, 1 Credit (24 Transferred to ICRC)
March 2015	9	7 Emp, 1 Hsg, 1 Credit
April 2015	3	3 Emp (1 Marion)
May 2015	23	18 Emp, 3 Hsg, 1 Edu, 1 PA (18 Transferred to ICRC - 1 Marion Emp)
June 2015	3	1 Emp, 2 Hsg
July 2015	1	1 Emp (Marion)
August 2015	1	1 Hsg (Marion)
September 2015	0	
October 2015	2	1 Emp, 1 Hsg
TOTAL CLOSED	88	

Case Assignments		
Abejo, Janet	3	1 Emp, 2 Hsg (1 Marion)
Goldberg, Judy	2	2 Emp
Walther, Bernie	3	2 Emp, 1 Hsg
TOTAL ASSIGNED	8	

Additional Case Status		
Out w/Commissioners	0	
Public Hearing	2	2 Hsg (1 Hsg - Marion)
Conciliation in process	0	
Intakes In Process	2	

Average Days of Open Cases	September	October
Including Post PC Finding (i.e. Conciliation, Public Hearing)	199	168
Not including Post PC Finding	109	44



CASES FILED AND CLOSED: October 2014 - October 2015

For reporting period October 2014 – October 2015, **30 cases** were **filed** with the Cedar Rapids Civil Rights Commission. Of those 30, 19 (64%) were employment, 9 (30%) housing, 1 (3%) public accommodation, 1 (3%) education, and 0 credit.

A total of **88 cases** were **closed** by the Cedar Rapids Civil Rights Commission during the same reporting period. Of those 88, 64 (72%) were employment, 14 (16%) housing, 4 (5%) public accommodation, 4 (5%) education, and 2 (2%) credit. The chart below shows the areas for all cases filed and closed during this reporting period:

