

Hearing on the Status of Civil Rights in Council Bluffs
April 20th, 2010
6:30pm, Council Bluffs Public Library
Meeting Rooms A and B

1. Civil Rights Commission Director Tamra Madsen introduced herself as the night's moderator. She also introduced the Commissioners in attendance: Heather Mendoza, Vice-Chair Tori Christie, Susannah Go, Hersh Rodasky, Linda Rhatigan, and Theresa Jacoby. Not present and excused were Denise Carle, Chair Mark Alba, and Gilda Bettis. Ms. Madsen also introduced VISTA Member Sarah Marfisi.
2. Ms. Madsen thanked the public officials in attendance, Mayor Tom Hanafan and City Councilman Matt Walsh. She also thanked State Representative Doug Struyk when he arrived later. Ms. Madsen continued with an introductory presentation about the Civil Rights Commission ("Commission"), and its role and goals in the community.
3. Mike Yowell, President of the Council Bluffs Community Alliance, was the first stakeholder to address the Commission. He stated that he appreciates what the Commission does. He further said that gay and lesbian people in Council Bluffs appreciate the presence of gay and gay-friendly people on the Commission, and what the Commission does for all minority groups.
4. Joe Garcia, Director of Family Housing Advisory Services of Nebraska and Iowa ("FHAS"), introduced himself to the Commission. He explained that his organization is a non-profit group that helps people achieve home ownership. They also field landlord-tenant questions. They have two offices in Omaha and one in Council Bluffs.

FHAS also has a contract with the federal Department of Housing and Urban Development ("HUD") to investigate housing discrimination. Some of their

investigations arise from taking complaints from people who call the organization. They see that many of the cases they deal with involve people with disabilities who are trying to receive reasonable accommodations and modifications for their living situations. The other type of investigation they do is called “testing” and is like a secret-shopper program. Fair housing testing involves two volunteers who go to a landlord and represent that they are interested in renting a house. They are each given a profile to act out that includes their income, marital status, etc. Their profiles are identical in all but one area. For example, the two testers would have identical incomes and resources, but may be of different races. After their interaction with a prospective landlord, they fill out a report. FHAS then compares the reports to see if the pair of testers were treated equally in terms of unit availability, pricing, etc.

Mr. Garcia stated that this kind of testing is legal and it uncovers discrimination. He thanked the Commission for its time and stated that his Assistant Director, Tim Butts, would give more information about their testing program.

5. Tim Butts, Assistant Director of FHAS, introduced himself and began to give the Commission some statistics from the organization’s fair housing investigations last year.

In 2009, FHAS received 91 calls from Council Bluffs residents with housing problems. They have a screening process to determine which calls may be related to illegal discrimination and which are other types of disputes. Of the total number of calls in 2009, 75 were simple landlord-tenant disputes. Two calls were from landlords with questions about the law. FHAS’ policy with landlords is never to ask for a name. If a landlord’s question makes it sound as though he/she is discriminating, FHAS tells them about the law and tries to convince him/her to change the questionable practice.

However, since they don't have names, they do not go after people who call with honest questions about fair housing law.

FHAS determined that the remaining 14 calls were cases that merited investigation. Eight of those cases were related to people with disabilities who were having trouble getting reasonable accommodations. Mr. Butts gave one example of a common reasonable accommodation: People on Social Security disability usually get their Supplemental Security Income ("SSI") checks on the 3rd of the month. Rent is usually due on the 1st of the month. It would be a reasonable accommodation to change the rent due date to the 3rd and waive any late fees for people on SSI.

FHAS was able to negotiate resolutions in 5 of their 8 cases. One case they filed with HUD and one case they referred to the Iowa Civil Rights Commission.

Two of the cases dealt with issues of harassment. One of these they were able to mediate. The other had inconclusive investigative results – FHAS does not have subpoena power, so their investigation was unable to reveal a conclusive result.

Two cases were claims of disparate terms and conditions of rental. One of these they conciliated and the other they closed. One case was a refusal to rent. They performed testing on this landlord, and the results were inconclusive. One case dealt with loan discrimination, but the Complainant lost interest and the case was closed.

Additionally, Mr. Butts told the Commission that since October, FHAS has conducted 9 discrimination test surveys. Four of those have found evidence of discrimination. Two of those instances of discrimination involved accessibility for people with disabilities and one involved national origin.

In closing, Mr. Butts invited the Commission to contact him and encouraged it to consider becoming a fair housing investigatory agency. He stressed that housing discrimination is a salient issue in Council Bluffs today.

6. Ann Monk, a resident of Council Bluffs, was the next person to address the Commission. Ms. Monk wanted to bring to the Commission's attention the difficulty of finding handicapped-accessible housing in Council Bluffs. While some complexes may have a few accessible units, they are generally unadvertised and hard to find.

She also informed the Commission that transportation in Council Bluffs is very difficult for people in wheelchairs. The Special Transport Service ("STS") only runs until 5:00 p.m., so people with disabilities cannot be out and about later than that if they do not have their own form of transportation. In addition, many city bus stops do not have curb cuts, which makes it impossible for a person in a wheelchair to get off the curb and onto the bus, even if the bus itself were accessible.

7. Betty McClain, caregiver for Gidget Saul addressed the Commission. She said that Ms. Monk and Ms. Saul both live in Plainsview handicapped-accessible apartments.

She reiterated that transportation is a major issue for people with disabilities in Council Bluffs. Because of the times that busses are available, people in wheelchairs are unable to go out to dinner or have social lives in many cases.

The \$2.00 each-way bus fare for the STS also gets is burdensome to people who are on fixed social security disability incomes. Even going to a free event in the community costs \$4.00 if you are in a wheelchair and need transportation through the STS. Ms. McClain wondered whether there are other sources of funding for disabled persons with no transportation of their own.

Besides the issues with times of service and cost, the places that people can go via the STS is also limited. They are unable to go to Omaha except to go to a few select medical centers such as Creighton and Clarkson. They cannot go to the zoo even though the bus route to the hospitals goes directly past the zoo. The bus will drive by such attractions, but will not stop. Ms. Saul has not been to the zoo since she was a child.

Disabled persons want a normal life – they want to be able to go to movies, a concert at the casino, the zoo, or out to dinner. They often cannot do those things simply because of the lack of appropriate and timely transportation.

Ms. McClain has been Ms. Saul's caregiver for 16 years, since Ms. Saul was 6 years old. She says that if she could afford to buy a bus or van with a lift, she would gladly get it so that Ms. Saul would be able to get around. From the Commission, she would like information on how to make transportation more available to people with disabilities in Council Bluffs.

8. Gina Rosales from the Centro Latino addressed the Commission. She said that she wanted to thank Ms. Marfisi and the Commission for working with her in the past. The Centro Latino de Council Bluffs serves the Latino population, but not exclusively. It will serve anyone and people call from all over Iowa for help.

Discrimination is a big concern to the Centro Latino. Ms. Rosales sees many people with complaints about their work, sometimes that they are not paid for all of the hours that they work, or that their workplaces are unsafe and many accidents occur. Ms. Rosales stated that the Latino population is very hard-working. Her job is to try to act as a bridge between employees, employers, and other organizations like the Commission. Her experience with the Commission has been very good in the past. She thanked the

Commission for that and hopes that we can work together as partners in the future to do more about continuing issues.

The Centro Latino helps people who are a minority, but who have civil rights as workers and citizens. They try to do good things in the community. One example was the Centro Latino's participation in the Clean Sweep Event during the Celebrate CB! Festival in May. They work in this community. Ms. Rosales' job at the Centro Latino is to be here for the Latino population and to let the broader community know that we are here and can work together.

In closing, she reiterated that in the 2 years that she has been at the Centro Latino, she has had good experiences with the Commission so far, and she hopes we can continue to work together in the future.

9. Mayor Thomas P. Hanafan of Council Bluffs came up to address the Commission and audience. He stated that the city takes the Commission and civil rights issues seriously. He pointed out Matt Walsh, a member of the City Council, and State Representative Doug Struyk, who were also present. He said that he and the City Council take appointments to the Commission seriously and that the Commissioners are here for a reason.

Mayor Hanafan shared that the history of the Commission goes back to 1965. At that time, the Commission was made up of only Jewish, Black, and Hispanic people and in fact, it was all men. The Commission continues to work, as it has since its beginning, to make Council Bluffs a good place for everyone to live and co-exist. The government of course cannot do everything, but it is good to hear from people from all different walks of life. Mayor Hanafan commended the Commission for what it does. He said that

sometimes people get left behind, but we do not want to do that. The Mayor said that we had heard lots of concerns and that some were fixable but some may not be. He thanked the Commission for its work to make a difference in the community.

10. Carmen Ziolkowski was the final person to address the Commission. She stated that she has lived here in the city for 42 years, and she is a Latina. She remembers when the Commission was formed in 1965. She was one of the first graduates from Iowa Western Community College (“IWCC”) in 1969.

In 1970, Ms. Ziolkowski applied for a job at IWCC for which she knew she was qualified. The hiring manager’s secretary told Ms. Ziolkowski that she overheard her boss say that he would never hire a Mexican or a Black person. Ms. Ziolkowski went to her husband and they decided together that she would go to the Commission if the boss did not change his mind. She called back to IWCC and said, “If there is a reason I am not qualified for this job, then tell me, but I believe I am qualified and being discriminated against. If you cannot give me a good reason why I was not hired, I will go to the Civil Rights Commission and I do not care if my name is in the paper.” Three days later, IWCC hired her and she worked there for five years. Five years after Ms. Ziolkowski was hired, the same man had hired a Black person there, too.

So Ms. Ziolkowski never went to the Commission with her complaint, but the fact that the Commission was there as a resource helped her. She thanked the Commission for being here.