

PREDETERMINATION SETTLEMENT AGREEMENT

CP# 08-12-62937

HUD# 07-12-0717-8

PARTIES TO THE SETTLEMENT AGREEMENT:

RESPONDENTS

METRO PROPERTY MANAGEMENT

2175 NW 86th Street Suite 12

Clive, Iowa 50325

MIKE BOGE

Metro Property Management

2175 NW 86th Street Suite 12

Clive, Iowa 50325

COMPLAINANT

BOBBI SMITH

Urbandale, IA 50322

AND

IOWA CIVIL RIGHTS COMMISSION

400 East 14th Street

Des Moines, Iowa 50319

Description of the Parties:

Complainant alleged Respondents discriminated against her because of her sex by threatening to terminate her tenancy after she was the victim of domestic violence. Respondents deny having discriminated against Complainant, but agree to settle this complaint by entering into this Predetermination Settlement Agreement. Respondents own or manage the subject property, a one-bedroom apartment located at 6316 Urbandale Avenue #21, Urbandale, IA 50322.

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 Act, as amended, makes it unlawful to discriminate against any person because of the person's race, color, religion, sex, disability, familial status, national origin, in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real

property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

42 U.S.C. 3604(b).

Respondents also acknowledge that the Iowa Civil Rights Act, as amended, makes it unlawful to discriminate against any person because of the person's race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status of such person in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

Iowa Code § 216.8(1)(b).

#### Voluntary and Full Settlement

3. 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.

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 his 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 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.

## Release

8. Complainant hereby waives, releases, and covenants not to sue Respondents' agents, officers and/or employees 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. Respondent Mike Boge agrees he will review the following publications addressing fair housing law as it relates to victims of domestic within 90 days of his receipt of a Closing Letter from the Commission.

a) Iowa Code § 216.8(1)(b).

b) HUD Press Release:

"HUD Issues Guidance on Discrimination Complaints from Victims of Domestic Violence,"  
[http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2011/HUDNo.11-021](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2011/HUDNo.11-021)

c) "Denying Housing to Survivors of Domestic Violence May Violate the Fair Housing Laws,"

<http://www.iowalegalaid.org/resource/denying-housing-to-survivors-of-domestic-viol?ref=7c8tY>

d) HUD Guidance:

“Accessing Claims of Housing Discrimination from Victims of Domestic Violence under the Fair Housing Act (FHAct) and the Violence Against Women Act (VAWA),”

<http://www.hud.gov/offices/fheo/library/11-domestic-violence-memo-with-attachment.pdf>

Respondent also agrees to send documentation to the Commission verifying he has read and understands the above-listed training materials. Respondents will send the documentation to the attention of Don Grove, Supervisor of Investigations, within ten (10) days of reviewing the training materials (within 90 days of his receipt of a Closing Letter from the Commission).

#### Relief for Complainant

10. Complainant agrees to settle this complaint against Respondents; if Respondents agree to withdraw their demand for damages to the apartment door (\$125.00). Respondents agree to withdraw their demand that Complainant pay Respondents \$125 for damages to Complainant’s apartment door. Respondents agree they will not pursue recovery of the \$125 owed in small claims court or in any other process or proceeding.

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Metro Property Management, RESPONDENT

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Date

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Mike Boge, RESPONDENT

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Date

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Bobbi Smith, COMPLAINANT

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Date

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Beth Townsend, DIRECTOR

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Date

IOWA CIVIL RIGHTS COMMISSION