



# STATE OF IOWA

Chester J. Culver, GOVERNOR  
Patty Judge, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION  
RALPH ROSENBERG  
EXECUTIVE DIRECTOR

## DRAFT Minutes ---- Iowa Civil Rights Commission – October, 7, 2010 Meeting at 3:00 pm.

- I. Attendance—Claypool and Gitchell in office; Morain, Witt and Eychaner on the phone.
- II. Recognition of Public and Press –none
- III. Approval of Sept., 2010 Minutes as amended (separate attachment)
- IV. **Action on policy guidance regarding last month's vote / administrative rules change.**
  - The Commission approved rule changes at its Sept. meeting. The purpose of the changes were to respond to a HUD request to confirm our conformity with federal policy. This rule change did not change any policy or practice. The change only applies to housing cases and no other areas of the law. The language of the proposed change was as follows:
    - i. *"In determination of complaints alleging disability discrimination in housing or real estate practices, the commission shall apply current federal rules or HUD policy guidance regarding service or companion animals.*
  - Possible action. --Since our Sept. meeting, HUD has communicated a request that the Commission take a position or issue a 'formal guidance' that interpretations related to animals as reasonable accommodations by the commission and courts be consistent with HUD's rules and policy guidance.
    - i. Some discussion.
    - ii. Alicia recommended letters go to local commissions
    - iii. Alicia asked how word gets out on rules and guidance. Ralph explained it can be placed on the website and will be covered in rules (the proposed rule mentioned above still needs to go thru Admin. Rules Committee).
    - iv. Debbie moved; Nancy seconded to support. Voice vote in favor.
- V. **Additional administrative rule change request.** HUD has requested we change the following rule -161-9.5(4)(g) (which sets too high of a standard for a probable cause determination); Staff are recommending we just repeal the rule, since it is not followed in practice.

*IAC Ch .5 (4),  
g. Standard. The standard to determine whether a complaint alleging a discriminatory housing or real estate practice is supported by probable cause shall include consideration of whether the facts are sufficient to warrant initiation of litigation against the respondent.*

Morain discussed Elders, Inc. out of Waterloo and asked if this similar.  
Ralph explained a current case involving credibility of witnesses/tenants and weakened credibility which may deter taking the case forward. . He further explained this paragraph is no longer used and can be confusing.

Moved by Debbie; seconded by Morain. Voice vote in support.

**VI. Request to take position on accessible re-fueling stations at gas stations in Iowa.** A person with disabilities has contacted staff and requested: *that the Commission take a position, and contact appropriate entities, in support of making fueling stations more accessible, by providing the ability to contact service attendants working at the station for assistance.*

- Nancy has some questions about impact on smaller gas stations and also wondered about the list of supporters.
- Alicia asked if the ADA already says something about accommodations in this area?
- Alicia asked if there are guidelines on cutoffs of applicability of ADA?
- Nancy gave a Barnes and Noble example of doors requiring a button to be pushed (bell rings in breakroom)
- Rich pointed out many places have only one person inside a secure building. In contrast, noting larger full service stations
- Rich is comfortable with resolution in encouraging accessibility, but hold off on being more precise.
- Alicia pointed out developing a resolution with a press release.
- Rich asked about % of PWD are drivers, vs. non drivers.
- Nancy--Spinal cords are more likely to be drivers. People with MS may or may not be depending upon severity.
- No vote taken; Commission wants report back after meeting next week with proponents.

**VII. Commissioners' Reports and Subcommittee Reports**

Commissioner Alicia Claypool— State Fair work and liked tshirts; quizzes were doable; attended League of Human Rights meeting; Latino conf. on Oct. 16 and Diversity/mosaic on 18<sup>th</sup>. Nick Pace (*Principals Challenge—Learning from LGBT students*) being recognized for his work in schools' policy on prom for LGBT community. Talked Immigration Reform work. Went around and discussed calls on Justice Coalition—i.e.Ottumwa; signed on

Commissioner Debbie Gitchell— worked at State Fair; attended League of Iowa Human Rights Agencies; meets with VISTAs; community garden in Ames (created by VISTA) had 300 lbs of produce donated to shelter ---youth worked on garden tended to be 'at risk'.

Commissioner Rich Eychaner — Asian garden dedication in Sept.; Judy Shepard in Cedar Falls; work with Urbandale Human Rights Commission re: justice retention; what happens if all 74 judges on the ballot are thrown out. Oct. ACLU annual meeting and on panel on future of LGBT rights.

Commissioner Rick Morain — attended Sept. League training session; called 3 commissions on Justice —Ft. Dodge approved, Dubuque is voting next week;

Commissioner Nancy Witt — Giving presentation on Oct. 18<sup>th</sup> on volunteerism; Discussion on concerns over ballot retention matters.

**VIII. Next meeting : Dec. 2, 2010**

*Alicia Claypool I C R C Chairperson*