

CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS MINUTES
December 11, 2014

555 S. 10TH STREET, Room 303

The December 11, 2014, meeting of the Commission on Human Rights was called to order at 4:06 p.m. by Bennie Shobe, Chair.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Bennie Shobe (Chair), Mary Reece, Sue Oldfield, Melanie Ways, and Micheal Q. Thompson. Quorum present.

Amanda Baron and Jon Rehm joined the meeting at 4:08 p.m.

MEMBERS ABSENT:

Liz King and Takako Olson.

STAFF PRESENT:

Kimberley Taylor-Riley, Margie Nichols, Loren Roberts, and Peg Dillon.

APPROVAL OF OCTOBER 30, 2014, MINUTES:

A motion was made by Thompson and seconded by Ways to approve the minutes of the October 30, 2014, meeting as submitted. Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Oldfield, Ways and Thompson. Motion carried.

APPROVAL OF DECEMBER 11, 2014, AGENDA:

A motion was made by Reece and seconded by Thompson to approve the agenda, as amended. Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Oldfield, Ways and Thompson. Motion carried.

CASE DISPOSITIONS:

LCHR #14-0904-002-PA

A motion was made by Ways and seconded by Thompson to recommend a finding of **No Reasonable Cause** on all issues.

Baron asked about the race of the Complainant listed as Hispanic. Nichols replied that the Complainant asked that her race be recorded as Hispanic instead of as her national origin.

Commissioners discussed the rules for the transportation of clients referred by Health and Human Services (HHS). Nichols replied that the sub-contractor for HHS is to maximize the service by creating the most efficient use of tax dollars, which means having transportation pick up and drop off more than one HHS client at a time.

Thompson asked if there was proof that other clients were treated differently by the Respondent. Nichols responded no. There was discussion on how the Respondent could determine and discriminate on race and disability based on the information about the client's destination.

Shobe asked if the Complainant has stopped using the services provided by the HHS agency. Nichols replied that yes, the Complainant no longer uses this service.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Rehm, Ways and Thompson. Motion carried.

LCHR #14-0917-003-PA

A motion was made by Oldfield and seconded by Ways to recommend a finding of **No Reasonable Cause** on all issues.

Thompson and Shobe asked for clarification about identifying a service dog and the difference between a therapy animal, a companion animal and a service animal. Nichols replied that a therapy or companion animal is covered under the Fair Housing Act. Any animal that provides emotional support or has a therapeutic effect on an individual with a disability is considered a therapy or companion animal and is protected under the Fair Housing Act.

She explained that service animals are covered under the under the Americans with Disabilities Act (ADA) and are trained to perform a specific duty or provide a specific service for an individual with a disability. She added that while most service animals wear vests or information specifically identifying them as service animals, they are not required to wear a vest or identifying collar or tag. She also explained that only dogs are identified under the ADA as service animals; however, there can be an exception for small horses.

Nichols stated that places of business cannot ask for proof that the dog is a service animal. She said they can only ask two questions: is the service animal required due to a disability and what specific work or task the service animal has been trained to provide.

Nichols stated the Respondent claimed it did not ask about the service animal and was only responding to employee and customer complaints about the dog being in the restaurant. She added that the Respondent stated the Complainant volunteered that it was a service animal and was told then that he could stay, which the Complainant denied.

Nichols asked the Complainant about the dog putting his paws on the front counter and the Complainant explained that the dog was trained to be social to perform his duties. She stated that he added that in case the Complainant was experiencing difficulties, the service animal would not be afraid to get the attention of strangers. There was further discussion about is the expected behavior of a service animal.

Nichols was asked about the evidence and whether it supports discrimination. Nichols replied that the videos and the interviews did not appear to support that discrimination occurred in this case.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Rehm, Ways and Thompson. Motion carried.

LCHR #14-0923-022-H

A motion was made by Thompson and seconded by Ways to recommend a finding of **No Reasonable Cause** on all issues.

Thompson asked about the application process and if the person who paid the deposit first would get the apartment. Nichols confirmed that yes in this case the person who completed the application, paid the deposit, and passed the background check, was able to get the apartment even though the Complainant filled out an application first. This was because she was using a Section 8 Housing Voucher so the apartment would have to be first approved by the Lincoln Housing Authority. Shobe asked about the testing process. Nichols explained that testing was completed to try to recreate the process and to see if the Respondent made any statements similar to those reported by the Complainant.

Shobe asked about the ad not being dropped from Craigslist as soon as the apartment is rented and only disappearing after 45 days had passed. Nichols confirmed that the Respondent stated he never removed the listings and just allowed them to expire. She stated he said the part of the reason for this is because it kept his contact information on Craigslist as a way of advertising.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Rehm, Ways and Thompson. Motion carried.

PRE-DETERMINATION SETTLEMENT AGREEMENTS:

LCHR #14-0825-018-E-R

A motion was made by Reece and seconded by Thompson to approve the pre-determination settlement agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Rehm, Ways and Thompson. Motion carried.

LCHR #14-0923-021-H

A motion was made by Oldfield and seconded by Baron to approve the pre-determination settlement agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Rehm, Ways and Thompson. Motion carried.

LCHR #14-0930-023-H

A motion was made by Thompson and seconded by Reece to approve the pre-determination settlement agreement.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Rehm, Ways and Thompson. Motion carried.

LCHR #14-1022-024-H

A motion was made by Shobe and seconded by Baron to approve the pre-determination settlement agreement.

Shobe asked about the Respondent's response to why they charged more for one tenant than another to have an animal. Nichols replied that this Respondent negotiates the price with each tenant based on the number of and type of animals.

Hearing no further discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Rehm, Ways and Thompson. Motion carried.

ADMINISTRATIVE CLOSURE:

LCHR #14-0826-019-E-R

A motion was made by Reece and seconded by Ways to approve the administrative closure as a failure to locate Respondent.

Hearing no discussion, Shobe asked for the roll call. Voting "aye" was: Shobe, Reece, Baron, Oldfield, Rehm, Ways and Thompson. Motion carried

OLD BUSINESS:

No old business was presented.

NEW BUSINESS:

Outreach Activities

Roberts congratulated Baron for completing the Project A.L.L. program. The purpose of Project A.L.L. is to prepare, equip and recruit minority individuals to advocate and serve as members on governmental and non-profit boards in our community.

Roberts discussed her work with Nebraska Developers Association, Lincoln Housing Authority and Legal Aide to provide a video on Fair Housing that will teach information about what constitutes discrimination, about security deposits, testing and how tenants and housing providers can protect themselves.

The partnership with Lincoln Lancaster Health Department has been successful in reaching out and educating the community about our services.

Work continues on the Annual Civil Rights Conference, scheduled for April 29, 2015. Roberts is continuing to work with Lincoln Public High Schools and their quarterly equity presentations.

January 4th, 2015 will be the Karen New Year Celebration at Lincoln High School from 1 to 3 p.m. January 16th, is the Martin Luther King Breakfast at Embassy Suites at 7:30 am.

The LCHR promotional video is being updated with information on past commissioners and other historical facts.

Taylor-Riley talked about the Senior Civil Rights Investigator position in our department.

Shobe asked about a presentation on service animals and if there will be one at the Conference. Roberts confirmed that there will be a speaker on this subject.

PUBLIC COMMENT:

No Public Comment.

The meeting was adjourned at 5:00 p.m.

Next Meeting:

Thursday, January 29, 2015, at 4:00 p.m.
City Council Chambers, at 555 S. 10th Street, 1st floor.