

PREDETERMINATION SETTLEMENT AGREEMENT

CP# 01-12-61909

HUD# 07-12-0307-8

PARTIES TO THE SETTLEMENT AGREEMENT:

RESPONDENTS

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

COMPLAINANT

MARY CHAPMAN

Commissioner

Iowa Civil Rights Commission

400 East 14th Street

Des Moines, Iowa 50319

AND

IOWA CIVIL RIGHTS COMMISSION

400 East 14th Street

Des Moines, Iowa 50319

Description of the Parties:

Complainant is a member of the Iowa Civil Rights Commission. As a member, Complainant has the authority to file a complaint alleging a discriminatory practice in violation of the "Iowa Civil Rights Act of 1965" Iowa Code Chapter 216. In her complaint, Complainant alleged Respondents' newspaper published an advertisement on May 12, 2011, listing an apartment for rent that stated, "Adults preferred," indicating a limitation or discrimination based on familial status, the presence of minor children in the household.

A complaint having been filed by Complainant against Respondents with the Iowa Civil Rights Commission (hereafter 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 Law

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 Iowa Code Chapter 216; or because of giving testimony or assistance, or participating in any manner in any investigation, proceeding or hearing

under Iowa Code Chapter 216; or because of lawful opposition to any practice forbidden under Iowa Code Chapter 216.

2. Respondents acknowledge that the Federal Fair Housing Laws Act, as amended, makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, national origin,, or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. 3604(c) (Section 804(c) of the Fair Housing Act).

Respondents also acknowledge that the Iowa Civil Rights Act makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, or an intention to make any such preference, limitation, or discrimination. Iowa Code § 216.8(1)(c).

Voluntary and Full Settlement

3. 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.

4. 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 her complaint are not fully meritorious.

5. 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.

6. Respondents agree the Commission may, with reasonable notice, 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.

Disclosure

7. The parties agree the terms of this Agreement shall be subject to public disclosure unless Complainant and Respondents agree otherwise, and the Commission determines that disclosure is not necessary to further the purposes of Iowa Code Chapter 216 relating to unfair or discriminatory practices in housing or real estate. Neither party will issue a press release regarding the complaint, investigation or conciliation of this matter. But the Commission reserves the right to disclose the terms of this Agreement on the Commission's website so long as the Commission does not disclose the identities of Respondents.

Release

8. 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, and with regard to any and all other matters, 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

9. Respondents agree each of its employees or agents who are involved in the taking or placement of advertisements for residential or commercial rental properties will receive training on the requirements of State and Federal Fair Housing Laws within 90 days of the Respondents receipt of a Closing Letter from the Commission. The training will address all aspects of fair housing law, but will

emphasize the law regarding the prohibition of discriminatory advertising. The training shall be conducted live or by Webinar by Scott Moore, his designee, or another qualified person, approved by the Commission or the U.S. Department of Housing and Urban Development.

Until June 1, 2013, Respondents agree to send documentation to the Commission, verifying the fair housing training has been completed, to the attention of Don Grove, Supervisor of Investigations, within ten (10) days of completing the training.

Relief for Complainant

10. Respondents agree effective February 1, 2012 through January 31, 2013 all their Iowa publications will print a Publisher's Notice in all Classified sections. In addition, Respondents agree to post the Publisher's Notice in areas at all their facilities at which the publications have in person contact with individuals placing advertisements.

The Publisher's Notice in all Iowa publications will include the following language:

All real estate advertised herein is subject to the Fair Housing Act and Iowa Civil Rights Act, which makes it illegal to advertise "any preference, limitation or discrimination because of race, color, creed, sex, sexual orientation, gender identity, national origin, religion, disability, or familial status or intention to make any such preference, limitation or discrimination." We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis.

Respondents also agree to send a copy of the first Publisher's Notice printed in each of its publications and the last publication printed on approximately January 31, 2013, verifying the printing of the Publisher's Notice per this Agreement. Verification will be sent to the attention of Don Grove, Supervisor of Investigations, within ten (10) days of printing the said Publisher's Notices.

11. Respondents have established and will implement a new procedure or protocol that will significantly reduce the likelihood that any of its employees or agents will accept and cause to be published a discriminatory residential or commercial rental advertisement in violation of Federal or State Fair Housing Laws.

The new procedure addresses: (1) the process for determining whether an offered advertisement indicates or suggests a preference or limitation based on a protected personal characteristic; (2) the process for documenting such a review has been completed by the employee or agent and has been approved by a supervisor; and (3) the process for notifying the person or organization who offered an advertisement that may be discriminatory and for documenting that person or organization's response to the notification.

Respondents have submitted its new procedure and the Commission has approved the new procedure. (Attachment 1)

Signature Page For

CP# 01-12-61909

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REDACTED, RESPONDENT

Date

REDACTED, RESPONDENT

Date

Mary Chapman, COMPLAINANT

Date

Beth Townsend, DIRECTOR

Date

IOWA CIVIL RIGHTS COMMISSION

Attachment 1

Process for Fair Housing Ad Compliance

1. The classified ad taker at each publication will review each housing or apartment ad to determine that it does not run afoul of fair housing ad requirements.

- If the classified ad taker is not available (e.g. due to a lunch break, sickness, vacation, etc.), the ad will be reviewed for compliance and will be set aside for review by the classified ad taker when he/she returns to duty. If that return is not anticipated to occur until after the ad is requested to be published, the ad will be reviewed by the Publisher.

2. If there is any question or doubt as to whether an ad is consistent with fair housing ad requirements, the classified ad taker shall consult with the Publisher and if the Publisher has any concerns, the Publisher shall consult with the Iowa Newspaper Association and/or legal counsel.

3. If it is determined that an ad violates fair housing ad requirements or there is a question or doubt as to whether an ad violates fair housing requirements, the classified ad taker shall call the person who placed the ad and (i) shall inform them of the language in the ad that violates fair housing ad requirements or is questionable, (ii) suggest revisions to the ad which would bring the ad into compliance with fair housing ad requirements, (iii) refer the person who placed the ad to official guidelines or materials which set forth the fair housing ad requirements, such as the Fair Housing Guide of the Iowa Civil Rights Commission and offer to send or email such materials to the person who placed the ad, and (iv) if the person who placed the ad refuses to make revisions which satisfy fair housing ad requirements or remove any doubt or question as to such compliance, reject the ad and refund any monies paid for the ad.

- If necessary, a classified ad taker shall involve the Publisher if a person who placed an ad is particularly difficult to deal with concerning any of the above action steps.