

BLOOMINGTON HUMAN RIGHTS COMMISSION

Director's Quarterly Report

October - December 2019

I. Discrimination complaints

A. Pending from previous quarters

1. Commissioner Haughton-Motley's case
 - a. Case alleging discrimination in public accommodations on the basis of race filed in July, 2019
 - b. Investigation pending
2. Commissioner's Simpson's case
 - a. Case alleging discrimination in employment based on disability filed in August, 2019
 - b. Transferred to EEOC in October, 2019, because complaint was filed with BHRC outside of its statute of limitations

B. New cases

1. Commissioner's Jackson's case
 - a. Case alleging discrimination in public accommodations on basis of race and/or national origin filed in December, 2019
 - b. Investigation pending

C. Intakes/discussions that have not yet led to formal complaint being filed

1. Woman said she felt that a housing provider had discriminated against her on the basis of her disability. Showed up more than hour late for first appointment; had to reschedule; did not show up for second scheduled appointment and has not called back.
2. Woman said she felt former employer had discriminated against her on the basis of her sex and/or perceived sexual orientation and/or age. Scheduled several appointments and cancelled all at last moment.
3. Email writer said business refused him entry because they said the chain around his neck could be a weapon. He said

business allowed white people with similar necklaces entry. Asked for more details so we could draft complaint; he said he decided not to pursue.

- D. Complaints filed with another agency when BHRC did not have jurisdiction or had a conflict: none

II. Miscellaneous inquires

- A. Visitor to office, a landlord, had questions about the lease her lawyer had written and how to evict a non-paying tenant. Referred to lawyer (current or new lawyer) and to Monroe County Apartment Association.
- B. Email writer said that public accommodation outside of City limits would not allow her service animal to enter the premises. Referred to MCHRC. She called back later and said problem had been resolved.
- C. Caller, for whom we had prepared an EEOC complaint earlier in 2019 because BHRC did not have jurisdiction, said she had received a right to sue letter but could not find a lawyer. Asked McKinney to help her find an attorney; gave advice on possible resources.
- D. Caller said that she had worked for employer for two weeks and never got paid. Former boss repeatedly tells her to “come back tomorrow and a check will be ready.” Referred to Wage and Hour Division of Indiana Labor Board.
- E. Caller said she was living in a shelter. She said another resident falsely accused her of having hit her with a cane. She said she never would have done that and resented staff asking her about it. She also talked about having dementia, having many things stolen from her at various shelters and related issues. Tried to make referrals.
- F. Caller left message saying landlord had promised her first floor apartment, which she needed because of disability. Apartment not ready on date promised and not ready on second promised date. She cancelled contract and wanted to file complaint. Left message; no return call.
- G. Caller said she had an elderly friend who lives in facility outside city limits. Management lets residents smoke and she fears her friend will die in a fire. Tried to make referrals.
- H. Email writer had questions about religious discrimination in education. Answered questions.

- I. Caller wanted to register his domestic partnership with the City. Told him City recognizes domestic partnerships for its employees if they register with the City, but has no other such program. He said the county said the City does. Repeated that City does not, except for employees.
- J. Email writer had questions about church's obligations to comply with the ADA. Answered questions.
- K. Caller told a long story about possible discrimination at the hotel where she worked. Hotel was in Evansville, not Bloomington; she thought she had to call BHRC because she used to live in Bloomington. Referred to Evansville-Vanderburgh County Human Relations Commission.
- L. Email writer wanted to file a complaint against her employer for not paying the living wage. Employer is not subject to living wage ordinance. Writer asked how she could get minimum wage increased; referred to state and federal legislators.
- M. Visitor to office said landlord wanted her to renew her lease for 2021 in the very near future. She said she was looking for a more accessible apartment and wanted to know if they would have to extend her time to renew as an accommodation. Suggested she email landlord and ask for more time, explaining why. Landlord let her know that she could cancel her lease with 30 days' notice at any time since she was a long-term tenant and that he would let her move into a more accessible unit at current complex if one became available. Visitor was satisfied with response.
- N. Caller said that landlord was not maintaining his ex-wife's apartment. Ex-wife is on Section 8. Landlord remodels and maintains apartments rented at a higher price but neglects apartments rented with rental assistance at a lower rent. Not a BHRC issue; referred to BHA and/or private attorney. Tenant had already complained to HAND which had mandated repairs. Caller called back two weeks later with same complaint; gave him same referral.
- O. Email writer said he had been discriminated against at his former job on the basis of age and/or sexual orientation. He included an article describing the harassment he had experienced at a store in the Mall of America. Suggested he contact the Bloomington, MN HRC. He said he should wear his glasses when he is online.
- P. Caller said she had seen a BHRC fair housing brochure in the HAND office that included the list of protected classifications. She asked why political affiliation or belief was not included.

Explained that local governments are limited by state law provisions and suggested she contact her state rep and/or senator.

- Q. Caller said she felt her supervisor was not properly accommodating her pregnancy-related medical restrictions. She had not yet talked to HR. Suggested she talk to HR, bringing along medical documentation, and then call BHRC back if issues remain. Has not called back.
- R. Caller said that a landlord would not rent to her because of his no-pets policy. Caller has an emotional support cat and medical documentation. Sent landlord email with HUD requirements for landlords. Caller said that landlord then blocked her and will not communicate with her. Referred her to HUD and/or the ICRC since not within BHRC's jurisdiction.
- S. Caller had questions about a woman with a disability who brings three service animals to events, a trained service dog for her and two service dogs in training. Tried to give general advice.
- T. Caller said her property manager wanted her to advertise rentals saying no undergraduates may apply. She asked if that is legal. Being a student is not a protected category. She said it might violate her professional ethical rules; told her we couldn't advise on that.
- U. Caller said he was being harassed and threatened with eviction because of his sexual orientation. Landlord not within BHRC's jurisdiction; referred to HUD and/or Indiana Legal Services. Called again a few weeks later; again explained BHRC didn't have jurisdiction. He said, "So I don't have any rights?" Again referred him to HUD and/or ICRC; he already had a lawyer at ILS. Asked if he could just move out before eviction; suggested he consult his attorney.
- V. Caller said she has a disability and an accessible parking space adjacent to her apartment, but other tenants keep parking there. Landlord says he can't tow without giving person parking in that space 24 hours to move. State law does say that, but does allow for immediate towing if necessary for efficient business operations or safety; suggested caller print up the law and give it to landlord, or consult Indiana University Student Legal Services.
- W. Caller said her landlord is banning smoking as of 1/1/20. She asked if the landlord has to provide tenants with a smoking area. Told her we have no idea. She said she thought this was discrimination against smokers. Explained that being a smoker,

or not being a smoker, is not a protected class. She said it should be.

- X. Caller said she has been assaulted by fellow tenants and is now being threatened with eviction. She said she was told that by a police officer that if she filed a police report, she would be arrested. She lived in Terre Haute, referred to her local police chief or Board of Public Safety. She said they won't help. Referred to Indiana Legal Services.
- Y. Called said landlord evicted him without giving him a chance to set up a payment plan. He's African American. Landlord allowed white tenant to set up a payment plan. Scheduled meeting but did not show.
- Z. Caller said her daughter, who works in northern Indiana, was made to work in back of grocery store washing dishes, which was not in her job description, because her hair was "nappy." She also said her daughter's co-workers made fun of her hair. Referred to appropriate human rights commission.

III. Publicity

- A. Emailed monthly newsletter, Rights Stuff, to 100 individuals, organizations and businesses and distributed copies at library and coffee houses, along with fair housing brochures
- B. BHRC marched in 2019 IU Homecoming parade, distributing candy
- C. McKinney interviewed by IDS about Bloomington's receiving a perfect score on the Human Rights Campaign's Municipal Equality Index for the fifth year in a row

IV. Networking/education

- A. McKinney attended meetings to help organize 2020 Women's History Month Lunch, which will celebrate 100 years of women's suffrage
- B. McKinney met with other city representatives to explore possibly sending testers to landlords
- C. McKinney met with IU students interested in human rights field
- D. McKinney gave a talk on fair housing to about 20 new realtors
- E. McKinney participated in CCA's Gather 'round the table event; BHRC cosponsored event
- F. Several commissioners and McKinney attended City's annual board and commission member appreciation event

V. Affirmative action/living wage/common wage/fair labor initiative

- A. McKinney reviewed and approved 70 affirmative action plans
- B. McKinney and Oswalt sent out annual reminder letters to entities covered by the living wage ordinance

VI. ADA issues

- A. McKinney attended CCA meetings
- B. McKinney worked with Michael Shermis, CCA liaison, on letters to business with accessibility issues