

# Fair Housing Cedar Rapids Civil Rights Commission

LaSheila Yates  
**Executive Director**

Johnny Alcívar-Zúñiga  
**Outreach & Education Coordinator**

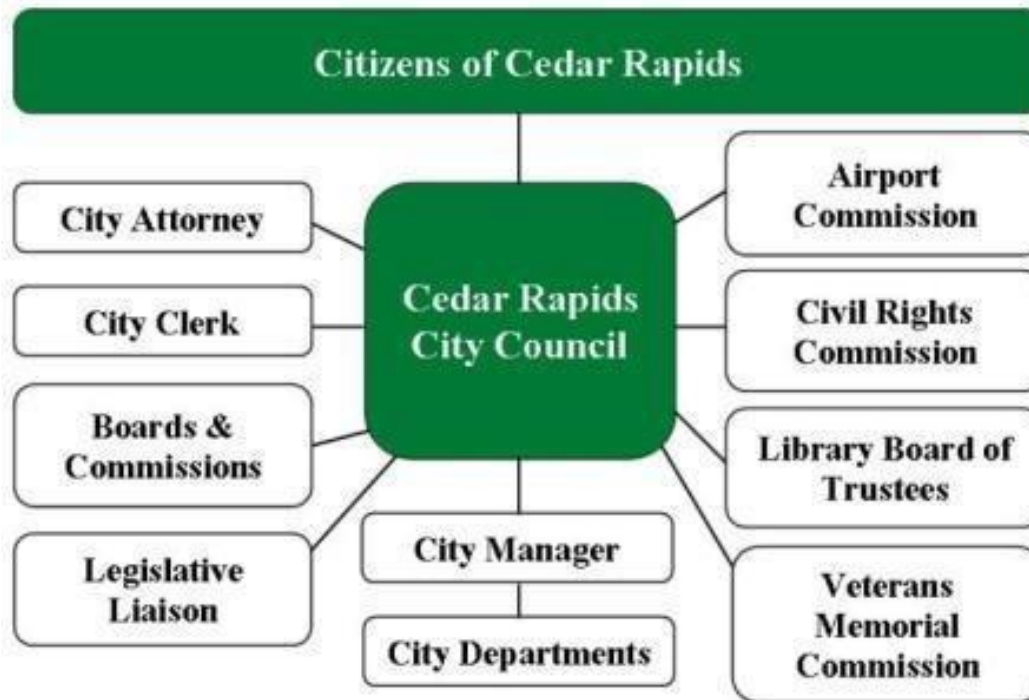
# Cedar Rapids Civil Rights Commission

## *Who Are We?*

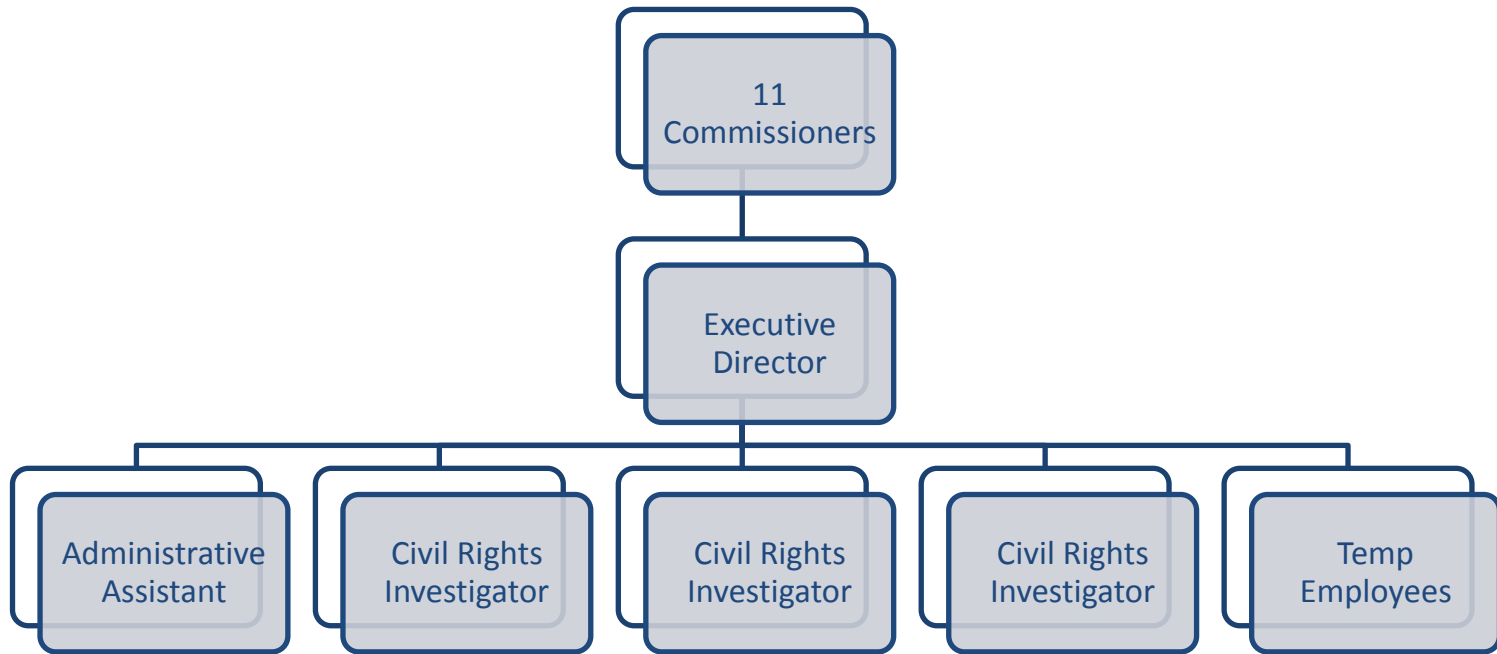
- The Commission is composed of eleven members appointed by the Mayor with approval of the City Council.
- The Commission Staff carries out the day-to-day operations of the agency.

# City of Cedar Rapids Organizational Chart

- The City of Cedar Rapids organizational structure begins with its citizens. They elect the nine members of the City Council, who in turn govern city policy.



# Civil Rights Commission Organizational Chart



# Commissioners, Staff, and City Council Liaison

## ***Staff:***

LaSheila Yates, Executive Director

Janet Abejo, Investigator

Elizabeth Macias, Investigator

Johnny Alcivar-Zuniga, Outreach Coordinator

Alicia Abernathey, Administrative Assistant II

## ***City Council Liaison:***

Council member Susie Weinacht

## ***Civil Rights Commissioners:***

Dr. Emily Bowman

Leland Freie

Paulette Hall

Salma Igram, Vice Chair

Laura O'Leary

Ashley Reynolds

Keith Rippy, Chair

Robin Tucker

Dr. Ruth White

Keith Wiggins

# Scope of Services

## ***1. Enforcement of Civil Rights Laws:***

Investigate claims of discrimination filed by persons who feel they have been discriminated against or harassed based on protected class status.

## ***2. Educational Outreach and Training:***

Educate the community about civil rights laws, how to file a complaint, and answer general civil rights questions from organizations, businesses, and the general public.

# Commission Roles and Responsibilities

- Make recommendations to the City Council for such further legislation and policy concerning discrimination as it may deem necessary
- Educate the public on civil rights and discrimination
- Provide the enforcement necessary to further the goals of the Civil Rights Ordinance
- Within the limits of its jurisdiction and operational resources, initiate complaints against entities that are not consistent with the Civil Rights Ordinance
- Develop an annual work plan and publish an annual report to highlight the work of the Commission

# 2014-2015 Accomplishments

**April 2014**

State of Equity Report and Community Conference

**May 2014**

Establishment of the Marion Civil Rights Commission

**November 2014**

Commission adopts performance standards for investigations

**October 2014**

Creation of CRCRC Education & Outreach Plan

**October 2014**

Proclamation submitted by the Commission for National Disability in Employment Awareness Month

**November 2014**

Relocation to Veterans Memorial Building

**March 2015**

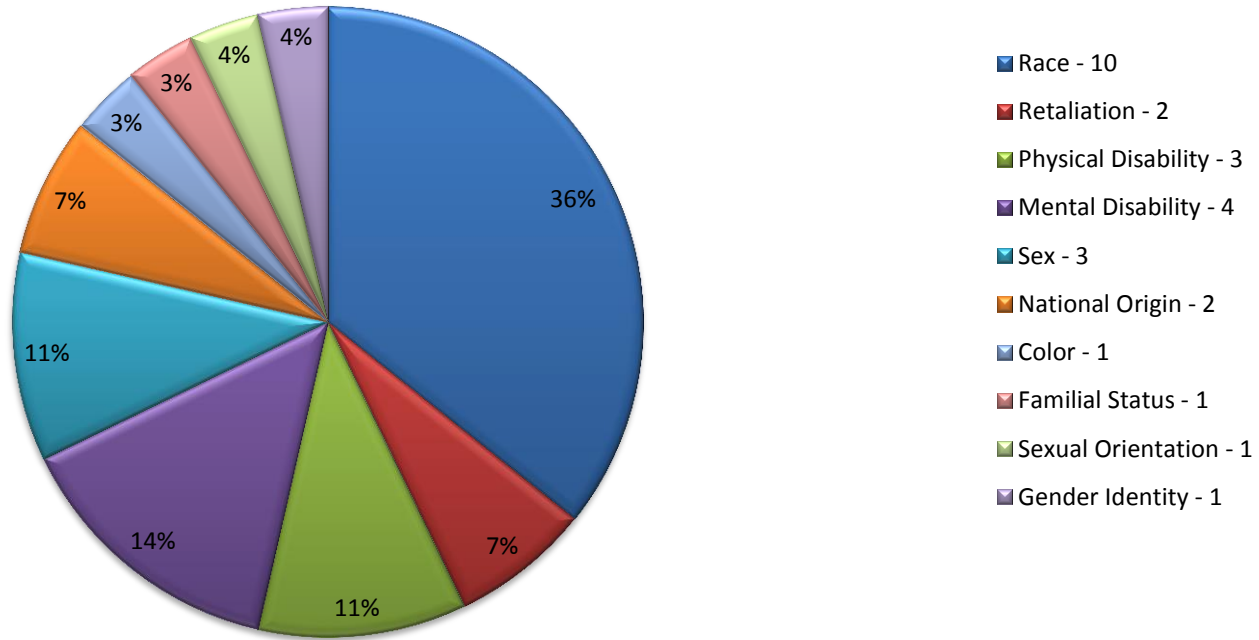
Commission adopts performance standards for educational outreach and customer service

# 2014 Complaint Statistics

- 47 cases were filed with the Cedar Rapids Civil Rights Commission:
  - Employment – 31
  - Housing – 15
  - Public Accommodation – 1
  - Education – 0
  - Credit – 0
- 36 cases were closed in 2014 including:
  - Employment – 23
  - Housing – 11
  - Education – 2
  - Public Accommodation – 0
  - Credit – 0

# Bases for Housing Complaints Filed In 2014

Housing Cases



## FY15 Departmental Goals

In October 2014, the following departmental goals were developed to better serve the Cedar Rapids Community:

- Strategic and Well Planned Educational Outreach;
- Timely Investigation of Cases and Completion of Projects;
- High Quality Customer Service and Technical Assistance Delivery.

# Areas of Protection

- Credit
- Education
- Employment
- Housing
- Public Accommodation

# CRCRC's Jurisdiction

## *The incident must have occurred:*

- In the City of Cedar Rapids or in the City of Marion.
- Within the past **year** for Housing.
- Within the past **300 days** for Employment, Education, Public Accommodation, or Credit.

## Protected Classes

- Age (18 and older)
- Color
- Creed
- Familial Status
- Gender Identity
- Marital Status
- Mental Disability
- National Origin
- Physical Disability
- Race
- Religion
- Sex
- Sexual Orientation
- Association with a person in a protected class
- Intimidation/Retaliation
- Lawful Source of Income  
(**Marion Only**)

# Familial Status



The presence of children under age 18, pregnant women, or persons seeking or sharing custody of children

**Example of Discrimination: Keeping families with children on one floor or in one building**

**To Comply: Avoid Steering**

# National Origin

Discrimination based upon the country of birth of an individual, accent or ethnicity

**Example of Discrimination: Asking *some* applicants for proof of their legal status in this country**

**To Comply: If you ask some applicants for proof of their legal status in this country, you must ask *all* applicants for the same proof of their legal status to be in this country**

# Gender Identity

- A person's actual or perceived gender related to identity, appearance, expression, behavior, or other attributes, regardless of the person's assigned sex at birth.
- Such as external characteristics and behaviors that are socially defined as either masculine or feminine: dress, mannerisms, speech patterns and social interactions.
- **Gender identity refers to a person's internal sense of being male, female, or something else.**

# Disability

**One of the following sets of criteria must be met to qualify as a person with a disability:**

- Any person who has a physical or mental impairment that substantially limits one or more major life activities; **or**
- Has a record of such an impairment; **or**
- Who is regarded as having such an impairment.

# Lawful Source of Income (Marion Only)

**Means any lawful, verifiable source of money paid directly or indirectly to or on behalf of a renter or buyer of housing, including income derived from:**

- Any lawful profession or occupation.
- Any government or private assistance, subsidy, voucher, grant, or loan program.
- Any gift, inheritance, pension, annuity, alimony, child support, or other consideration or benefit.
- Any sale or pledge of property or interest in property.

# Defining Fair Housing



- All persons have the right to apply and be considered for housing for which they are qualified, in the location of their choosing.
- Applies to all housing transactions: rentals, sales, leases, sub-leases, advertising, loans, appraisals, insurance and zoning.

## The Ordinance

**Based on someone's protected class or association with a person of a protected class, it is unlawful to:**

- Alter the terms or conditions of a sale or rental.
- Make, print, or publish any notice, statement, or advertisement that indicates any preference or limitation of prospective buyers or renters.
- Represent to someone that any dwelling is not available when it actually is.

## The Ordinance continued...

**Based on someone's protected class or association with a person of a protected class, it is unlawful to:**

- Steer individuals toward or away from specific properties or neighborhoods.
- Refuse reasonable accommodations for persons with disabilities.
- Fail to comply with accessibility requirements for newly constructed multifamily dwellings.

## Reasonable Accommodations

Changes in Rules, Policies, Practices and Services that are necessary to permit a person with a disability to use and enjoy the unit.

### How to handle an accommodation request:

1. The tenant, or someone acting on behalf of the tenant, must request the accommodation
2. The request must be reasonable
3. The request must not impose an undue financial or administrative burden on the housing provider

# Examples of Reasonable Accommodations

- Allow changes in rules for paying rent.
- Permit more “clutter” and/or allow more time to comply with notice to clean.
- Allow a service or emotional assistance or companion animal even with a “No Pets” policy.



# Pets vs. Service & Emotional Support Animals

## Pets

Animals living with an owner for the purposes of love, affection, and/or company

## Service & Emotional Support Animals

- ***Service Animals***  
Perform tasks for the benefit of an individual with a disability
- ***Emotional Support Animals***  
Provide a therapeutic benefit to a person with a disability

***Service and support animals help alleviate the symptoms of a disability***

# Service and Emotional Assistance Animals Are Not Pets!

**These animals are not subject to:**

- No pets policy.
- Payment of a pet deposit.
- Pet rent/fees.
- Prohibitions on animals based on number, size, breed, or weight.

# Reasonable Modifications (*Structural Changes*)

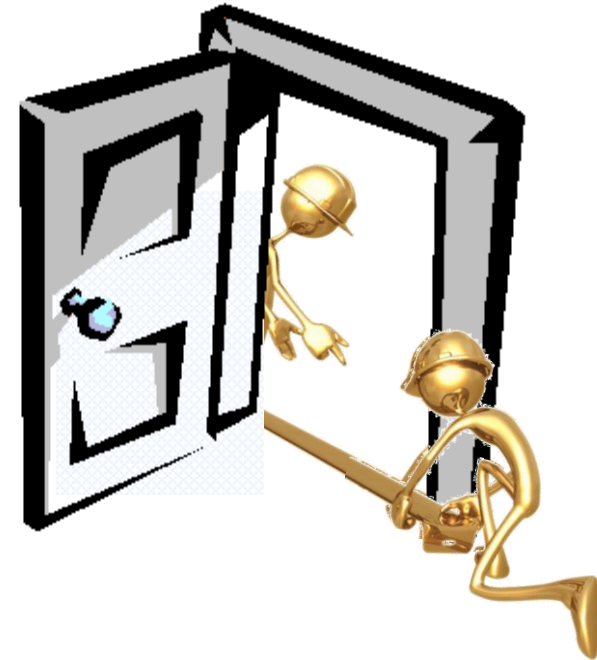
Modifications of existing premises, ***at the expense of the person with a disability***, to allow the person full enjoyment of the premises.

- The housing provider may ask for assurances that the work will be done properly and according to code
- The housing provider may require the change be undone for the next tenant or require a separate deposit to cover the cost of the restoration

# Examples of Reasonable Modifications

Newly constructed dwellings should **already** be compliant with accessibility standards.

- Entrance Ramp(s)
- Grab bars in Bathroom
- Widened Doors
- Lever Doorknobs



# Examples of Reasonable Modifications



- Install a doorbell light signal for the hearing impaired
- Relocate switches and controls
- Remove cabinets under sinks
- Make adjustments to stoves and microwave ovens



# How to Respond To A Modification or Accommodation Request

Asking “What is the disability?” is not acceptable

If the disability is not obvious, a landlord *may* ask for a statement from a professional (familiar with the person with the disability) stating that a disability exists. This includes psychiatrists, social workers, psychologists, etc.

## Documentation:

1. Verifies the person has a disability
2. Describes the needed accommodation - Service/companion animal
3. Shows the relationship between requested accommodation and the disability. How it alleviates the symptoms of the disease, provides emotional support, etc.

# Advertising



- Housing advertisements should state ***no discriminatory preference or limitation*** relating to any protected class
- If living space is shared, it is acceptable to advertise for roommates of a particular gender
- Advertisements containing descriptions of accessibility features are lawful (i.e. wheelchair ramp, lever doorknobs)
- Ensure that any pictures included reflect the diversity of the community

# Advertising



- Includes newspaper ads, bulletin boards, shoppers, newsletters, websites, brochures, word of mouth, etc.
- Both the publisher and the advertiser can be held liable for discriminatory housing advertising.
- The key is to describe the attributes of the property, not of the prospects you think would like it.

## Fair Housing Best Practices

- Have a written Fair Housing policy
- Publicize your commitment to Fair Housing in your office, in your advertising, to employees, to tenants and prospective tenants
- Require Fair Housing training for ***all*** of your employees

## Fair Housing Best Practices

- Review your compliance procedures on a regular basis to respond to changes in the law or new Fair Housing issues
- Have a corrective action policy
- Provide a mechanism for feedback from prospects and tenants

## Fair Housing Best Practices

- Treat all current/prospective buyers and renters equally
- Be mindful of advertisements
- Maintain records – Practice good bookkeeping
- Show all housing units that fit a client’s criteria and qualifications
- Report violations of Fair Housing laws
- Seek legal counsel ***from a lawyer who knows Fair Housing Law*** to review your policies and practices

# Responsibilities of Housing Providers

Selection procedures and treatment of **ALL** applicants, buyers and renters must be:

- *Legal*
- *Non-Discriminatory*
- *Consistently Applied*

# Responsibilities of Potential Buyer or Renter

- *Purchasers and renters must qualify for property*
- *Meet application requirements*
- *Pay rent when due*
- *Obey rules and policies*
- *Do not disturb other residents*
- *Do not abuse property*

# Important Things to Know About the CRCRC

- We are a neutral, fact-finding agency
- Our services are free of charge
- Complainants and Respondents *may* hire an attorney; however, it is not required



**CEDAR RAPIDS**

Civil Rights Commission

Questions?

Cedar Rapids Civil Rights Commission

50 2nd Avenue Bridge, 7th Floor

Cedar Rapids, IA 52401

(319) 286-5036

[civilrights@cedar-rapids.org](mailto:civilrights@cedar-rapids.org)

Find us on Facebook & Twitter

# Fair Housing Quiz

**Q:** You are working with a seller who has *not been able to sell their four-bedroom home. They decide they will offer it as a rental and they tell you they do not want to rent to anyone with children over the age of five. What can you do?*

# Fair Housing Quiz

**A:**

- You must inform the seller immediately that this request is a violation of fair housing laws.
- Point them to the section of the listing contract that spells out the protected classes.
- Explain that familial status includes any child, 17 or younger, and renting or leasing does not negate these laws.
- Make sure they understand that to deny any family the right to lease your home, if they qualify, would place both the seller and you in violation of fair housing laws.

# Fair Housing Quiz

**Q:** *What is the objection to providing racial, religious, ethnic, school or safety data to my clients?*

*Don't I have a responsibility to provide this information?*

# Fair Housing Quiz

**A:**

- Real estate agents should not respond to questions which are outside of their area of expertise. Their specialties usually include listing, selling and valuing property. A professional response might be:
- “That question is outside my area of expertise”.
- Real estate professionals who follow this approach will minimize their fair housing liability. Agents should not answer questions about schools, religious/ethnic data, safety/crime etc.

# Resources

- <http://www.iowaschoolprofiles.com> or <http://educateiowa.gov> : to get a report card for Iowa schools
- Cedar Rapids Civil Rights Commission – assist with questions about fair housing (319) 286-5036
- Cedar Rapids Police Department - provides crime statistics. (319) 286-5491
- <http://www.iowasexoffender.com> provides registered sex offender information

# Fair Housing Quiz

**Q:** *If a buyer has a mobility limiting physical disability, what is the agent's responsibility when showing them properties that may not be easily accessible?*

# Fair Housing Quiz

**A:**

- The real estate professional should let a person with a disability know what homes are available and describe them as they would for any other buyer.
- It is not the real estate professionals responsibility to make arrangements to transport prospects physically into a dwelling if the prospect is not able to do so themselves.
- It is not appropriate to discourage a buyer with a disability from viewing or buying a home that may be difficult for them to access.

# Fair Housing Quiz

**Q:** *Does the Cedar Rapids Civil Rights Commission (CRCRC) conduct testing? I heard you will be conducting fair housing tests soon, is this true?*

# Fair Housing Quiz

**A:**

- The CRCRC has jurisdiction and authority to conduct testing.
- Tests are conducted on an ongoing basis as issues arise in the areas of employment, public accommodation, housing, education, and credit.
- All testing planning is confidential as to not skew results.

# Fair Housing Quiz

**Q:** *Why should I be concerned about fair housing when I work in an area where there are very few minorities?*

# Fair Housing Quiz

**A:**

- As a real estate professional, you should be concerned about fair housing compliance and making sure that you are following the law.
- Every consumer you encounter is in a protected class under the Fair Housing Act and Cedar Rapids Civil Rights Code.
- Your risks of being charged with discrimination are the same regardless of whether there are many, a few, or no minority customers in your service area.

# Fair Housing Quiz

**Q:** *How do I handle a minority buyer who wants to see homes that are plainly beyond his/her price range?*

# Fair Housing Quiz

**A:**

- The same way you would handle any buyer in that situation. Home buyers occasionally want to consider properties out of their price range.
- In the process of qualifying the buyer there should be a discussion on current lending guidelines and a determination of what price range they can afford. Then when this type of issue comes up you will be able to remind them that the pricing is out of their pre-selected price range.

# Fair Housing Quiz

**Q:** I am not prejudice, but I really don't want to work with a client who looks poor, drives a bad car, etc. In my experience, they have lousy credit and it's a waste of time to take them around. Do I have to work with people like that?

# Fair Housing Quiz

**A:**

- When you make assumptions based on observations alone, not only might you lose out on a good prospect, you also open yourself up to a potential fair housing complaint. You should treat all clients the same way by screening them using non-discriminatory criteria.
- Don't forget to document your interactions with all prospects to keep a record of why you decide not to work with someone.

# Fair Housing Quiz

**Q:** *My client drives me crazy. He misses appointments, doesn't give me promised information and passes up good homes because he's waiting for a "super deal" that will never happen. He happens to be a minority. I want to sever our relationship, but I fear being tagged with a fair housing violation. What can I do?*

# Fair Housing Quiz

**A:** Fair housing laws do not require you to keep working with problem clients.

- As long as your motivation is not discriminatory, go ahead and sever the relationship, letting him know it appears that he is not serious about purchasing property at this time due to his inability to keep appointments and provide you with promised information. Let him know you will be happy to assist him when he is ready to actually purchase.
- If the situation was ever to become the basis for a fair housing complaint, investigators would want to know how you handled non-minority clients who have the same behavior.

# Remember

A consistent pattern of practice and good record keeping will help to protect you if a buyer feels they have been discriminated against.



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