



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

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

Wednesday, January 16, 2013 at 5:30 PM

1. Call to Order and Roll Call

Meeting was called to order at 5:35 PM by Chair Ricardo Valdez.

Present: Commissioners Rick Valdez, Carolyn Lawrence, Matthew Finnegan, Joseph Hansen, Marilyn Sloniker, Councilor Charles Kincaid, and Staff Representative Teri Downing. Commissioner Siatos arrived at 5:41 PM.

2. Approval of Minutes of the October 17, 2012 Meeting

Commissioner Lawrence moved for approval of the minutes of the regular meeting held on October 17, 2012 with an amendment to correct the Roll Call item to include the attendance of Commissioners Siatos and Lawrence. Commissioner Finnegan seconded. The motion carried.

3. Public Participation

John Markley of Markley Investigations, Inc., the EOHR Fair Housing Investigator was present to answer questions regarding item 5 on the agenda, but did not speak under this item. There were no other members of the public present.

4. Review of 2012 Fair Housing Complaints Summary Report

Staff explained that the City feels it is important to keep the EOHRC updated on all fair housing complaints because it allows Commissioners to become familiar with the types of complaints being filed, as well as how the investigation and conciliation processes works. There were a total of 3 fair housing complaints in 2012, all of which are closed. An outline of the cases was provided and the EOHR Fair Housing Investigator, John Markley of Markley Investigations, Inc., was present to answer questions.

Commissioner Lawrence asked Investigator Markley about what evidence was examined to determine "no cause" in the second complaint for retaliation. Investigator Markley explained that he reviewed the lease and related documents, and interviewed witnesses including the complainant, other tenants, and the landlord. Investigator Markley explained that there was a lack of evidence to prove probable cause in the case. In fact, evidence was discovered through the investigation that supported plausible reasons for not renewing the Complainant's lease and even so, the landlord allowed the Complainant to stay an extra month past the lease end date.

Commissioner Hansen asked about the third complaint regarding disability, which was administratively dismissed due to lack of jurisdiction. The complainant alleged that the landlord stated his attorney advised him not to rent to the complainant because the complainant was disabled; and if there were any damages, the landlord would not be able to collect for those damages. Commissioner Hansen clarified that although the Complainant alleges that the landlord would not be able to collect for damages; this is not accurate. He explained that if a tenant damages a unit, the landlord can collect for damages regardless of whether the tenant is disabled.

Chuck Kincaid asked whether there were only three complaints for the entire year. Staff explained that there were at least six in 2011, but no report to the Commission in 2011 because the Commission was so busy with the Analysis of Impediments.

Staff also reminded the Commission that two of those cases went before the Commission for appeal review.

Commissioner Lawrence asked if the lack of complaints may have something to do with the lack of education and outreach. Staff and the Investigator agreed that there seems to be a correlation between the two.

Commissioner Lawrence also asked about the first case, in which the Complainant claimed discrimination due to race. Investigator Markley explained that the investigation discovered that the landlord could document that the application was denied due to credit and criminal activity.

Commissioner Hansen asked the Investigator whether he could see a correlation between the complaints and lack of understanding / education of the landlords or property managers. Investigator Markley said that many of the cases are no cause. Staff explained that there was a prior complaint that showed evidence of lack of education, because a fill-in person did not know the rules regarding service animals. That case resulted in a successful conciliation agreement. Discussion followed that service animals are allowed even if there is a "no pet" policy.

Commissioner Kincaid asked what the purpose of the Commission is since there is so little activity. Commissioner Lawrence expressed the same concern. Staff explained that the ordinance requires a mechanism for processing complaints, and hearing appeals and complaints. She explained that the Commission is also charged with educating the community on fair housing and discrimination issues. Investigator Markley commented that he wonders why more people do not complain since there are a high number of rentals in the City which should generate more tenant landlord complaints. Staff explained that there is a screening process at the time of the intake to determine whether it falls under the landlord tenant laws and if so, the complaint is referred.

Commissioner Kincaid asked Investigator Markley whether most of the complainants stay where they currently live during the investigation or whether they move. Investigator Markley explained that it varies, and sometimes they file a complaint once they have moved. Staff explained that some complainants file complaints due to denying access so they have not lived in the address yet.

Commissioner Sloniker asked if Beloit Housing Authority (BHA) Section 8 complainants go through the same process with the City's Fair Housing Code. Staff explained that complainants against the BHA are referred directly to the State because the BHA is part of the City.

5. Review of EOHRC Bylaws Draft

Staff explained that EOHRC can adopt bylaws to codify procedures required under the Fair Housing Code. Sections 3, 4, and 5 were provided and reflected previous suggestions for revision from the Commission. The Commission was also provided with Sections 1 and 2 for their initial review.

Staff explained that in consultation with the Investigator, as suggested by the Commission, the 15-day deadline for providing evidence is reasonable and should appear in the bylaws. Investigator Markley commented that this deadline should appear in the bylaws in order to ensure we meet the 100-day and 300-day deadlines.

Staff explained that she consulted with the City Attorney's office in regards to the 15-day appeal of administrative dismissal. It was clarified that if there is a 15-day appeals process in the bylaws it would limit a complainant's ability to appeal a dismissal. As the ordinance is now, they have 300 days from the discriminatory act to request to reopen a case administratively. Discussion followed to not include a deadline for appealing a dismissal.

Commissioner Sloniker asked how the Landlord Training went, which included fair housing training. Commissioners Finnegan and Hansen said that they attended and the training went well. Commissioner Finnegan said that there were about 12 landlords at each of the trainings. He explained that there was education regarding protection for persons with mental illness. He said many people did not realize that people with mental illness are a protected class. He said that for landlords it becomes a very complicated. Another complicated issue for landlords is the protection for domestic violence victims.

Chair Valdez asked about the highlighted section in the draft bylaws regarding testimony before the EOHRC and speakers requiring pre-registering. Staff asked if the Commission wants to do this to provide the chair with a tool for keeping order during meetings. Chair Valdez asked if there was a witness list for hearings and whether the public is allowed to participate in hearings. Staff said it is unclear and she would need to consult with the City Attorney's office. Chair Valdez said he wants to make sure there is a distinction between testimony and public participation to make sure that this section of the bylaws does not somehow limit witness testimony during hearings. Discussion followed that having a time limit for public participation during regular meetings is a good idea.

Commissioner Sloniker asked about whether we will hold a mock hearing again. Staff explained that a mock hearing would need to be done next year or in the fall. Chair Valdez asked to have it put on the next agenda for discussion.

6. Upcoming Events

Commissioner Lawrence shared that a number of events are taking place in Beloit to celebrate the life and legacy of Dr. Martin Luther King Jr. She provided information about the following events:

- 1/20/2013: New Zion Church at 4:00PM Service
- 1/21/2013: Breakfast (\$15.00) at the Eclipse Center at 8:00AM
- Week of 1/21/2013 through 1/25/2013: Beloit College has a number of events

Commissioners asked whether they could be reimbursed if they pay for attendance at the event. Staff said she will check whether this is an eligible reimbursable expense and let the Commissioners know via email before the events.

Staff shared the City Diversity Award application through the National League of Cities and explained that there is a \$300 application fee, and to let her know if anyone would like to nominate a City program for this award.

Staff suggested that the Commission consider changing the name of the EOHRC to the Fair Housing Commission. Discussion followed regarding the Commission's name being clearer to make it more easily identifiable and its duties more apparent.

7. Adjournment

Commissioner Finnegan moved for adjournment and Commissioner Sloniker seconded. Motion carried. The meeting was adjourned at 6:41 PM by Chairperson Valdez.

Date approved by EOHRC

Teri Downing
Director of Community and Housing Services