

**CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS
MINUTES**

Thursday, March 28, 2024
555 S 10th Street, 1st Floor
City County Building, Council Chambers

CALL TO ORDER:

The March 28, 2024, meeting of the Lincoln Commission on Human Rights (LCHR) was called to order at 4:04 p.m. by Emira Ibrahimasic, Chair.

ROLL CALL:

The roll was called.

MEMBERS PRESENT:

Commissioners: Emira Ibrahimasic (Chair), Alyssa Martin (Vice Chair), Kewan Asaad, Sheri Blok, Sarah Cohen Walker, John Goldrich, Ryan Kelly and Catherine Wilson.

MEMBERS ABSENT:

Commissioners: Kewan Asaad and Rob McEntarffer.

STAFF PRESENT:

Jamie Reyes, Rob Rowan, Chassidy Jackson-Goodwin, Abby Littrell, Francisca Beltran and Shanna Eckman.

APPROVAL OF February 29, 2024 MINUTES:

A motion was made by Goldrich and seconded by Wilson to approve the minutes of the February 29, 2024 meeting. Hearing no discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

APPROVAL OF March 28, 2024 AGENDA:

A motion was made by Blok and seconded by Martin to approve the agenda. Hearing no discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

OLD BUSINESS:

Public Hearing Update: There is a housing case that has been rescheduled with a new hearing officer for public hearing due to the previous hearing officer citing a conflict of interest.

Bylaws: No update at this time.

NEW BUSINESS:

Outreach: The CRC pre-conference is April 30th with the conference following on May 1st. Commissioners are invited and encouraged to attend. Following the conference there will be a networking gathering at the Mill, around 4:45 p.m.

May 19th has the AAPI celebration at Sandhill, from 1-5 p.m. hosted by the Asian Center.

June 7-8th is Star City Pride; LCHR will have a table in the afternoon on both days.

LCHR is presenting at NorthWest High School in Airpark.

Gerald Henderson Award: Ibrahimasic noted that it was difficult to make a choice given all of the good work done by the nominees and wondered if it would be possible to suggest that they be renominated the following year.

The Commissioners voted secretly; after the votes were tallied, Renee Cox was determined to have the most votes. A motion was made by Cohen Walker and seconded by Martin to accept Renee Cox as the 2024 Gerald Henderson winner.

Hearing no discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

Director Report: April is Fair Housing Month. Rob Rowan is representing LCHR at the NIFA Conference on April 16th, participating in a panel on Reasonable Accommodations.

CASE DISPOSITIONS:

LCHR No.: 23-0726-011-H

A motion was made by Goldrich and seconded by Cohen Walker to recommend a finding of **no reasonable cause** on the first allegation.

Cohen Walker questioned when the Complainant submitted the prescriptive letter; Investigator Rowan Clarified that it was after they had moved to the second apartment, and they were no longer charged pet rent once it was submitted.

Cohen Walker asked what a prescription for an assistance animal allows, aside from not being charged pet rent, if they are no longer responsible for picking up the pet waste. Investigator Rowan explained that the owner of the assistance animal is still required to take care of the animal, including picking up its waste, not allowing excessive noise, etc. Cohen Walker questioned the legality of the assistance letter as an agreement between the Complainant and Respondent, if the Respondent was allowed to dictate terms for picking up waste. Investigator Rowan confirmed that it was allowed for the Respondent to put terms on picking up after the assistance animal.

Martin noted that the 14/30 notice was issued due to failure to pay rent and a late fee; Ibrahimasic added that housing wasn't made available to the Complainant due to the assistance animal, but due to the failure to pay rent.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

A motion was made by Cohen Walker and seconded by Goldrich to recommend a finding of **no reasonable cause** on the second allegation.

Cohen Walker pointed out that Complainant was allowed to have the animals, but not in the way that they wanted to have them allowed, without a leash or without picking up their waste. Martin noted that the comparator evidence showed Complainant wasn’t subjected to any different terms or conditions than other residents.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

A motion was made by Cohen Walker and seconded by Goldrich to recommend a finding of **reasonable cause** on the third allegation.

Cohen Walker questioned if a service animal was allowed to be dismissed from a public pool. Littrell clarified that a Reasonable Accommodation can be requested for amenities but that the animal is still required to follow the rules. Ibrahimasic questioned if it was a health or hygiene concern. Investigator Rowan clarified that there is a distinction between what is allowed in public under Public Accommodation law (an ESA is not allowed in public spaces but service animals that have been trained to do specific tasks are) versus what is allowed as a Reasonable Accommodation in housing underneath the Fair Housing Act (service animals and assistance animals are subjected to the same laws).

There were questions if the animal was on a leash or if this happened on more than one occasion. Investigator Rowan noted that it was only one occasion and the animal was not on a leash, that the Complainant was told this was not allowed but did so regardless.

Kelly asked for clarification regarding if under the HUD guidelines Complainant would be entitled to a Reasonable Accommodation to grant access to the pool because it is a common use space. Investigator Rowan noted that Complainant is allowed to have their assistance animal to utilize and enjoy the dwelling like other residents, that under the FH Act the animal is allowed at the pool but not in the pool itself.

Wilson noted that the report stated Respondent agreed to let Complainant remain at the pool on this occasion, but questioned if Complainant alleged they did not return to the pool on subsequent occasion because of the initial interaction. Investigator Rowan stated no, and that this was only a one time event.

Cohen Walker withdrew their motion, Goldrich withdrew their second. Cohen Walker made a new motion to recommend a finding of **no reasonable cause** on the third allegation.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

LCHR No.: 23-1006-013-H

A motion was made by Blok and seconded by Cohen Walker to recommend a finding of **no reasonable cause** on all allegations.

Blok stated that it didn't seem to be about the assistance animal at all. Ibrahimasic noted that it was concerning there wasn't an application filled out in the first place. Cohen Walker mentioned that if the Complainant was going to be denied a lease due to their status, that it should have been done initially instead of a year after the Complainant moved in, and that it seemed to be a bad business practice on the Respondent's end. Kelly agreed that it seemed perhaps there would be something under Landlord Tenant law for the Complainant to pursue. Investigator Rowan clarified the relationship between the three parties and how the disconnect came into being.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

LCHR No.: 23-0123-003-H

A motion was made by Wilson and seconded by Martin to recommend the **approval** of the predetermination settlement agreement.

Ibrahimasic asked for clarification as to which case this was; Investigator Rowan explained that predetermination settlements were settlements that happened before the reports were investigated, so the commission was not familiar with them. He also explained that Successful Conciliations were cases that were settled after a Reasonable Cause determination was made.

Wilson asked for clarification about the section that said the Respondents would attend Fair Housing training; Investigator Rowan explained that before the case gets accepted by HUD they mandate that training be involved. This will almost always be apart of Housing settlements but not necessarily apart of Employment settlements.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

LCHR No.: 23-1108-015-E-R

A motion was made by Martin and seconded by Cohen Walker to recommend the **approval** of the predetermination settlement agreement.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting "aye" were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

LCHR No.: 24-0213-001-E

A motion was made by Blok and seconded by Goldrich to recommend the **approval** of the predetermination settlement agreement.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

LCHR No.: 21-0930-019-H

A motion was made by Blok and seconded by Martin to recommend the **approval** of the successful conciliation settlement agreement.

Cohen Walker asked for clarification about the Respondent paying \$500 for the Public Interest. Investigator Rowan noted that the Law department applies the funds for things like libraries and parks. Ibrahimasic asked for a reminder of which case this was; Investigator Jackson Goodwin clarified that this was the case in which the Respondent had an ESA and the board president would follow the Complainant around to the point that the Complainant sold their condo. In this case no settlement was granted to the Complainant because after repeated attempts, they could not be reached so instead the settlement was focused to the public interest instead.

Hearing no further discussion, Ibrahimasic asked for the roll call. Voting “aye” were Ibrahimasic, Martin, Blok, Cohen Walker, Goldrich, Kelly and Wilson. Motion carried.

PUBLIC COMMENT:

There was no public comment.

The meeting was adjourned at 5:03 p.m.

Next Meeting:

Thursday, April 25, 2024, at 4:00 p.m.
555 S. 10th Street, 1st Floor, Council Chambers