

PREDETERMINATION SETTLEMENT AGREEMENT

CP# 07-16-69314
HUD# 07-16-4479-8

PARTIES TO THE SETTLEMENT AGREEMENT

RESPONDENTS

JODI ROYAL-GOODWIN

Muscatine Municipal Housing Agency
215 Sycamore Street
Muscatine, Iowa 52761

MELISSA RINNERT

Muscatine Municipal Housing Agency
215 Sycamore Street
Muscatine, Iowa 52761

COMPLAINANT

RYAN D. CHESMORE

1812 Schiller Street
Muscatine, Iowa 52761

and

IOWA CIVIL RIGHTS COMMISSION

400 East 14th Street
Des Moines, Iowa 50319

Description of the Parties:

Complainant alleges discrimination in the area of housing on the basis of disability. He claims Respondents, on or around January 19, 2016, denied him participation in the Section 8 Housing Choice Voucher Program and stated their denial was due to his criminal history. He disputes Respondents' reason and states he believes his disability was their real reason. Respondents work for the Muscatine Municipal Housing Agency located at 215 Sycamore Street, Muscatine, Iowa 52761.

Terms of Settlement:

A complaint having been filed by Complainant against Respondents with the Iowa Civil Rights Commission (hereinafter referred to as 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 agree there shall be no discrimination, harassment, or retaliation of any kind against Complainant or any other person for filing a charge under the “Iowa Civil Rights Act of 1965” (ICRA); 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 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).

Respondents acknowledge the Fair Housing Act (FHA) 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, national origin, religion, disability, or familial status. 42 U.S.C. 3604(b).

3. Respondents acknowledge the FHA and ICRA make it unlawful to discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability. 42 U.S.C. 3604(f)(1) (§ 804(f)(1)(A) of the Fair Housing Act; Iowa Code § 216.8A(3)(a)(1).

Voluntary and Full Settlement

4. The parties acknowledge this 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 his 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 agree the Commission may review compliance with this Agreement. And as part of such review, Respondents agree the Commission may examine witnesses, collect documents, or require written reports, all of which will be conducted in a reasonable manner by the Commission.

8. The parties acknowledge, if the Commission or the U.S. Department of Housing and Urban Development (HUD) has reasonable cause to believe that Respondents have breached this Agreement, the Commission may refer the matter to the Iowa Department of Justice - Office of the Attorney General, and HUD may refer the matter to the U.S. Department of Justice.

Disclosure

9. 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

10. 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 Poster

11. Within thirty (30) days of the execution of this Agreement, Respondents agree to place the Fair Housing Poster (English and Spanish) in their office, in a conspicuous location, easily viewable to applicants and visitors. The Fair Housing Posters can be obtained online at:

<https://icrc.iowa.gov/sites/default/files/publications/2015/2015FairHousingPosterGeneral.pdf>

<https://icrc.iowa.gov/sites/default/files/publications/2015/2015FHPPosterGeneralSpanish.pdf>

Respondents also agree to send documentation to the Commission verifying the Fair Housing Posters have been posted within ten (10) days of their placement in the office.

Relief for Complainant

12. As consideration for Complainant and his guardian, Alice Chesmore, executing this Agreement, Respondents conducted an Informal Review meeting with them on January 5, 2017, and considered their request for a reasonable accommodation. As part of the reasonable accommodation request, Complainant and Ms. Chesmore provided information that Complainant currently has a medical treatment plan and professional

support team in place that were not in place at the time of the 2013 criminal history incident. The medical treatment plan and professional support team will assist him so he can live independently.

Following the review meeting, Respondents agreed to waive Complainant's 2013 criminal history as a reasonable accommodation because it appears to have been related to his disability. As a result, Complainant is now eligible to restart the eligibility determination process for a Section 8 Voucher.

On February 22, 2017 at 1:30 pm, Complainant and Ms. Chesmore will attend a Housing Choice Voucher group seminar and an individual meeting. The requirements of the program will be reviewed at that time. Complainant and Ms. Chesmore will then schedule and attend a meeting just for them; and they will provide all of the required documentation necessary for the eligibility process.

As part of the eligibility process, Complainant must pass a new criminal background check to qualify for a Section 8 Voucher. Respondents agree Complainant's 2013 criminal history will not be considered by them or the Muscatine Municipal Housing Agency in making the decision whether Complainant is eligible or qualified to receive Section 8 Voucher services.

Reporting and Record-Keeping

13. Respondents agree to send documentation to the Commission, verifying the Fair Housing Posters have been displayed, within ten (10) days of their placement in the management offices, as evidence of compliance with Term 10 of this Agreement.

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

Don Grove, Supervisor
Iowa Civil Rights Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Don.Grove@Iowa.gov

Signatures on the Following Page (Page 5)

Jodi Royal-Goodman, RESPONDENT

Date

Melissa Rinnert, RESPONDENT

Date

Ryan D. Chesmore, COMPLAINANT

Date

Alice Chesmore, COMPLAINANT'S GUARDIAN

Date

Kristin H. Johnson, DIRECTOR
IOWA CIVIL RIGHTS COMMISSION

Date