

## City of Lincoln Commission on Human Rights News

### APRIL IS FAIR HOUSING MONTH!

#### *LCHR CELEBRATES WITH ITS ANNUAL FAIR HOUSING CONFERENCE*



In observance of Fair Housing month in April, the Lincoln Commission on Human Rights will host its annual Fair Housing Conference April 21 and 22, 2009. This year's focus is on Public Housing with a session targeted at the needs of Public Housing Authorities.

On Tuesday, April 21, the Real Estate Association of Lincoln is sponsoring a session for realtors entitled "Fair Housing Law: A Legal Update". This will be presented by John Relman, Attorney, Relman and Dane Law Firm, Washington, D.C. The seminar is available for three CE hours for realtors. Registration,

however, is not restricted to realtors and everyone interested is welcome to attend.

Wednesday's sessions will begin at 10:00 a.m. with a special welcome by Ms. Eleanor Roosevelt, human rights activist and champion for civil rights. Ms. Roosevelt is portrayed by actor and speaker, Ms. Elena Dodd. This will be followed by a plenary session on "What Diversity Means Today" by Joe Gerstandt. Breakout sessions set for the afternoon include: Fair Housing for Community and Nonprofit Organizations, Immigration and Fair Housing, Fair Housing and Disability Modifications, The Foreclosure Crisis in Nebraska and many more.

At noon, there will be a break for a luncheon ceremony, at which the Fair Housing Award will be presented to a local person, organization or group who has made significant contributions to providing equal opportunity in the field of housing.

*Attendance at the conference is free. If you wish to attend the luncheon, the cost is \$25. Registration brochures are available by calling 441-7624, downloading from the website at <http://lincoln.ne.gov/city/mayor/human/index.htm> or by*

*(Continued on page 2)*



### *Dept of Justice Settles Racial Discrimination (Housing) Case Against RE/MAX*

*[From National Fair Housing Alliance]*

On February 17, 2009, US District Judge Ruben Castillo approved a consent decree requiring RE/MAX East-West to pay \$120,000 to the National Fair Housing Alliance along with substantial injunctive relief to resolve a housing discrimination lawsuit. The Department of Justice brought the lawsuit on behalf of the NFHA after the HUD Chicago office issued a charge of discrimination which alleged that RE/MAX agent, John DeJohn discriminated against clients on the basis of race and national origin in violation of the federal Fair Housing Act.

During NFHA's investigation which involved the use of undercover "testers," the RE/MAX agent commented to a white tester, "I don't care if you are a bigot. If we go to an area and you don't like it, just let me know. I can't be a bigot but you can be one." White testers were shown multiple homes, and the homes which were in predominately African-American and Latino areas were called "dumps" and "repos" (even though the agent told the Latino tester that one of those homes "might be good for you."). Far less time was spent with the Latino tester, and the homes she was shown were far less than she could afford.

NFHA's project found an 87% rate of racial steering and an almost 20% rate of denial for African-Americans and Latinos. The Fair Housing Act prohibits housing discrimination on the basis of race, color, national origin, religion, sex, familial status, and disability.

**Let's pull together before we're torn apart.**

## LCHR CELEBRATES FAIR HOUSING MONTH

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emailing [lchr@lincoln.ne.gov](mailto:lchr@lincoln.ne.gov) .

Realtors attending the Tuesday session must register with Liz Bruce, Realtors Association of Lincoln, at 441-3621.

The Lincoln Commission on Human Rights (LCHR) is sponsoring the 2009 Fair Housing Conference in partnership with a number of agencies, including: the Nebraska Department of Economic Development, Nebraska Housing Developers Association, Nebraska Realtors® Association, and the Realtors® Association of Lincoln. The conference is funded in part through a HUD Contributing Grant.



## LCHR PARTICIPATES IN STATE INTEGRATION CONFERENCE FOR NEW AMERICANS

On Saturday, March 14, 2009, Mr. Larry Williams, the Executive Director and Ms. Pippi Van Slooten, the AmeriCorps Outreach Coordinator represented the Lincoln Commission on Human Rights during the third Orientation Conference for Integration. Mr. Williams also moderated a session on employment discrimination during the conference. The event was hosted by the Nebraska Equal Opportunity Commission and was held at the University of Nebraska, Lincoln's East Campus Union. The event was funded in part by the US Department of Housing and Urban Development, the US Equal Employment Opportunity Commission, and the Nebraska Office of Minority Health and Health Equity.



The one day conference covered such topics as civil rights in the US, access to health care, legal services, and US immigration policies and laws. Conference attendees included immigrant, new American, and refugee populations from through out the state, as well as state and local agencies and service providers who work with these diverse communities. The conference was well attended, and LCHR provided materials in a variety of languages for the multicultural attendees.

## Our Mission

The administration of the Lincoln Commission on Human Rights supports the enforcement of all provisions of Title 11 of the Lincoln Municipal Code. To receive, settle, conciliate, investigate, issue findings, hold public hearings on complaints alleging discrimination based on race, color, religion, sex, disability, national origin, familial status, age, ancestry, marital status, and retaliation.

To perform functions and activities with community groups, businesses, schools, and governmental entities for the purpose of promoting understanding between races, cultures, and sexes, and to work to eliminate inequalities and sources of inter-racial friction.

Review all City of Lincoln procurement bids and awards in excess of \$10,000.

Review DBE (Disadvantaged Business Enterprises) program of minority and women-owned businesses and maintain directory.

## Our Goals

To eliminate and prevent all forms of illegal discrimination, to assure and foster equal opportunity for all citizens of the City, and to act in all matters within its jurisdiction.



# Fair Housing Quiz!



Let's test your knowledge about fair housing in honor of April being **Fair Housing Month!**

*(Answers are below)*

- \_\_\_ 1. Which of the following is NOT a protected class under the Federal Fair Housing Act?
  - a) Race
  - b) Familial Status
  - c) Sexual Orientation
  - d) Disability
- \_\_\_ 2. Which of the following lists includes all of the protected classes covered under the Federal Fair Housing Act?
  - a) sex, political affiliation, race, age, marital status, disability
  - b) source of income, age, national origin, race, color, religion
  - c) age, sex, race, marital status, disability, sexual orientation, disability
  - d) race, color, religion, sex, familial status, national origin, disability
- \_\_\_ 3. Can a housing provider refuse to rent upper level units to families with children out of concern for safety?
  - a) Yes
  - b) No
- \_\_\_ 4. Eric, who is black, calls many times about a rental ad, but nobody calls back. Hi white friend calls the same number and is called back. Is this a potential violation of the Fair Housing Act?
  - a) Yes
  - b) No
- \_\_\_ 5. A tenant has a disabled parking permit for her car. She asks for a reserved parking space close to her front door. The manager says she has to treat all tenants the same and can't give her special privileges. Is this a violation of the Fair Housing Act?
  - a) Yes
  - b) No
- \_\_\_ 6. Under the Fair Housing Act, which of the following phrases is acceptable in property advertisements?
  - a) mature adult wanted
  - b) ideal for physically fit
  - c) near Mexican grocery store
  - d) historic home with large porch
- \_\_\_ 7. Which of the following are potential violations of the Fair Housing Act?
  - a) a seller tells his real estate agent he doesn't want to sell to African-Americans
  - b) after an Arabic family moves into a neighborhood, a real estate agent sends letters to the white neighbors urging them to list their houses for sale
  - c) an Asian real estate agent will only do business with Asian home seekers
  - d) all of the above
- \_\_\_ 8. The apartment manager stops doing a tenant's repairs after finding out that the tenant is HIV positive. Is this a violation of the Fair Housing Act?
  - a) Yes
  - b) No
- \_\_\_ 9. Which of the following is NOT required under the Fair Housing Act?
  - a) a landlord must provide a reasonable accommodation (change in policy or practice) to allow an individual with a disability equal access to the housing
  - b) a landlord must make structural changes to a unit, at the landlord's expense, so an individual with a disability has equal access to a unit
  - c) a landlord must allow a tenant with a disability, at the tenant's expense, to make reasonable structural modifications to a unit if the modifications would allow equal access to the unit
- \_\_\_ 10. True or False? A real estate agent is allowed to limit a home search to certain neighborhoods based on the client's race/ethnicity.
- \_\_\_ 11. True or False? An apartment building owner has the right to evict a tenant because of poor housekeeping skills?
- \_\_\_ 12. True or False? An apartment building owner may legally reject an applicant with a history of mental illness, though he/she is not a danger to others.

*Answer Key: 1. c; 2. d; 3. b - this would be familial status discrimination; 4. a - this could be making housing unavailable based on race; 5. a - the housing provider must make reasonable accommodations to policies and practices for an individual with a disability; 6. d - advertisements for housing must not show a preference or limitation based on a protected class; 7. d; 8. a - this would be applying different terms and conditions of rental based on tenant's disability; 9. b - a private housing provider must allow for reasonable modifications of a unit for an individual with a disability, but can require the tenant to pay for the modifications; 10. false - this is steering based on race; 11. true - poor housekeeping skills is not a protected class unless related to a disability; 12. false - that would be discrimination based on disability.*

## PRESIDENT OBAMA SIGNS LILLY LEDBETTER FAIR PAY ACT INTO LAW

*[From Labor Law Reports 1596 (853)]*

On January 29, 2009 President Barack Obama signed the Lilly Ledbetter Fair Pay Act into law. This law amends the 1964 Civil Rights Act imposition of a 180-day statute of limitations on filing an equal-pay lawsuit regarding pay discrimination. The law resets the 180-day clock with each new discriminatory paycheck.

The Lilly Ledbetter Fair Pay Act was a direct response to the 2007 *Ledbetter v. Goodyear Tire & Rubber Company* US Supreme Court decision. In that decision, the Supreme Court held that an employee must file charges with the Equal Employment Opportunity Commission (EEOC) within 180 days of an adverse pay setting decision, even if the employee is unaware of the employer's alleged discriminatory action, otherwise the claim is barred. The Court found in 2007 that the clock does *not* start running anew by the later issuance or receipt of paychecks incorporating the effects of that decision. So, the Petitioner, Lilly Ledbetter, should have challenged Goodyear's pay decisions 180 days from the time the decision was originally made, not from when she first noticed the discrepancy in her paycheck. The new law in effect reverses the Court's ruling that there is no new civil rights violation each time a paycheck is issued reflecting a gender-based pay difference.



*President Obama signing the Act into law; to his right is the new law's namesake, Lilly Ledbetter (January 29, 2009).*

The Lilly Ledbetter Fair Pay Act amends Title VII of the 1964 Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Rehabilitation Act. It states that an unlawful employment practice occurs with respect to disparate pay when: 1) a discriminatory compensation decision or other practice is first adopted; 2) an individual becomes subject to a discriminatory compensation decision or other practice; 3) or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits or other compensation is paid, resulting in whole or in part from such a decision or other practice.

The law reestablishes the "paycheck accrual" rule which was preciously recognized by the EEOC and by a majority of circuit courts. The "paycheck accrual" rule provided that each paycheck, impacted by a past adverse pay setting decision, is considered a separate act of discrimination, triggering a new filing period with the EEOC.

During the signing ceremony, the President reminded the press that over the course of Ledbetter's career, "she lost more than \$200,000 in salary, and even more in pension and social security benefits -- losses she still feels today."

The Society for Human Resources Management, the National Association of Manufacturers, and the Human Resource Policy Association opposed the bill stating it effectively eliminates the statute of limitations for most claims of workplace discrimination.

*If you feel that you have been discriminated or harassed in your workplace on the basis of your race, color, gender, religion, marital status, disability, age (if over 40), or national origin, and if your employer is located within the city of Lincoln, Nebraska, please call the Lincoln Commission on Human Rights and set up an intake interview. Our phone number is (402) 441-7624, and all of our cases are completely confidential.*

# LCHR Out & About in Lincoln

**Interested in experiencing an LCHR outreach session? This is where we'll be—or call us to set up a session for your office or organization.**

- April 8 – Signing of Fair Housing Month Proclamation by Governor Dave Heineman at 10:30 in the Warner Chamber, State Capitol
- April 8 – Outreach session at Lincoln Southeast High School
- April 11—First Time Home Buyers / Neighborworks
- April 15 – Outreach session at Lincoln East High School
- April 16 – Outreach session at Lincoln Southwest High School
- April 21 & 22 Fair Housing Conference at Cornhusker Marriott
- April 23 - Communication for Leaders Diversity Training Session for City / County Supervisors
- May 8—Lincoln Northstar High School



## Mark Your Calendars!

### 2009 FAIR HOUSING CONFERENCE CELEBRATING THE 40TH ANNIVERSARY OF THE LINCOLN COMMISSION ON HUMAN RIGHTS!

**DATE/TIME**

Tuesday, April 21, 1-5 p.m.  
Wednesday, April 22, 9 a.m. - 5 p.m.

**LOCATION**

Cornhusker Marriott  
333 South 13th Street  
Lincoln, Nebraska 68508

**COST**

No cost, except luncheon (Registration Required)

**For more information contact:**

The Lincoln Commission on Human Rights  
at 402-441-7624, TDD 402-441-8398, or email  
pvanslooten@lincoln.ne.gov.

*A specialty session will be held Tuesday, April 21 for real estate agents and featuring a new session for public housing authorities!*

*A variety of fair housing sessions will be held on Tuesday & Wednesday.*



## DID YOU KNOW...?

Since January 2009 LCHR has...

- Closed 30 cases
- Addressed almost 1,000 members of the community in discrimination outreach sessions.
- Opened investigation on 17 new discrimination charges
- Received more than 250 registrations from 4 different states for the Fair Housing Conference on April 21 & 22.

## Lincoln Commission on Human Rights Staff

**Larry Williams** - Director/Equal Opportunity Officer 441-8691 - lwilliams@lincoln.ne.gov

**Angela Wortman** - Sr. Civil Rights Investigator 441-3870 - awortman@lincoln.ne.gov

**Margie Kniep** - Civil Rights Investigator 441-8690 - mkniep@lincoln.ne.gov

**Pippi VanSlooten** - AmeriCorps Outreach Coordinator 441-7624 - pvanslooten@lincoln.ne.gov

**Mary Reece** - Interim Senior Office Assistant 441-7625 - lchr@lincoln.ne.gov

### Commissioners:

- David Fikar
- Lori Lopez Urdiales
- Rev. Karla Cooper (Vice Chair)
- Wendy Francis (Chair)
- Gene Crump
- Dr. Sitaram Jaswal
- Dick Noble
- Hazell Rodriguez
- Jose Quintero



**EQUAL HOUSING OPPORTUNITY**

# Fair Housing. It's Not an Option. It's the Law!

## April is also Multicultural Communications Month!

Besides being Fair Housing Month, April is also Multicultural Communications Month. Their aim of encouraging tolerance and understanding by learning more about different cultures and languages mirrors that of LCHR. How does one celebrate Multicultural Communications month? Well, relax, you don't have to buy presents or mail a card. Here are a few suggestions:

- *Do you have a colleague or neighbor from a different culture? Ask them to teach you a few words in their native language—even if it is simply hello and good-bye or how to pronounce a name correctly.*
- *Visit one of Lincoln's many multicultural restaurants or grocery stores. Try a food you've never had before. Eat adventurously.*
- *Check out the films at Mary Riepma Ross Media Arts Center ([www.theRoss.org](http://www.theRoss.org)) and watch a film in its original language with English subtitles.*
- *Tune into KZUM, they offer many shows featuring music from around the world.*
- *Get an international pen pal (yes, they still exist, but nowadays they e-mail) and learn more about another country and culture. Try [www.internationalpenfriends.com](http://www.internationalpenfriends.com)*

Interested in learning more? Listen to Tom Christie's interview on the LCHR's OneLincoln program. Tom is the Multicultural Officer for Lincoln Public Schools.

<http://www.lincoln.ne.gov/city/mayor/cic/5citytv/video.htm>

## Jurisdiction:

The City of Lincoln Human Rights Commission has jurisdiction to investigate alleged discrimination complaints in the areas of employment, housing, and public accommodation occurring within Lincoln's city limits. We do not have jurisdiction to investigate alleged discrimination complaints involving City, County and State Government employees, offices or facilities, or state universities.

## Resources:

- **Discrimination complaints outside of Lincoln City limits:** Nebraska Equal Opportunity Commission—402-471-2024 or the regional Equal Opportunity Commission office in St. Louis, MO (800) 669-4000
- **City agency complaints**—City Ombudsman/Mayor's Office (402) 441-7511
- **University of Nebraska-Lincoln employment complaints** — UNL Affirmative Action (402) 472-3417
- **Lincoln Police Department complaints**—Internal Affairs Division (402) 441-7204, Citizen Advisory Board (402) 441-6351, or Mayor's office (402) 441-7511
- **Jail complaints, not including the State Penitentiary**—Ombudsman at the State office for Corrections (402) 471-2035
- **State Penitentiary**—Ombudsman at the State office for Corrections (402) 471-2035
- **Landlord-Tenant disputes**—Lincoln Action Program Specialist (402) 471-4515
- **Complaints about legal matters**—County Attorney (402) 441-7321, Southeast Nebraska Legal Services (402) 435-2161, Nebraska Attorney General (402) 471-2682, or Nebraska State Bar Association (402) 475-7091
- **Advocacy Services for people with disabilities**—League of Human Dignity (402) 441-7891 or Nebraska Advocacy Services (402) 474-3183.