



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MEETING NOTICE AND AGENDA**  
**BELOIT EQUAL OPPORTUNITIES AND HUMAN RELATIONS COMMISSION**

**Wednesday, October 17, 2012 at 5:30 PM**  
**The Forum, First Floor**  
**Beloit City Hall, 100 State Street**

1. Call to Order and Roll Call
2. Approval of Minutes of the August 15, 2012 Meeting
3. Public Participation
4. Review and Consideration of Resolution 2012-01, Adopting the 2013 Strategy to Address Impediments to Fair Housing
5. Review of EOHRC Bylaws Draft
6. Upcoming Events
7. Adjournment

Notice Mailed: October 12, 2012

Approved: Teri Downing  
Director of Community and Housing Services

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**Please Call 364-6650 before 3:00 p.m. on Tuesday, October 16, 2012**  
**if you are unable to attend.**

\* Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511



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**MINUTES  
BELOIT EQUAL OPPORTUNITIES  
AND HUMAN RELATIONS COMMISSION**

**Wednesday, August 15, 2012 at 5:30 PM**

1. Call to Order and Roll Call

Meeting was called to order at 5:34 PM by Chair Matt Finnegan.

Present: Commissioners Matthew Finnegan, Joseph Hansen, Marilyn Sloniker, Rick Valdez, Councilor Charles Kincaid, and Staff Representative Teri Downing. Excused: Commissioners Carolyn Lawrence and Alexis Siatos.

2. Approval of Minutes of the June 20, 2012 Meeting

Commissioner Valdez moved for approval of the minutes of the regular meeting held on June 20, 2012 and Commissioner Sloniker seconded with the correction that Commissioner Valdez was present at the June 20, 2012 meeting. The motion carried.

3. Nomination and Election of Officers:

a. Nomination and Election of Chairperson: Chairperson Matt Finnegan called for nominations for Chairperson. Joe Hansen nominated Rick Valdez. Matt Finnegan seconded and the motion carried.

b. Nomination and Election of Vice-Chairperson: Chairperson Rick Valdez called for nominations for Vice-Chairperson. Matt Finnegan nominated Marilyn Sloniker as Vice-Chairperson. Joe Hansen seconded and the motion carried.

4. Public Participation

There were no members of the public present.

5. Review of Draft of 2013 Strategy to Address Impediments to Fair Housing

Staff explained that the EOHR can decide to develop a strategy each year to address impediments identified in the Analysis of Impediments to Fair Housing. And provided a draft based on input from the previous meeting. Staff also pointed out that the Commission does not have a mission statement, but may want to develop one. The Commission should also decide whether to adopt the final strategy by resolution.

The Commissioners discussed each item listed on the draft strategy document and compared it to the impediments listed in the Analysis of Impediments to Fair Housing (AI) and its recommendations.

Chair Valdez suggested splitting the Mission Statement into a separate project and adopting it by resolution. He suggested taking it out of the strategy so it will not change each year, only the strategy to address impediments will change from year to year. The Commission expressed consensus on this.

Commissioner Sloniker pointed out that this Commission also protects people in real estate transactions. She suggested that strategy E include targeting real estate agents as well as the lending community to support recommendation number 6 in the AI. The Commission expressed agreement with this.

The Commission discussed at length the need for financial literacy in the community and how the lack of financial literacy can contribute to people being more susceptible to housing discrimination. Discussion included adding a strategy to facilitate financial literacy in the community and that this would support AI recommendations 2 and 6.

Commissioner Finnegan motioned to add to the strategy, G: Facilitate financial literacy programs throughout the City. This activity will support recommendations 2 and 6. Commissioner Sloniker seconded. The motion carried.

The Commission discussed what the benefits would be for adopting the strategy by resolution. Staff explained that having a resolution and written strategies give the Commission a working document that outlines specific actions steps to further fair housing. The document also strengthens the Commission's position when applying for funding because it not only provides documentation that the City is taking active steps to address fair housing issues, but it also shows that the Commission is committed to carrying out fair housing activities. This documentation is also helpful for reporting purposes for many of the City's grants.

Chairperson Valdez instructed staff to prepare a resolution for adopting the strategy.

6. Discuss the Development of EOHRB Bylaws

Staff explained that the Commission has the authority to adopt rules and bylaws that would codify procedures for processing complaints, investigations, appeals, and the conduct of hearings. Staff recommended adopting bylaws to allow for more consistent administration of the Fair Housing Code which is one of the impediments identified in the AI. The Commission was provided with a sample table of contents from the bylaws of the Madison Equal Opportunities Commission.

The Commission had a short general discussion regarding the various topics of the Sections of the table of contents

Commissioner Hansen suggested that staff take the bullet pointed information the Commission already has in their handbook and putting into bylaw format as a starting point. Then the Commission can review it at their next meeting.

7. Upcoming Events

Staff explained that the CDBG process has begun and an application on behalf of the EOHRC would be submitted by the end of the week to the CDA for consideration of \$25,000 of funding for fair housing activities. Staff explained the CDBG process and that a final decision will be made by Council on November 5, 2012.

8. Adjournment

Commissioner Finnegan moved for adjournment and Commissioner Sloniker seconded. Motion carried. The meeting was adjourned at 6:30 PM by Chairperson Valdez.

Teri Downing  
Director of Community and Housing Services



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## **Report to the Beloit Equal Opportunities and Human Relations Commission**

**Agenda Item:** 4

**Topic:** Review and Consideration of Resolution 2012-01, Adopting the 2013 Strategy to Address Impediments to Fair Housing

**Action:** Approval of Resolution 2012-01

### **Staff Report:**

The Equal Opportunities and Human Relations Commission (EOHRC) was involved in assisting with the Analysis of Impediments to Fair Housing. This document identified a number of Fair Housing concerns and impediments. The document also outlines seven recommendations that may help address these impediments.

The Commission decided to develop a strategy each year to address impediments identified in the Analysis of Impediments to Fair Housing. During the last meeting the EOHRC reviewed a draft Strategy and made changes to support the recommendations of the AI.

Attached you will find a Resolution and the revised Strategy to Address Impediments to Fair Housing based on direction from the EOHRC during the last meeting.

### **Staff Recommendation:**

Staff recommends that the EOHRC approve the Resolution 2012-01, Adopting the 2013 Strategy to Address Impediments to Fair Housing

### **Attachments:**

2013 Annual Strategy to Address Impediments to Fair Housing, Resolution 2012-01

## **2013 Annual Strategy to Address Impediments to Fair Housing**

### **Equal Opportunities and Human Relations Commission (EOHRC)**

The Commission was created by the City of Beloit to improve the quality of life by the elimination of racism in the Beloit community. The purpose of the Commission is to take action, study, analyze and recommend solutions with respect to the major social economic and cultural problems that affect people residing or working within the City, including discrimination in housing.

### **Strategy to Address Impediments**

The Equal Opportunities and Human Relations Commission (EOHRC) assisted with the Analysis of Impediments to Fair Housing, which identified a number of Fair Housing concerns and impediments and outlined seven recommendations that may help address these impediments. The Commission developed a strategy to address impediments identified in the Analysis.

The Commission has decided that the first step to addressing impediments to fair housing is to bring awareness to fair housing issues and educate people about their fair housing rights and remedies under the law. Therefore, in 2013 the Commission will focus its efforts on outreach and education.

- A. The Commission will recruit an intern to reach out to agencies, create materials for education, and provide educational seminars based on the specific educational needs identified by the agency. This activity will support recommendations 2, 3, and 5.
- B. The Commission will reach out to social service agencies in the community in order to educate workers who have direct contact with residents who may be experiencing fair housing issues. And provide materials so agencies and residents have practical resources to reference when needed. This activity will support recommendations 2, 3, and 5.
- C. The Commission will reach out to agencies that assist persons with limited English proficiency in order to combat unfair practices in real estate transactions and rental conditions. This activity will support recommendations 2, 3, and 4.
- D. The Commission will reach out to other communities that have identified low payment standards as an impediment in order to develop possible strategies to address the issue. This activity will support recommendation 7.
- E. The Commission will actively recruit a member of the lending community to serve on the EOHRC. This activity will support recommendation #6.

- F. The Commission will develop EOHRC bylaws to codify procedural rules in the administration of the Fair Housing Code. This activity will support recommendation 1.
- G. Facilitate financial literacy programs throughout the City. This activity will support recommendations 2 and 6.

**RESOLUTION 2012-01**  
**ADOPTING THE 2013 ANNUAL STRATEGY TO ADDRESS**  
**IMPEDIMENTS TO FAIR HOUSING**

**WHEREAS**, the Equal Opportunities and Human Relations Commission (EOHRC) was created by the City of Beloit to improve the quality of life by the elimination of racism in the Beloit Community, and

**WHEREAS**, the Department of Housing and Urban Development (HUD) requires the City to affirmatively further fair housing in order to receive federal funding, and

**WHEREAS**, the Department of Housing and Urban Development (HUD) requires the City to prepare and implement an Analysis of Impediments to Fair Housing, and

**WHEREAS**, the City of Beloit has prepared an Analysis of Impediments to Fair Housing (AI) and submitted it to HUD, and

**WHEREAS**, the EOHRC has developed an annual strategy to address the impediments to fair housing identified in the AI.

**NOW THEREFORE BE IT RESOLVED**, that the Equal Opportunities and Human Relations Commission of the City of Beloit, Rock County, Wisconsin hereby adopts the 2013 Annual Strategy to Address Impediments to Fair Housing.

Adopted this 17<sup>th</sup> day of October, 2012.

**EQUAL OPPORTUNITIES AND HUMAN RELATIONS COMMISSION**

\_\_\_\_\_  
Ricardo Valdez, Chairman

ATTEST:

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Teri Downing, Director of Community and Housing  
Services





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## **Report to the Beloit Equal Opportunities and Human Relations Commission**

**Agenda Item:** 5

**Topic:** Review of Partial Draft of EOHRC Bylaws

**Action:** Discussion Only

### **Staff Report:**

The City's Fair Housing Code address requirements for enforcement of the the Code, such as investigations, hearings, and appeals. However, the Code lacks procedural detail on how to conduct such requirements.

Section 1.82(11) of the City's Municipal Code allows the EOHRC to adopt bylaws or amended rules of procedure. Bylaws would codify procedures for processing complaints, investigations, appeals, and conduct of hearings. This would allow for more consistent administration of the Fair Housing Code which is one of the impediments identified in the AI.

During the last EOHRC meeting, the Commission directed staff to take bullet-pointed material previously prepared for the Commission and convert it into bylaw format. Attached is a draft of three sections of the proposed EOHRC Bylaws for your review and input.

### **Staff Recommendation:**

None

### **Attachments:**

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Equal Opportunities and Human Relations Commission  
February 19, 2013**

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14. If future ordinance changes are adopted by the Common Council that conflict with the Rules of the EOHRC, said Rule(s) shall be returned to the Commission for resolution.

### 3. Procedures for Processing Complaints

#### 3.1. Filing of Complaints

- 3.11 The EOHRC shall not accept any complaint filed more than three hundred sixty five (365) days after the alleged housing discrimination occurred.
- 3.111 Where a complainant alleges a pattern or practice of discrimination, the period referred to shall begin to run from the last act or occurrence of alleged discrimination.
- 3.112 Where a complainant alleges that there is a continuing violation of the Ordinance, the period referred to shall begin to run from the last act or occurrence of alleged discrimination.
- 3.12 A formal complaint may be filed by the Complainant in person, emailed, mailed, or called in to the office of the Equal Opportunities and Human Relations Commission (EOHRC. The Complainant may be required to provide additional information to the EOHRC staff during the “intake” of the complaint such that the complaint will meet the standard set forth below in 3.121 through 3.123, or to obtain information necessary before the investigation process begins.
- 3.121 A formal complaint shall be set forth on an approved form.
- 3.122 A formal complaint must contain a statement of allegations, which if proven, would establish a “prima facie” case of discrimination.
- 3.123 A formal complaint must contain the Complainant’s signature.
- 3.124 The EOHRC staff will provide assistance in the identification and clarification of issues and in the drafting of the formal complaint.
- 3.13 Once a complaint has been filed, the EOD shall serve notice upon the Complainant, acknowledging the filing, and advising the Complainant of the applicable time limits and the choice of forums available to the Complainant.
- 3.14 Upon service of the complaint upon the Respondent, the Respondent shall be notified of the right to file a written answer to the allegation of the complaint. If the Respondent chooses to file an answer, said answer shall be filed within twenty (20) days of the service of the complaint.

- 3.15 The EOHRC shall not investigate any complaint which is not a formal complaint as defined in Sections 2.7 or which has not been served on the Respondent.
- 3.16 Any person who files a complaint with the Equal Opportunities Division shall promptly inform the EOHRC of any changes of address or telephone number, or any prolonged absences from the address which he or she has provided to the EOHRC when necessary. In addition, a Complainant shall, at the time of filing a complaint, provide the EOHRC with the name, address and telephone number of a person who will always know how to reach the Complainant.
- 3.2 Amending a Complaint. A complaint may be amended or supplemented by the Complainant, at any time prior to the issuance of a notice of hearing.
- 3.3 Withdrawal of Complaint
- 3.31 The Complainant may withdraw his or her complaint at any time. Reasons for the request to withdraw shall be stated in writing.
- 3.32 Withdrawal of a charge, in whole or in part, is accomplished by notifying the EOHRC in writing, of the Complainant's desire to withdraw a complaint and shall identify what portions of the complaint are being withdrawn. Said notification must include the Complainant's signature, or that of his or her representative of record.
- 3.33 Withdrawal of a complaint shall be without prejudice unless the parties agree in writing to the contrary.
- 3.4 Dismissal of Complaints
- 3.41 The EOHRC may dismiss a complaint under the following circumstances:
- 3.411 If the Complainant fails to provide requested necessary information or facts.
- 3.412 If the Complainant refuses to appear or to be available for interviews or conferences.
- 3.413 If the Complainant refuses to cooperate to the extent that the EOHRC is unable to resolve the complaint.
- 3.414 If the Complainant withdraws the complaint.

3.415 If the Commission lacks geographic jurisdiction.

3.42 After due notice, the EOHRC may dismiss the complaint.

3.43 A dismissal pursuant to this subsection shall be without prejudice and the Complainant shall have twenty (20) days from the date on the Notice of Dismissal in which to appeal. The Notice of Dismissal shall be dated with the same date as the date it is mailed.

#### 3.44 Appeal of Dismissal (?)

### 4. Investigation

4.1 All complaints filed as stated in Section 3.1 above shall be investigated by an Investigator to determine whether or not probable cause exists to believe that the Ordinance may have been violated. Such investigation shall commence no later than the 30th day after filing of the complaint.

#### 4.2 Powers and Duties of the Investigator

4.21 When a complaint is assigned, the Investigator requests information, documents and/or witness's statements from the parties.

4.22 All information requested by the Investigator shall be submitted in a timely manner. In the event an extension is requested by a party, the Investigator may grant one (1) extension of no more than fifteen (15) days.

4.23 The Investigator may use whatever means necessary in conducting his/her investigation, including but not limited to, an on-site visit, interviewing witnesses and reviewing records or other documents.

4.24 When the Investigator determines that s/he has gathered sufficient information, s/he will provide the EOHRC staff liaison an Investigative Report as defined in Section 5 below.

4.3 The Investigator shall identify early opportunities for the parties to resolve the issues in the complaint.

4.31 If resolved, the Investigator will negotiate a Conciliation Agreement as defined in Section 6 and submit for review and approval by the EOHRC.

- 4.32 If not resolved, the Investigator will determine if both parties are willing to mediate their differences through a third party mediation/resolution services firm.
  - 4.32.1 If both parties agree, they will be referred to the third party mediation/resolution services firm.
  - 4.32.2 If there is a mediated settlement, the written settlement will be submitted to the EOHRC and is subject to Commission's approval.

## **5. Initial Determination of Probable/No Probable Cause**

- 5.1 After an investigation, the Investigator shall prepare an initial determination in writing as to whether or not there is probable cause to believe that the Ordinance may have been violated and on what facts such determination is based in the form of an investigative report as defined in 20.05(8)(a). The report shall be sent to the staff liaison of the EOHRC. Written notice of the determination shall be sent to the Complainant and Respondent and their Attorneys or Advocates. Copies of the Investigator's initial determination shall be sent by mail to the Complainant and the Respondent and with a copy to their Attorneys or Advocates.
- 5.2 An Investigator may find Probable Cause, No Probable Cause or a combination of Probable/No Probable Cause according to the issues presented in the complaint.
- 5.3 Appeals of No Probable Cause to the Commission
  - 5.31 Within 30 days after the date of an initial determination finding that there is no probable cause, a Complainant may file a written request to appeal that determination to the EOHRC for a hearing. The request for hearing shall state specifically the grounds upon which the appeal is based. The department shall notify the Respondent that an appeal has been filed within 10 days of receiving the appeal. Initial Determinations of probable cause cannot be appealed.
  - 5.32 In an appeal from an Initial Determination of No Probable Cause, the parties shall be afforded a reasonable opportunity to submit additional evidence or arguments to the file. Any such evidence or arguments must be submitted in writing.
  - 5.33 For briefs and all other written material submitted in the appeal of a no probable cause finding, the EOHRC staff liaison may grant one (1) extension of no more than fifteen (15) days for the submission of the briefs or materials,

except that a request for discovery shall not be considered a request for an extension.

- 5.34 Discovery shall be permitted in an appeal from an Initial Determination of No Probable Cause in accordance with Rule 7.52.
- 5.35 The Commission may consider the following:
  - 5.351 The record compiled by the Investigator.
  - 5.352 Any additional documents or arguments submitted to the file.
  - 5.353 Any briefs properly submitted by the parties, their attorney or advocates.
  - 5.354 Any oral arguments made by the parties during public participation before the appeal hearing.
- 5.34 The Commission may Affirm, Reverse, or Remand the investigator's initial determination back for further investigation.
  - 5.431 If the Commission affirms the investigator's initial determination of no probable cause to believe the Ordinance may have been violated, the finding shall constitute the final order of the Commission.
  - 5.432 If the Commission reverses the investigator's initial determination of no probable cause, the complaint shall be remanded back for conciliation/mediation attempts.
  - 5.433 If the Commission is unable to find probable cause or no probable cause, the complaint shall be remanded back to the Investigator for further investigation or findings.
- 5.35 The decision of the commission shall be reduced to writing and written notice of the decision shall be sent to the Complainant and Respondent and their Attorneys or Advocates.