

BLOOMINGTON HUMAN RIGHTS COMMISSION

DIRECTOR'S QUARTERLY REPORT

April - June 2021

I. Discrimination complaints

A. Pending from previous quarters

1. Commissioner Williams' case
 - a. Complaint alleging discrimination in employment and/or public accommodations on the basis of race filed in September, 2020
 - b. No probable cause decision issued in June, 2021; not appealed
2. Commissioner McAlister's case
 - a. Complaint alleging discrimination in housing on the basis of disability filed in March, 2021
 - b. Complaint withdrawn in April, 2021, when landlord corrected problem before BHRC investigated

B. New cases - Commissioner Shadday's case

1. Complaint alleging discrimination in housing on the basis of disability filed in June, 2021
2. Investigation pending

II. Miscellaneous inquiries

- A. Email writer had questions about emotional support animals and landlords; answered questions and sent him a copy of HUD's memo.
- B. Email writer said when he didn't have heat in his apartment, he used the stove for heat and broke it. Now his landlord is refusing to renew his lease because he broke the stove. No evidence of race, sex, etc., discrimination. Referred to Indiana Legal Services.
- C. Caller, from northern Indiana, said that his employer was retaliating against him for having filed a workers comp claim and was trying to make him do tasks he said he is not physically able to do. He said employer was claiming he had never contacted

appropriate employees about his medical status, even though he had documentation he had done so. No evidence of race, sex, etc., discrimination, and not within Bloomington's city limits. Referred to OSHA and private attorneys.

- D. Landlord asked if he had to allow a tenant to have a service dog. Told him yes and explained what he could legally request from tenant. Landlord said he "knew" this dog would damage the property in excess of the security deposit and asked if he could charge a pet fee. Explained that he could not for a service dog, but at the end of the lease, he could charge the tenant for the actual damages, if any. Asked how he could get the law changed; said he could call his congressional representative. He said we were "useless" and hung up.
- E. Caller, a social worker, said she was working with a client in Indianapolis. Client recently gave birth and is a single mother. She wants to switch to day shift when she returns to work because of the baby, but is not senior enough to be entitled to pick a shift. Explained denial of shift change might not be enough for a pregnancy discrimination complaint, but referred to Indiana Civil Rights Commission and/or Equal Employment Opportunity Commission.
- F. Caller said she had a serious mold issue in her apartment. Referred to HAND.
- G. Caller said that a neighbor is harassing her, breaking into her apartment, setting fires, attacking her. Not a BHRC matter; referred to IU Law School's Protective Order Project and BPD.
- H. Caller wanted to file a HIPAA violation complaint with the BHRC. Referred to U.S. Health and Human Services web page.
- I. Caller said that she uses a walker and can't get to the parking lot or trash area if people park in front of her apartment, blocking the curb cut. Landlord has tried to address issues but other tenants still park there. After discussion, landlord allowed tenant to move out early without penalty.
- J. Caller said landlord is not renewing her lease, allegedly because of cat urine smell and cockroaches. She said she has given away her cat and has cleaned the apartment, and that she does not

have more cockroaches than other tenants; she blames that problem on the landlord. She said moving would be difficult for her because of her disability. She thinks landlord doesn't like her because of her sexual orientation but had no evidence of that. No evidence of illegal discrimination; referred her to sources that maybe could help her avoid having to move or help her with moving if it comes to that.

- K. Caller said that her son's landlord repeatedly turned off the elevator and kept it off for months. He also entered apartments without notice. No discrimination issue (son did not have disability); referred to HAND and Student Legal Services.
- L. Caller said that she had all but been offered a dog until employer learned she would need a service animal with her at work (interviews had all been virtual). Not in BHRC jurisdiction; made referral.
- M. Caller, mother of an IU student, was upset that IU announced that COVID-19 vaccinations are mandatory for students. Referred to IU and ICRC.
- N. At least five IU students called to complain that IU was mandating that students receive vaccines. Referred to IU and ICRC.
- O. Caller said that her neighbor's dogs had attacked her husband. Referred to animal shelter.
- P. Caller said that her daughter has disabilities. After 13 years, landlord is no longer accepting Section 8. Not illegal. Referred to Indiana Legal Services and to Bloomington Housing Authority.
- Q. Caller said he had been unfairly arrested. He said BPD officer told him to call "Wendy in city legal" to get the charges dropped. Explained that no one named Wendy worked in city legal, and city legal does not deal with criminal matters.
- R. Caller said that she had been subjected to online bullying and that she was concerned about her safety. Not a BHRC issue; tried to make referrals.

- S. Caller said she had been fired unfairly. Employer claimed it had a video of her at work with a box containing illegal drugs and supplies. They would not show her the video; she denied having or using drugs. No evidence of illegal discrimination; referred to workforce development to file for unemployment.
- T. Caller, a municipal attorney, had questions about Bloomington's reserved residential parking for people with disabilities. Answered questions.
- U. Email writer said he felt he might be experiencing discrimination or might experience in the future. Asked for help with current discrimination and how to avoid in the future. Responded with request for more information; he said a private entity had denied his membership because of how he had treated a member years earlier before he received treatment for disability. Not covered by Bloomington Human Rights Ordinance; made referrals. Also asked how to request accommodations from employers; sent handout from the Job Accommodation Network (JAN).
- V. Woman made report on hate incidents site, reporting that landlord promised her an apartment but now says there is not one available and also that "black boys" keep knocking on her door. Landlord not subject to BHRC's jurisdiction; referred to ICRC or HUD. Suggested if she thinks the boys are committing a crime, she should call 911.
- W. Caller, a landlord, had questions about emotional support animals and service animals; answered questions.
- X. Caller uses a manual wheelchair. She looked at an apartment advertised as accessible, but it had a thick carpet making it hard for her to maneuver. She asked if she had the right to ask the landlord to remove the carpet at landlord's expense; yes, as carpet height arguably violates accessibility standards. She will call back if effort not successful.
- Y. Woman, a walk-in, said that she had been required to work on a holiday and had not received any extra pay. She is Black. Her companion, a white man who works for the same employer, also was required to work on a holiday and had not received any extra pay. Indiana law does not require extra pay on holidays or

paid holidays. No evidence of illegal discrimination.

- Z. Caller said that he had been waiting for an order in a restaurant when he began chatting with another customer about Christianity. He said they were having a pleasant, and quiet conversation when the employee told them she didn't want to hear that type of conversation. He and the other customer were shocked. He talked to the corporate office and was told the local owner would get back to him, but no one has. He didn't want to file a complaint with the BHRC; he just wanted the woman to apologize. Told him that his voicemail box had been full when we tried to return call several times and said maybe the local owner had encountered the same problem. Suggested he call corporate again, explain that he had not received a call back and let corporate know he just wanted an apology. Suggested he call BHRC back if unhappy with the resolution.

III. Publicity

- A. Emailed monthly newsletter, Rights Stuff, to 100+ individuals and organizations
- B. McKinney interviewed by WFIU about living wage ordinance
- C. BHRC mentioned in Bloom article, "Anti-Asian Racism: The Bloomington Experience," June, 2021

IV. Networking/education

- A. McKinney attended several webinars on the ADA
- B. McKinney attended AIM's annual local government law webinar
- C. McKinney attended AIM's webinar on new electronic meeting policy
- D. McKinney attended CCA's Breaking Down the Barriers event
- E. McKinney attended CROWN meetings
- F. McKinney attended webinar on national origin discrimination in the workplace

V. Affirmative action/common wage/living wage/drug testing policies

- A. McKinney reviewed and approved 35 affirmative action plans.
- B. McKinney found one AAP to be unacceptable; bidder successfully appealed finding to the Contract Compliance Committee of the BHRC
- C. DeCriscio Bowe reviewed contractors' wage payments for Davis Bacon compliance
- D. McKinney reviewed one contractor's drug testing policy

VI. ADA issues

- A. McKinney answered questions about accessibility issues at city property and at private facilities
- B. McKinney answered several questions from tenants and landlords about emotional support and service animals in rental properties