

MINUTES

CHICAGO COMMISSION ON HUMAN RELATIONS (CCHR)

BOARD OF COMMISSIONERS MEETING

September 21, 2023

Attendance

Commissioners Present:

Nancy Andrade	Mirna Holton
Karina Ayala Bermejo	Margaret Kalujian (via Zoom)
Jamie Brown	Ray Koenig III
Marta Cerda	Dr. Terrell Odom
Daniel Goldwin	Michael Takada (via Zoom)
Rey Gonzalez	Butch Trusty
Daniel R. Hernandez	

CCHR Staff Present:

Kenneth Gunn	Kristen Lee
JoAnn Newsome	Maria Balderas
Daniel Serrano	
Marisol Gallegos	

Call to Order

Commissioner Andrade welcomed all to the meeting. The Commissioner began the meeting with introductions. All Board members introduced themselves. There was a member of the public in attendance, Ms. Renate Ware.

Approval of Minutes

Commissioner Andrade asked for a motion to approve the minutes from the May 11, 2023, meeting. Ray Koenig motioned to approve the minutes. Daniel Hernandez seconded the motion. All were in favor.

Executive Session

Commissioner Andrade announced that the meeting was going into executive session. She asked Ms. Ware to step out of the boardroom and told her she could return once the executive session was over. She asked for a motion to go into executive session. Karina motioned for the meeting to go into executive session. Daniel Hernandez seconded the motion. All were in favor.

Review of Cases

Deputy Commissioner JoAnn Newsome presented the cases for review.

Ridenour v. Kimball et al: The board reviewed the Ridenour v. Kimball case first. Deputy Commissioner JoAnn Newsome provided background on the case. She noted this source of income case is unique because all the parties involved are gig workers. This is the only source of income case that has gone to a hearing that did not involve a housing choice voucher that she has seen. The complainant along with her husband and a roommate had applied for an apartment. The respondent stated she denied the complainant's application over concerns about consistency of income, and not source of income. The respondent went on to approve a W2 wage earner for the apartment.

The State of Illinois added source of income to the list of protected classes. The respondent said the Commission should follow Illinois as it relates to source of income which protects housing voucher holders, veterans, and low-income folks, but the State of Illinois' only definition of source of income is that it is a lawful income. The hearing officer stated this is a lawful source of income. The complaint showed that the complainant could afford the apartment, but the respondent was concerned initially that the complainant was not making enough money and felt that it was not consistent income but then also saying that she made too much money to be in the protected class. Although her husband was part of the application, the complainant did not add her husband as a complainant in her filing. The complainant believed she could collect damages for her husband. The panel was only able to consider what she lost. In civil rights cases it is difficult to quantify damages, both out-of-pocket and emotional distress. Punitive damages are awarded in cases where the conduct of respondent is egregious. This is a way the courts have allowed for punitive damages in cases where it's difficult to quantify damages.

Deputy Commissioner JoAnn Newsome then communicated the recommendation of the hearing officer regarding Ridenour v. Kimball. The hearing officer recommends a finding that complainant has established a claim of discrimination based on source of income in violation of the Chicago Fair Housing Ordinance. The hearing officer also recommends that the Board find respondents jointly and severally liable for source of income discrimination in violation of the Chicago Fair Housing Ordinance.

- a. Make payment to Complainant for out-of-pocket damages in the amount of \$5,400.38 in rent differential for the period July 2019 to July 2021; \$100 in moving costs; and \$75 application cost;
- b. \$2,500 in emotional distress damages;
- c. \$1,500 in punitive damages;
- d. Pre- and post-judgment interest on the emotional distress damages from the date of the violation, June 26, 2019;
- e. Post-judgment interest on the punitive damages;
- f. Reasonable costs;
- g. Refer this order to the City of Chicago Department of Law to file notice with the Department of Professional Regulations of the State of Illinois within the Illinois Department of financial and Professional Regulations with respect to respondent Joshua Bergard, a licensed real estate broker
- h. Payment to the City of Chicago of fines of \$250 by respondent Kimball and \$250 by respondent Bergard.

Deputy Commissioner JoAnn Newsome asked for a motion to accept the recommendations of the hearing officer. Karina Ayala Bermejo made a motion to accept the recommendations of the hearing officer regarding the Ridenour v. Kimball case. Ray Koenig seconded the motion. The Board discussed the findings and asked questions. Ray Koenig asked why the hearing officer recommend a \$250 fine because it seemed like a random number. The discussion included emotional distress and how it is quantified. Deputy Commissioner JoAnn Newsome commented there is no maximum limit on emotional distress. Ray Koenig stated he would propose amending the original recommendation to increase the damages for emotional distress, increase the fines, and lower punitive damages to zero. Deputy Commissioner JoAnn Newsome asked for a motion to amend the hearing officer's recommendation. Ray motioned to amend the hearing officer's recommendation as follows:

- A. Increase emotional distress from \$2,500 to \$4,000
- B. Decrease punitive damages from \$1,500 to zero
- C. Increase City of Chicago fines up to \$1,000 for each respondent

Karina Ayala Bermejo seconded the motion. Commissioner Andrade asked if all were in favor of the amendment and all replied aye. The motion passed.

Evans v. Pasioka et al:

Deputy Commissioner JoAnn Newsome presented the Evans v. Pasioka source of income case. This case is a typical source of income case where a housing voucher holder applicant attempts to rent an apartment and is denied because of the source of income, which is a violation of the Chicago Fair Housing ordinance. The hearing officer found substantial evidence and Miss Evans had enough information and evidence to support her case and so the only issue really was what her damages should be.

Deputy Commissioner JoAnn Newsome asked for a motion to accept the recommendation from the hearing officer:

- a. \$1,500 in emotional distress damages;
- b. \$1,500 in punitive damages;
- c. Pre- and post- judgment interest on the emotional distress damages from the date of the violation;
- d. Post-judgment interest on the punitive damages;
- e. Reasonable attorney fees and costs;
- f. Respondent Mark Pasioka to make payment to the City of Chicago of a fine in the amount of \$500;
- g. Respondent's attorney, Izabella Bielinska, to make payment to the City of Chicago of a fine in the amount of \$250.

There was discussion and Dr. Terrel Odom made a motion to amend the panel's recommendation by increasing the City of Chicago penalty from \$500 to \$1,000. Karina seconded the motion. All were in favor.

Scales v. MAC Property Management et al: Deputy Commissioner JoAnn Newsome reviewed the source of income case and noted that the hearing officer found no liability in this case. She asked for a motion to accept the hearing officer's recommendation. Karina motioned to accept the hearing officer's recommendation of no liability in the case. Ray Koenig seconded the motion. All were in favor.

Muhammad v. Delta Kappa Realty & Property Management et al: Deputy Commissioner JoAnn Newsome provided background information on this case that began in 2018. Initially the respondent did not respond to the complaint. CCHR did everything possible to get the complaint to the respondent, including personal delivery. As a result, the Commission filed an order of default. The respondent obtained counsel after the status conference. Ms. Muhammad asked for between \$90,000 to \$100,000 in damages. The respondent did not realize that she could be liable for damages and that she would only be responsible for a fine. The respondent's lawyer entered a motion to vacate. CCHR denied this motion and proceeded with a hearing. The hearing officer recommended damages. The respondent's lawyer filed a *Writ of Certiorari* before the Circuit Court of Cook County. The judge said CCHR abused its discretion in filing an order of default. CCHR assigned a new hearing officer, and another hearing was held. The hearing officer found the complainant to be not-credible as it relates to her complaint against Delta Kappa Realty and as such recommends that the Commission find that Complainant An'Nurah Muhammad has not met her burden of proving by a preponderance of the evidence that Respondents Delta Kappa Realty & Property Management and Nina Dimitropoulos, discriminated against her in the rental of an apartment based on her race or source of income. The hearing officer recommends that the Commission find that respondents have not violated the Chicago Fair Housing Ordinance as alleged in the Complaint.

Commissioner Andrade asked for a motion to approve the hearing officer's recommendation. Ray motioned to approve the hearing officer's recommendation. Karina seconded the motion. There was no discussion. All were in favor.

Commissioner Andrade asked for a motion to return to regular session. Karina motioned to return the meeting to regular session. It was seconded by Daniel Hernandez. All were in favor.

Approval of Updated Regulations (Rules)

Deputy Commissioner JoAnn Newsome presented the rule changes. CCHR is changing from regulations to rules. Regulations is a broad term and rules is more appropriate and clearly defines CCHR ordinances. The other change is related to the City Council's amendment of CCHR's criminal history provision of the ordinance. It expands it beyond the ban-the-box or asking about criminal history. Criminal history is now covered in all phases of employment.

Commissioner Andrade asked for a motion to approve the proposed updated rules. Mirna Holton made a motion to approve the updated rules. It was seconded by Karina. All were in favor.

Commissioner's Report

Commissioner Andrade thanked everyone for attending and adjusting their schedules. She reminded everyone about the new meeting time. The meeting schedule remains the same, the second Thursday of every month. She expressed her appreciation, as well, for reviewing and approving the four cases which had been pending for a while.

Commissioner Andrade asked if anyone had seen the news in the Chicago Sun Times regarding a proposal to amend the hate crime ordinance, which falls under the CCHR. She added the Commission is looking forward to working with Alderman Debra Silverstein and the City Council.

First Deputy Commissioner Kenneth Gunn gave a brief update. He announced that a new public information officer was starting on Monday and CCHR is in the process of interviewing for two investigator positions. CCHR is still looking for a legal intern. He also reminded everyone about the upcoming budget season starting the second week of October.

Advisory Council Reports

Veterans Advisory Council: Dr. Terrel Odom presented the report. The advisory council is having a career/resource fair on September 29. There are four members whose terms have expired. There are several applicants that are currently being reviewed by the Mayor's office and waiting to go before the City Council. There will be seven new members on the advisory council.

LGBTQ Advisory Council: Butch Trusty gave the report. The LGBTQ advisory council just met last night. The council has launched a quarterly newsletter. They heard from Mayor Johnson's policy director and got an update on the things that are on his agenda. This will be helpful when the Council meets in December and develops its priorities. There is also a slate of new members that have been identified and the plan is for them to be introduced in October. Hopefully they will be joining the Council in time for its next meeting.

New Americans Advisory Council: Karina Ayala Bermejo announced that she is the new chair of the New Americans Advisory Council. She gave a robust report on the status of the migrant crisis. There are over 13,000 new migrants; There are approximately 7,444 since September 11. Of those, 1,518 are waiting in police districts. There are 497 at O'Hare Airport and 41 at Midway Airport. The 18 shelters are in full operation. There will be base camps created in anticipation of the weather. These will not be your blow away tents. It is approved by the American Red Cross and will have trailers.

The Council has been working closely with Deputy Mayor Beatriz Ponce de Leon who is focused on five strategies. 1. Replace the police stations with base camps; 2. Improve the safety and the shelter operations along with a comprehensive community strategy; 3. Apply cost savings strategies such as the RFP for organizations who are more embedded in the community 4. Accelerate resettlement via additional case

management and expedite the work authorizations at the federal level. 5. Coordination at the border in communicating other warmer options for destination. Karina Ayala Bermejo shared a photo of what the base camp will look like. It will be an American Red Cross type of setup. The capacity ideally would be for a thousand individuals and because it's centralized, services including medical, case management, and food are easier to handle.

The new appointees for the Council are going through the vetting process and hopefully by October the new council members will be approved.

Mirna asked how many children under 18 and unaccompanied minors there are. Karina Ayala Bermejo could only speak for the 12th District Police Station which Instituto del Progreso Latino adopted. She said there is a high volume of families and especially young children there.

Jamie Brown stated she would like to work with Karina Ayala Bermejo to address the safety issues of women and children. Marta Cerda stated her organization approached CDPH about providing vaccinations at the shelters and was told those services weren't needed. Rey Gonzalez said his organization has not been allowed to provide services to migrant families.

Karina will reach out to Marta and Rey to inform them about a regular meeting of Welcome to Illinois, an effort to coordinate State, City, and Federal advocacy efforts.

Equity: Commissioner Andrade reported on behalf of Esther Nieves who could not be at the meeting. There is a contest sponsored by Sherman "Dilla" Thomas, our city's self-taught historian. The prize is a free tour led by him. This is under the auspices of the Office of Equity and Racial Justice.

CCHR Updates:

Kristen Lee: CCHR is conducting a Facebook live presentation. It is a partnership with Cook County and the State of Illinois. The presentation is about the differences in the coverage of the ordinances so that members of the public understand their rights and responsibilities under the coverage of the different ordinances. In collaboration with the Mayor's Office for People with Disabilities, CCHR has hosted a series of in-person events for people with disabilities to learn more about their rights.

Daniel Serrano: CCHR is working on a Racial Equity Action plan that calls for the agency to conduct listening sessions in various neighborhoods in the city that have historically been underserved. This fall CCHR will be conducting listening sessions in Roseland and Riverdale. CCHR has reached out to the alderpersons. Additionally, he reported on the increase in community tensions. One of the human relations specialists is the one who handles the bulk of the community tensions. Typically, in one year she'll handle about 60 cases, and she's already passed that number for this year. The first meeting of the hate crimes pilot program cohorts was held. That project is continuing to move forward. Alderwoman Silverstein was a part of that meeting as well.

JoAnn Newsome: CCHR has seen an increase in complaint filings. Last year at this time there were 142 complaint filings. Currently there are 256. Most of these filings are housing discrimination related. This time last year there were 67 housing discrimination complaints. Currently there are 122. At this time last year there were 41 public accommodation complaints. Currently there are 91. There is also an increase in employment complaints from 34 to 43 this year. And CCHR anticipates that the complaint filings will continue to grow due to the criminal work history protection expansions. CCHR is hiring a project coordinator which is going to be housed in the IGR unit. This person is essentially going to be an education, outreach worker focusing on anti-bullying and conflict mediation.

Commissioner Andrade offered her congratulations to all the CCHR staff for their work in building bridges with the community.

New Business

There was no new business.

Public Comment

There was one member of the public present at the meeting, Renate Ware. Commissioner Andrade asked Ms. Ware if she would like to make a comment. Ms. Ware did not have any comments.

Motion to Adjourn

Commissioner Andrade asked for a motion to adjourn the meeting. It was moved by Dr. Terrell Odom and seconded by Karina Ayala Bermejo. All were in favor.