

CEDAR RAPIDS CIVIL RIGHTS COMMISSION
Second Floor, Veterans Memorial Building
12 April 2008

Commissioners and staff met for the special meeting of the Cedar Rapids Civil Rights Commission at 9:30 AM, Saturday, 12 April 2008, in the conference room, Civil Rights Commission office, 425 Second Street SE, Suite 960, Cedar Rapids, Iowa.

Commissioners Present: Ms. Miriam Amer, Chair
Mr. George Holmes, Vice Chair
Mr. Virgil Gooding
Ms. Janet Johnson
Mr. Kavi Parupally
Mr. Roy Porterfield
Ms. Tara Youells
Ms. Nancy Lee Ziese

Commissioners Absent: Mr. Momodu Kamara
Ms. Dolores Reisinger

Staff Present: Mr. Kenneth White, Director
Ms. Christina Larsen, Staff Administrative Assistant

Guests: None

Noting a quorum, Miriam Amer, Chair, called the meeting to order at 9:52 AM.

APPROVAL OF MINUTES

Roy Porterfield motioned the approval of the March 26, 2008 meeting minutes with Tara Youells seconding. With no objections, the minutes as printed were approved.

OLD BUSINESS

REVIEW OF CITY OF CEDAR RAPIDS CHAPTER 69 ORDINANCE

There was general discussion regarding the suggested edits proposed. After discussion, the following sections were approved by unanimous vote (*text is shown as approved*):

NOTE: Kavi Parupally arrived at 9:58 AM.

69.14 ADMINISTRATIVE HEARING.

- (e). **Hearings, Findings and Conclusions and Order.**
 - (iv) To vindicate the public interest, assess a civil penalty against the entity in an amount to be specified by the Commission Rules not to exceed any amount allowable by state or federal statutes.
- (f) **Review by Commission – Service of Final Order.**
 - 1. The Commission may review any finding, conclusion or order issued under this section. Such review shall be completed not later than 30 days after the finding, conclusion or order is so issued;

otherwise the finding, conclusion or order becomes final.

- (g) **Judicial Review - Review of Order.** Any party aggrieved by a final order for relief under this Chapter granting or denying in whole or in part the relief sought may obtain review of such order by filing a petition for review not later than 30 days after the order is issued in Linn County District Court.

69.15 REMEDIES.

- (b) If, upon taking into consideration all of the evidence at a hearing, the Commission determines that the respondent has engaged in a discriminatory or unfair practice, the Commission shall state its findings of fact and conclusions of law and shall issue an order requiring the respondent to cease and desist from the discriminatory or unfair practice and to take the necessary remedial action as in the judgment of the Commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the respondent, the complainant, and to any other public officers and persons as the Commission deems proper.
1. For the purposes of this subsection and pursuant to the provisions of this chapter, "remedial action" *may* include *any* equitable relief that the Commission considers appropriate, but is not limited to the following:
 - (i) *Granting temporary, preliminary, or permanent relief;*
 - (ii) Hiring, reinstatement or upgrading of employees with or without pay, interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable;***
 - (xii) To vindicate the public interest, a civil penalty against the entity in an amount to be specified by the Commission Rules not to exceed any amount allowable by state or federal statutes effective DATE OF ORDINANCE.
 - (xiii) Other relief the Commission or Administrative Law Judge considers to be appropriate, including monetary damages, fines and penalties.
 3. The election of an affirmative action order under paragraph (b) of this subsection shall not bar the election of affirmative remedies provided in paragraph (a) of this subsection.
- (c) The terms of a conciliation agreement reached with the respondent may require the respondent to refrain in the future from committing discriminatory or unfair practices of the type stated in the agreement, to take remedial action as in the judgment of the Commission will carry out the purposes of this chapter, and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation agreement. Violation of such a consent decree may be punished as contempt by the court in which it is filed, upon a showing by the Commission of the violation at any time within 6 months of its occurrence. In all cases where a conciliation agreement is entered into, the Commission shall issue an order stating the terms and furnish a copy of the

order to the complainant, the respondent, and such other persons as the Commission deems proper. At any time in its discretion the Commission may investigate whether the terms of the agreement are being complied with by the respondent.

69.17 JUDICIAL REVIEW – ENFORCEMENT.

- (a) The Commission may obtain an order of court for the enforcement of Commission orders in a proceeding as provided in this section.
- (b) Such an enforcement proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the respondent. Thereupon the Commission shall file with the court a transcript of the record of the hearing before it. The court shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside the order of the Commission, in whole or in part.
- (c) An objection that has not been urged before the Commission shall not be considered by the court in an enforcement proceeding, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.
- (d) Any party to the enforcement proceeding may move the court to remit the case to the Commission in the interest of justice for the purpose of introducing additional specified and material evidence and seeking findings thereon, providing such party shall show reasonable grounds for the failure to introduce such evidence before the Commission.
- (e) In the enforcement proceeding the court shall determine its order on the same basis as it would in a proceeding reviewing Commission action under Section 69.16, subsection (g) of this chapter.
- (f) The Commission's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the Commission's order.
- (g) Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed without requirement for printing.
- (h) If no proceeding to obtain judicial review is instituted within 30 days from the service of any order of the Commission under Section 69.14 of this chapter, the Commission may obtain an order of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the Commission and the Commission finding of fact and order shall be conclusive in connection with any petition for enforcement.

69.18 SIXTY-DAY ADMINISTRATIVE RELEASE.

- (a) A party claiming to be aggrieved by an unfair or discriminatory practice must initially seek an administrative relief by filing a complaint with the Commission in accordance with Section 69.13. A complainant, after the proper filing of a complaint with the Commission, may subsequently commence an action for relief in the District Court if all of the following conditions have been satisfied:
 - 1. The complainant has timely filed the complaint with the Commission as provided in Section 69.13; and
 - 2. The complaint has been on file with the Commission for at least 60 days and the Commission has issued a release to the Complainant pursuant to

Section 69.18, subsection (b).

- (b) Upon a request by the complainant, and after the expiration of 60 days from the timely filing of a complaint with the Commission, the Commission shall issue to the complainant a release stating that the Complainant has a right to commence an action in the District Court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint by the Commissioner charged with that duty under Section 69.13, subsection (e), a conciliation agreement has been executed under Section 69.13, the Commission has served notice of hearing upon the respondent pursuant to Section 69.14, subsection (a), or the complaint is closed as an administrative closure and 2 years have elapsed since the issuance date of the closure. Notwithstanding Section 69.13, subsection (d), a party may obtain a copy of all documents contained in a case file where the Commission has issued a release to the complainant pursuant to this subsection.
- (c) An action authorized under Section 69.18 is barred unless commenced within 90 days after issuance by the Commission of a release under Section 69.18, subsection (b). If a complainant obtains a release from the Commission under Section 69.18, subsection (b), the Commission shall be barred from further action on that complaint.
- (e) The District Court may grant any relief in an action under this section which is authorized by Section 69.15, subsection (b), to be issued by the Commission. The District Court may also award the respondent reasonable attorney's fees and court costs when the court finds that the complainant's action was frivolous.
- (f) It is the legislative intent of this chapter that every complaint be at least preliminarily screened during the first 60 days.

This section does not authorize administrative closure if an investigation is warranted.

69.19 FAIR HOUSING.

- (b) **Prohibitions/Unfair or Discriminatory Practices – Housing.** It shall be an unfair or discriminatory practice for any person, owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salespersons, attorneys, auctioneers, agents or representatives by power of attorney or appointment or any person acting under court order, deed of trust, or will:
 - 3. To discriminate against any person for income and support derived from any tax supported federal, state, or local funds, including, but not limited to, social security, supplemental security income, temporary assistance for needy families, family investment program, general relief, food stamps, and unemployment compensation, but not including rent subsidies.
- (c) **Exemptions.**
 - 4. (i) Nothing in Section 69.19 limits the applicability of the city's Housing Ordinance regarding the maximum number of occupants

permitted to occupy a dwelling. Nor does any provision in this article regarding familial status or age apply with respect to housing for older persons.

- (ii) As used in this subsection “housing for older persons” means housing:
 - (a) Provided under any state or federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

- 5. **Additional Housing Exception.** Sections 69.19 (b) and (d) do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than age, color, creed, disability, familial status, gender identity, marital status, national origin, race, religion, sex, or sexual orientation in appraising real estate.

(d) **Discrimination in Residential Real Estate-Related Transactions.**

- 1. **In General.** It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of age, color, creed, disability, familial status, gender identity, marital status, national origin, race, religion, sex, or sexual orientation.
- 2. **Definition.** As used in this section, the term “residential real estate-related transaction” means any of the following:
 - (i) The making or purchasing of loans or providing other financial assistance:
 - (a) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
 - (b) Secured by residential real estate.
 - (ii) The selling, brokering or appraising of residential property.
- 3. **Appraisal Exemption.** Nothing in this section prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than age, color, creed, disability, familial status, gender identity, marital status, national origin, race, religion, sex, or sexual orientation.

(h) **Enforcement by Commission.**

- 6. Hearings, Findings and Conclusions and Order.
 - (iv) *To vindicate the public interest, a civil penalty against the entity in an amount to be specified by the Commission Rules not to exceed any amount allowable by state or federal statutes effective DATE OF ORDINANCE.

It was noted that there will be a footnote on each page that references "state or federal statues" shown as: "Any references to specific state or federal statues herein shall be understood to mean the most current revisions of said statues."

69.04 CEDAR RAPIDS CIVIL RIGHTS COMMISSION.

- (a) The Cedar Rapids Civil Rights Commission shall consist of 11 members appointed by the Mayor with the approval of the City Council. Membership on the Commission shall be broadly representative of the city's population and shall be broadly representative of the city's population and its protected classes.

NOTES:

- ◆ All asterisks and strikethroughs will be deleted.
- ◆ All font color will be black.
- ◆ Any numeration issues will be resolved.

Roy motioned to ratify all changes made to the draft Ordinance with NancyLee seconding the motion. There was a unanimous vote to ratify all edits and changes made to date on the Ordinance.

NancyLee motioned to adjourn with Virgil Gooding seconding at 11:25 AM. The meeting was adjourned by unanimous vote.

NEXT MEETING

The next regular meeting will be at 4:30, Wednesday, 23 April 2008, in the Civil Rights Commission office conference room.

Respectfully submitted,

Christina Larsen
Administrative Assistant III