

PREDETERMINATION SETTLEMENT AGREEMENT

CP# 10-21-77309
HUD# 07-22-8268-8

PARTIES TO THE SETTLEMENT AGREEMENT

RESPONDENTS

DIAMOND BROOKE, LLC
1325 North 129th Circle
Omaha, NE 68154

HUBBELL PROPERTY MANAGEMENT, LLC
6900 Westown Pkwy
West Des Moines, IA 50266

DEBRA O’CONNOR
2210 EP True Pkwy, Ste C
West Des Moines, IA 50265

COMPLAINANT

JEROME HAYNES, SR
6370 EP True Pkwy, Unit 2209
West Des Moines, IA 50266

and

IOWA CIVIL RIGHTS COMMISSION
400 East 14th Street
Des Moines, Iowa 50319

Description of the Parties: Complainant is a person with disabilities. Complainant alleges he was denied a reasonable accommodation when Respondents failed to replace the bench at the top of the stairs outside Complainant’s apartment that they threw out. The subject property is a multi-unit apartment complex located at 6370 EP True Pkwy, West Des Moines, IA 50266. Respondent denies and asserts the bench has been replaced.

Terms of Settlement: A complaint having been filed by Complainant against Respondents with the Commission under Iowa Code Chapter 216 and there having been a preliminary inquiry, the parties do hereby agree and settle the above-captioned matter in the following extent and manner:

Acknowledgment of Fair Housing Laws

1. Respondents Diamond Brooke, LLC, Hubbell Property Management, LLC, and Debra O’Connor agree there shall be no discrimination, harassment, or retaliation of any kind

against Complainants or any other person for filing a charge under the “Iowa Civil Rights Act of 1965” (ICRA); or because of giving testimony or assistance, or participating in any manner in any investigation, proceeding or hearing under the ICRA; or because of lawful opposition to any practice forbidden by the ICRA. Iowa Code § 216.11(2).

2. Respondents Diamond Brooke, LLC, Hubbell Property Management, LLC, and Debra O’Connor acknowledge the ICRA makes it unlawful to discriminate in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of race, color, creed, sex, sexual orientation, gender identity, national origin, religion, disability, or familial status. Iowa Code § 216.8(1) (b).
3. Respondents Diamond Brooke, LLC, Hubbell Property Management, LLC, and Debra O’Connor acknowledge that the Federal Fair Housing Act, as amended, makes it unlawful to discriminate in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of the person’s race, color, religion, sex, disability, familial status, national origin, or disability. 42 U.S.C. 3604(b), 3604(f) (2) (§ 804 of the Fair Housing Act).

Voluntary and Full Settlement

4. The parties acknowledge this Predetermination Settlement Agreement is a voluntary and full settlement of the disputed complaint. The parties affirm they have read and fully understand the terms set forth herein. No party has been coerced, intimidated, threatened or in any way forced to become a party to this Agreement.
5. The parties enter into this Agreement in a good faith effort to amicably resolve existing disputes. The execution of this Agreement is not an admission of any wrongdoing or violation of law. Nor is the execution of this Agreement an admission by Complainant that any claims asserted in their complaint are not fully meritorious.
6. The parties agree the execution of this Agreement may be accomplished by separate counterpart executions of this Agreement. The parties agree the original executed signature pages will be attached to the body of this Agreement to constitute one document.
7. Respondents Diamond Brooke, LLC, Hubbell Property Management, LLC, and Debra O’Connor agree the Commission may review compliance with Sections 10-13 of this Agreement. And as part of such review, Respondent agrees the Commission may examine witnesses, collect documents, or require written reports, all of which will be conducted in a reasonable manner by the Commission.

Disclosure

8. Because, pursuant to Iowa Code § 216.15A(2)(d), the Commission has not determined that disclosure is not necessary to further the purposes of the ICRA relating to unfair or discriminatory practices in housing or real estate, this Agreement is a public record and

subject to public disclosure in accordance with Iowa's Public Records Law, Iowa Code Chapter 22. See Iowa Code § 22.13.

Release

9. Complainant hereby waives, releases, and covenants not to sue Respondents with respect to any matters which were, or might have been alleged as charges filed with the Iowa Civil Rights Commission, the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, or any other anti-discrimination agency, subject to performance by Respondents of the promises and representations contained herein. Complainant agrees any complaint filed with any other anti-discrimination agency, including the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, which involves the issues in this complaint, shall be closed as Satisfactorily Adjusted.

Fair Housing Training

10. Respondents Diamond Brooke, LLC, Hubbell Property Management, LLC, and Debra O'Connor agree that employees responsible for the management or operation of the subject property, located at 6370 EP True Pkwy, West Des Moines, IA 50266 will receive training on the requirements of State and Federal Fair Housing Laws. Respondents Diamond Brooke, LLC, Hubbell Property Management, LLC, and Debra O'Connor will forward to the Commission evidence of this training within six months of the date of the Closure Letter. Respondents Diamond Brooke, LLC and Hubbell Property Management, LLC agrees new employees or agents who are involved in the management or operation of the subject property hired within one year of the date of the Commission's Closing Letter will receive training on the requirements of State and Federal Fair Housing Laws consistent with Respondents' policy of training of new employees within two months of their hire.

Relief for Complainant

11. Respondents Diamond Brooke, LLC, Hubbell Property Management, LLC, and Debra O'Connor agree to replace the bench that was located outside Complainant's apartment door. The parties acknowledge that as of the time of execution of this Agreement that this Relief has been granted.

Reporting and Record-Keeping

12. Respondents Diamond Brooke, LLC, Hubbell Property Management, LLC, and Debra O'Connor shall forward to the Commission objective evidence of the successful completion of fair housing training for current employees in the form of a Certificate or a letter from the entity conducting the training or signed sworn statement from Respondent stating the time and location of their training and the entity that conducted the training), as evidence of compliance with Term 10 of this Agreement within ten (10) days of the completion of the training. Evidence of compliance with the training agreement for new employees will be available upon request from the Commission.

All required documentation of compliance must be submitted via email or U.S. Mail to:

Amy Quail
Iowa Civil Rights Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Amy.quail@iowa.gov
Telephone: 515-725-1082

DIAMOND BROOKE, LLC
RESPONDENT

Date,

HUBBELL PROEPRTY MANAGEMENT, LLC
RESPONDENT

Date

DEBRA O'CONNOR
RESPONDENT

Date

JEROME HAYNES, COMPLAINANT

Date

CHARLES A.D. HILL, INTERIM EXECUTIVE DIRECTOR
IOWA CIVIL RIGHTS COMMISSION

Date