

PREDETERMINATION SETTLEMENT AGREEMENT

CP# 11-21-77581
HUD# 07-22-8551-8

PARTIES TO THE SETTLEMENT AGREEMENT

RESPONDENTS

NEICAC Senior Housing, L.P.
305 Montgomery St.
P.O. Box 487
Decorah, IA 52101-0487

Northeast Iowa Community Action Corporation
P.O. Box 487
Decorah, IA 52101-0487

Julie Buddenberg
Northeast Iowa Community Action Corporation
P.O. Box 487
Decorah, IA 52101-0487

COMPLAINANT

David Welsh
710 S. Pierce Ave., Apt. 103
Mason City, IA 50401-4853

and

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

Description of the Parties: Complainant is a person with a disability. Complainant alleges he was subjected to discriminatory terms and conditions based on his disability. NEICAC, L.P., Northeast Iowa Community Action Corporation, and Julie Buddenberg and each of their respective past and present officers, directors, employees, attorneys, related and affiliated entities, successors, agents, heirs, assigns and insurers, (collectively “Respondents”) expressly deny said allegations. The subject property is a multi-unit senior housing facility.

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 NEICAC Senior Housing, L.P., Northeast Iowa Community Action Corporation, and Julie Buddenberg 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) and the Federal Fair Housing Act (FHA); or because of giving testimony or assistance, or participating in any manner in any investigation, proceeding or hearing under the ICRA or FHA; or because of lawful opposition to any practice forbidden by the FHA and ICRA. 42 U.S.C. 3617; Iowa Code §§ 216.11(2), 216.11A.
2. Respondents NEICAC Senior Housing, L.P., Northeast Iowa Community Action Corporation, and Julie Buddenberg acknowledge the ICRA and FHA, as amended, make 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. 42 U.S.C. 3604(b); Iowa Code § 216.8(1)(b).
3. Respondents NEICAC Senior Housing, L.P., Northeast Iowa Community Action Corporation, and Julie Buddenberg acknowledge the FHA and ICRA make it unlawful to discriminate against another person 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 a disability. 42 U.S.C. 3604(f)(3)(a); Iowa Code § 216.8A(3)(b)(1).

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. The parties agree that this Agreement is executed as a compromised settlement, liability for which is expressly denied by the parties released, and the payment of the sum indicated herein does not constitute an admission of liability on the part of any person or entity. 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 NEICAC Senior Housing, L.P., Northeast Iowa Community Action Corporation, and Julie Buddenberg agree the Commission may review compliance with Sections 10-12 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. The ICRC requires fair housing training for all respondents who settle housing complaints. Respondents NEICAC Senior Housing, L.P., Northeast Iowa Community Action Corporation regularly provide fair housing training for its employees. Respondents NEICAC Senior Housing, L.P., Northeast Iowa Community Action Corporation, and Julie Buddenberg will forward to the Commission evidence of this training within 90 days of the date of receipt of the Closure Letter. Any qualifying training conducted within 90 days prior to this agreement will also be accepted. Respondents NEICAC Senior Housing, L.P., Northeast Iowa Community Action Corporation agree 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.

Relief for Complainant

11. Respondents NEICAC Senior Housing, L.P. and Northeast Iowa Community Action Corporation agree to pay Complainant \$1078.00 without deductions ("Payment") within seven (7) days of the date of the ICRC's Closure Letter. Respondents agree the Settlement Check will be made out to David Welsh and sent to his address listed on page one of this Agreement. The parties agree said Payment is all that Complainant will receive for his claims from Respondents and that no promise for any other or further consideration has been made by anyone.

Reporting and Record-Keeping

- 12. Respondents NEICAC Senior Housing, L.P., Northeast Iowa Community Action Corporation, and Julie Buddenberg 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 that has occurred no more than 90 days prior to or following this Agreement. 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

NEICAC, L.P.
RESPONDENT _____
Date

NORTHEAST IOWA COMMUNITY ACTION CORPORATION
RESPONDENT _____
Date

JULIE BUDDENBERG
RESPONDENT _____
Date

DAVID WELSH, COMPLAINANT _____
Date

STAN THOMPSON, EXECUTIVE DIRECTOR
IOWA CIVIL RIGHTS COMMISSION _____
Date