

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF CALIFORNIA
FAIR EMPLOYMENT AND HOUSING COUNCIL

PUBLIC HEARING
PROPOSED HOUSING REGULATIONS REGARDING DISCRIMINATORY
EFFECT; DISCRIMINATORY LAND USE PRACTICES; AND USE OF
CRIMINAL HISTORY INFORMATION

SACRAMENTO, CALIFORNIA
THURSDAY, MARCH 30, 2017

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

REPORTED BY: KAREN CHALLE, CSR NO. 8244
FILE NO.: AB02873

1
2
3
4
5
6 STATE OF CALIFORNIA
7 FAIR EMPLOYMENT AND HOUSING COUNCIL
8
9 PUBLIC HEARING
10 PROPOSED HOUSING REGULATIONS REGARDING DISCRIMINATORY
11 EFFECT; DISCRIMINATORY LAND USE PRACTICES; AND USE OF
12 CRIMINAL HISTORY INFORMATION
13
14 SACRAMENTO, CALIFORNIA
15 THURSDAY, MARCH 30, 2017
16
17 Transcript of proceedings taken on behalf of the
18 State of California, Fair Employment and Housing Council,
19 State Capitol, 1315 10th Street, Room 127, Sacramento,
20 California, commencing on Thursday, March 30, 2017, at
21 10:30 a.m., before Karen Challe, Certified Shorthand
22 Reporter Number 8244.
23
24 //
25

Page 2

1 APPEARANCES:
2
3 For the Fair Employment and Housing Council:
4
5 CHAYA MANDELBAUM, Chairperson
6 DALE BRODSKY, Council Member
7 MARK T. HARRIS, Council Member
8 TIM IGLESIAS, Council Member
9 DARA L. SCHUR, Council Member
10 Kevin Kish, Ex-Officio Member
11
12 Also Present:
13
14 BRIAN SPERBER, Regulatory/Legislative Counsel
15
16
17
18
19
20
21
22
23
24 //
25

Page 3

1 I N D E X
2
3 SPEAKERS:
4 JUSTIN PADDOCK, California Association of Realtors
5 WHITNEY PROUT, California Apartment Association
6 RON KINGSTON, Apartment Associations of Southern
7 California and Orange County; East Bay Rental
8 Housing Association
9 JOHN SMOCK, Apartment Association of Orange County
10 SARAH STEINHEIMER, Legal Services of Northern
11 California
12 PATRICIA LEAL, Leadership Council for Justice and
13 Accountability
14 ASHLEY WARNER, Leadership Council for Justice and
15 Accountability
16 MADELINE HOWARD, Western Center on Law and Poverty
17 MARJORIE MURRAY, Center for California Homeowner
18 Association
19 LIZA CRISTOL-DEMAN, Law Firm of Barncart and Barncart
20
21
22 E X H I B I T S
23 (None offered)
24
25 //

Page 4

1 SACRAMENTO, CALIFORNIA; THURSDAY, MARCH 30, 2017
2 10:30 A.M.
3 - - -
4 MR. MANDELBAUM: So we're ready for our public
5 hearing. So let's get going. We are on the record. It
6 is a little bit before 9:30 -- or 10:30 a.m. rather, on
7 Thursday, March 30th. We are here at the State Capitol in
8 Sacramento. My name is Chaya Mandelbaum, Chairperson of
9 the Fair Employment and Housing Council.
10 Joining me today are members of the Fair
11 Employment and Housing Council. Council members Dale
12 Brodsky, Dara Schur, Tim Iglesias and Mark Harris, as well
13 as well as ex-officio member and Director of the
14 Department, Kevin Kish.
15 Even though we have made initial introductions,
16 let me again welcome you to this hearing. The purpose of
17 this hearing is to receive public comment regarding
18 issuance of amendments to the Fair Employment and Housing
19 Regulations that add proposed housing regulations for the
20 first time. The housing regulations covered concern
21 discriminatory effect, discriminatory land use practices
22 and the use of criminal history information. This
23 rulemaking action clarifies and makes specific the housing
24 rights and responsibilities of FEHA set forth at
25 Government 12900 etc. As it relates housing, the FEHA

Page 5

<p>1 prohibits harassment and discrimination because of race, 2 color, religion, sex, gender, gender identity, gender 3 expression, sexual orientation, marital status, national 4 origin, ancestry, familial status, source of income, 5 disability or genetic information. The proposed 6 regulations are slated to appear in the California Code of 7 Regulations Title 2 Sections 11098.04.1 through .04.6., 8 11098.14.1 through .14.4 and 11098.18.1 through 18.8. 9 Copies of the proposed amendments are available in the 10 back of the room and are reflected in Attachment D to the 11 materials. The Notice and Initial Statement of Reasons 12 are reflected in Attachments B and C respectively. The 13 regulations also are available on the Council's web page. 14 And the Council is holding this formal hearing as part of 15 its formal rulemaking process. We Noticed the public 16 hearing more than 45 days ago in the California Regulatory 17 Notice Register published on February 3rd, 2017, and also 18 via e-mail sent to thousands of individuals and 19 stakeholders on the Council's web-page, and in addition on 20 the Council's web-page, rather. 21 Pursuant to that Notice we are taking testimony 22 today. We will also accept written testimony on the 23 proposed regulations until 5:00 p.m. today. You can 24 e-mail the written comments to the Council at 25 fehccouncil@dfeh.ca.gov. If you prefer to mail them, you</p> <p style="text-align: right;">Page 6</p>	<p>1 today. However, we do ask that you come to the front of 2 the room and speak into the microphone so the court 3 reporter can take down your testimony. Please begin by 4 stating and spelling your name and your affiliation. Also 5 if you are commenting on a specific regulation, please 6 identify the section and subsection in the course of your 7 comments so that we may refer to it while you speak. We 8 will hear testimony until all those wishing to testify 9 have had an opportunity to do so. 10 Unless there are any initial questions, we're 11 ready to begin. 12 Hearing none, whoever wants to go first, c'mon 13 up. 14 MR. PADDOCK: Good morning Chairman and Council 15 Members. My name is Justin Paddock. J-u-s-t-i-n. 16 P-a-d-d-o-c-k. Representing the California Association of 17 Realtors. I apologize, I did not submit my written 18 comments until last night, so I appreciate the fact that 19 no one's had time to review them. I will be very brief in 20 summarizing my comments, and then happy to answer any 21 questions you have. 22 The first is with Section 11098.14.1 Subdivision 23 B. We're just asking that the word "constraint" be 24 replaced with "condition." When we're referring to 25 transactions related to Title or CCNRs, it's just a more</p> <p style="text-align: right;">Page 8</p>
<p>1 can do that as well, to the DFEH or to the Council, 2 rather, care of Brian Sperber at the DFEH's Los Angeles 3 office at 320 West 4th Street Street, 10th Floor in Los 4 Angeles, California 90013. 5 If you brought written comments and you're not 6 planning to separately submit them, please give a copy to 7 Brian Sperber. If you did not bring a copy with you, 8 please transmit it by 5:00 p.m. today. 9 Anyone that testifies here today or submits 10 written comments will receive a copy of any change or 11 amendments the Council makes to the proposed amendments to 12 the FEHA regulations, as will anyone who makes such a 13 request. Also, anyone who testifies or submits written 14 comments will have a 15-day period within which to make 15 further written comment on any further changes that are 16 proposed that the Council makes during the rulemaking 17 process. 18 The Council will consider each comment here 19 today, and we'll respond to each comment in its final 20 statement of reasons, which will become part of the 21 Council rulemaking record. The hearing is being 22 transcribed by a Certified Court Reporter, and a 23 transcript, as well as all written comments will be 24 available through the -- through the rulemaking record. 25 You will not be sworn in when you testify here</p> <p style="text-align: right;">Page 7</p>	<p>1 common term that we use. With that, I'll move on to my 2 second point, which is I saw in Article 18 of the initial 3 statement of reasons a reference to a David Thatcher 4 article. I wasn't able to actually get that on-line. So 5 I would request that the rulemaking file be updated to 6 include all information that's materially relied upon. 7 The remainder of my comments relate to the 8 discriminatory effects tests. We feel on several points 9 they exceed the federal guidance. That certainly is 10 within your purview, but we ask further discussion explain 11 why and under what circumstances you are exceeding that 12 federal guidance. And I'll go through with some detail 13 those points. 14 The first is related to 11098.18.3 Subdivision 15 B. Specifically we're referring to a plaintiff's burden 16 to establish disparate impact. There is a presumption in 17 that subdivision that national or State statistics are 18 presumed to be sufficient. According to the federal 19 guidance, we actually feel that an adjudicator should 20 evaluate a claimant's evidence on a case by case basis, as 21 opposed to a presumption. I'll leave it at that, unless 22 you have further questions. And I'm happy to answer them 23 with Council off line after this hearing completes as 24 well. 25 With that, the second point, Section 11098.18.4,</p> <p style="text-align: right;">Page 9</p>

1 we feel that the Council should have further discussion on
2 drug manufacturing and distribution crimes. Those are
3 carved out in the federal law. We do have some concerns,
4 especially with someone with a history of methamphetamine
5 manufacturer. There are several state laws where you have
6 to disclose a property actually -- methamphetamines were
7 produced on that property. And because of that, we feel
8 that specifically in a landlord/tenant relationship, a
9 landlord should have some more thorough of review someone
10 who has that sort of a history because that can really
11 be -- that can hurt their title in the long term. And
12 happy to answer further questions on that after the
13 hearing.
14 The next point --
15 MS. SCHUR: Excuse me. Are those citations of
16 those State laws in your written comments?
17 MR. PADDOCK: Yes. They absolutely are.
18 MS. SCHUR: Thank you.
19 MR. PADDOCK: Next, with regard to Section
20 11098.18.6, we would like further discussion on
21 restitution, when restitution is ordered by a court. So
22 essentially -- and I apologize. I will say tenant. But I
23 appreciate that this just -- this -- these regulations
24 don't relate just to a landlord/tenant action. But it's
25 usually where the best hypotheticals are for discussion

Page 10

1 purposes.
2 With regard to restitution, when a landlord is
3 evaluating a tenant application, when restitution has been
4 ordered, we think it's appropriate that a landlord also be
5 able to evaluate how they're doing on their payments, just
6 to make sure that they're actually meeting the
7 requirements of the Court.
8 My final comment for today relates to the same
9 section, Subdivision B. There's a rebuttable presumption
10 of seven years for crimes. We feel that further
11 discussion is necessary on this individual point. We
12 don't, as an association, have a specific number to
13 suggest to you, whether it's seven years, whether it's ten
14 years or whether it's another number. But we feel there
15 were citations to essentially financial reporting sections
16 in this Civil Code, as well as a study. We feel that
17 those sections, while persuasive, we feel there's
18 additional evidence that's required with regard to
19 financial reporting. It's a little bit different when
20 you're considering the ramifications of a criminal
21 conviction, versus failure to pay a credit card that
22 occurred eight years ago. So we just would like the
23 Council to do some further discussion as to why seven
24 years is the appropriate number.
25 With that, I would also reference Federal Rule

Page 11

1 of Evidence 603. And I go into more detail in the letter.
2 Actually places ten years when a witness is being
3 evaluated for their credibility for a finder of fact. And
4 there's a few other citations that I've given as far as
5 bankruptcy laws are concerned, why ten years seems to be
6 standard within Statute.
7 With that, I'll invite any questions. And I
8 appreciate your time. Thank you.
9 MR. MANDELBAUM: Thank you. Appreciate it,
10 Mr. Paddock. Look forward to reviewing your written
11 comments on these subjects.
12 MS. PROUT: Good morning. I'm Whitney Prout
13 from the California Apartment Association. W-h-i-t-n-e-y.
14 Last name Prout. P-r-o-u-t.
15 First I'd like to thank the Council for
16 undertaking this project of trying to clarify the murky
17 area of law that is discriminatory effect. It certainly
18 not an easy challenge. So we welcome the attempt to bring
19 some clarity for our members and other housing providers
20 throughout the State.
21 With that being said, we do have a couple of
22 comments where we feel that the proposed regulations as
23 written either don't sufficiently clarify or may actually
24 amplify some of the confusions surrounding that. Starting
25 with Article 4, the Discriminatory Effect Regulations,

Page 12

1 11098.04.1, in Subsection B, we'd just ask that the words
2 "an individual" be stricken. A discriminatory effect --
3 the discriminatory effect is on the members of the
4 protected class, in other words, a group of individuals,
5 not a discriminatory effect on one particular individual.
6 And so we'd request that the regulation be clarified to
7 remove that language that a discriminatory effect could be
8 on a single individual.
9 In Section 11098.04.2, this deals with burdens
10 of proof in discriminatory effect cases. Subsection B
11 states that a defendant has the burden of proof for all
12 prongs of a legally sufficient justification defense,
13 which under the proposed regulations as written includes
14 the burden of proving that there's no less discriminatory
15 alternative. In both the HUD regulation on this topic, as
16 well as the employment regulations that this Council has
17 considered, shift that burden back to the plaintiff to
18 show a less discriminatory alternative. And we'd
19 recommend that's actually a better approach, otherwise you
20 have housing providers trying to prove a negative, and
21 it's a difficult task to undertake. There's nothing in
22 FEHA which requires the burden of proving a less
23 discriminatory alternative to be placed on the defendant.
24 And so we'd request that the Council follow HUD and the
25 employment guidance on that, shifting it to the plaintiff.

Page 13

1 Looking at Section 11098.04.3, this is dealing
2 with the legally sufficient justification. You know, the
3 section of FEHA that deals with this is not the picture of
4 clarity. And so we do recognize that the Council here in
5 some ways is working with an imperfect starting point.
6 But that being said, the distinction between business
7 establishments and other types of entities that appears in
8 the statutes creates confusion over when to apply which
9 standard. And that's amplified by the regulation's use of
10 that same bifurcation. In the same vein, requiring
11 business owners to show that the interests, that the
12 practices designed to serve as necessary to the operation
13 of the business -- quote, unquote -- is problematic
14 because it appears to hold businesses to a higher standard
15 than non-businesses, and there's no justification for
16 that. If you look through the legislative history for the
17 Government Code section on this, there's nothing that
18 indicates that businesses were intended to be held to a
19 higher standard. And that really stems from this use of
20 the term necessary to the operation of the business.
21 In other words what's necessary for a business?
22 Is making a profit necessary? And so we request that the
23 Council either consider a unified standard that applies to
24 both business establishments and non-business
25 establishments, and we do include proposed regu- --

Page 14

1 proposed language in our written comments to that effect,
2 or that the Council provides some sort of definition as to
3 what's considered necessary or not.
4 Another just cleanup measure in -- under both
5 Subsections A and B, when it speaks about the less
6 discriminatory alternatives. Currently the regulation
7 is -- the proposed regulations simply say that a less
8 discriminatory alternative could not be served by another
9 practice. FEHA actually has a higher requirement, which
10 is that a less discriminatory alternative equally well or
11 better serve the interest. And so we ask that that be
12 included in the regulations to avoid a situation where you
13 have an alternative which in some ways serve the -- serves
14 the interest, but not as effectively or not as well as the
15 practice that's being advanced.
16 Skipping to the criminal history regulations,
17 Article 18. I have a couple of preliminary comments,
18 which is first that the California Apartment Association
19 has always encouraged our members who do choose to screen,
20 for criminal backgrounds to apply a narrowly tailored
21 screening criteria, and with that respect, that can
22 applied objectively and consistently. The HUD guidance
23 that came out last year, and these regulations, as they're
24 proposed regulations, as they're written make that an
25 extremely difficult task for any of our members or other

Page 15

1 housing providers that choose to screen for criminal
2 background, because they essentially call for an
3 individualized assessment. And the concern with that is
4 that actually promotes discrimination rather than
5 discourages it. Because individualized assessments are
6 inherently subjective and inconsistent depending on the
7 particular facts of the situation, and who is conducting
8 the assessment. And so as a general comment, we'd
9 encourage the Council, in revising these proposed
10 regulations, to keep an eye towards crafting the
11 regulations in such a way that housing providers can come
12 up with an objective screening criteria that they can
13 apply consistently in order to avoid liability and in
14 order to avoid a situation where they're no longer able to
15 conduct thorough tenant screening, and which ultimately
16 lowers the quality of housing for all the tenants there.
17 If you're not able to effectively screen for tenants with
18 behavioral issues, that may not meet tenancy obligations.
19 Looking at the particular regulations,
20 11098.18.1, we'd request that the Council clarify or
21 provide a definition of the term criminal history
22 information, or use a different term, such as criminal
23 records or conviction records. The concern here is that
24 the term criminal history information could be interpreted
25 to broadly include information about prior unlawful

Page 16

1 conduct which did not result in an arrest or conviction,
2 but may have been obtained from a prior landlord. For
3 example, if a tenant or an applicant was evicted from a
4 prior residence due to unlawful activity that resulted in
5 an unlawful detainer action, which of course relates to
6 the tenant screening. But it's not clear whether that
7 would be covered under the term criminal history
8 information or not.
9 Second, 11098.18.2. I have two concerns here.
10 One is that this section makes it a violation to make
11 statements that conflict with either this article or
12 Article 4, the discriminatory effect regulations. But
13 neither of those articles are on the issue of compliance.
14 In other words, they don't provide guidance on how to make
15 statements that are lawful. And so that creates some
16 ambiguity as to what exactly a housing provider can or
17 cannot say or do in a particular situation. The other
18 concern is that that requirement also conflicts with a
19 later suggestion in this article that housing providers
20 actually provide to applicants copies of what their
21 written screening criteria is that they would be applying
22 with respect to criminal history information. And so if
23 it could be found that providing that information to an
24 applicant is a violation of this text, yet that's also
25 something that's suggested by the text, that's, of course,

Page 17

<p>1 an inherent conflict. And I'll also note the Legislature 2 has expressed an intent that it's actually a good practice 3 for housing providers to provide tenants -- or applicants, 4 I'm sorry -- with a copy of their screening criteria. And 5 we see that in the mobile home context. Civil Code 6 Section 798.74 states that mobile home park owners must 7 provide a written copy of their screening criteria to any 8 perspective homeowner, which in the mobile home game, 9 tenants -- with a copy of that upon request.</p> <p>10 Looking at Section 11098.18.3, this deals with 11 the plaintiff's burden of proof in discriminatory effect 12 cases related to criminal history. The first point -- let 13 me make sure I have my subsections right for you -- is 14 that in Subsection A, we'd ask for a cleanup of this 15 section. We do include proposed language in our written 16 comments. As written, the section is somewhat 17 duplicative, and it leaves out a key element in these 18 cases, which is causation. It essentially seems to apply 19 that convict -- the use of conviction statistics, showing 20 some sort of disparity, establishes a discriminatory 21 effect. And that's inconsistent with the case law that's 22 been written by the U.S. Supreme Court, and the inclusive 23 community properties case, which is very clear that the 24 statistical disparity has to be caused by the practice 25 that's being challenged. Just the fact that there's a</p> <p style="text-align: right;">Page 18</p>	<p>1 to mean that a housing provider has to show something 2 beyond a rational relationship between the disqualifying 3 offense and tenancy obligation, how exactly a housing 4 provider would show that. Of course housing providers 5 don't have control groups on their properties to show that 6 a differently reg -- you know, a differently treated area 7 has different outcomes. And so it's unclear how exactly 8 they would show that.</p> <p>9 There also appears to be a mistake in Subsection 10 C that just showing a less discriminatory alternative 11 doesn't defeat a discriminatory effect. It actually tends 12 to prove it. And so we included some -- some cleanup 13 language in our written comments, which we will be 14 submitting. I'm almost done I promise.</p> <p>15 Finally, in Subsection C, where we see a number 16 of different factors here that a housing provider should 17 consider such mitigating factors. There's a number of 18 issues with these, including how a housing provider would 19 apply these factors? What weight should be given to which 20 evidence? Whether they have to take information provided 21 by an applicant is true? Whether they can verify it? 22 Those are all listed out and discussed in detail in our 23 written comments. But I'd encourage the Council to look 24 closely as those -- this is really at the heart of what 25 makes it nearly impossible for a housing provider to come</p> <p style="text-align: right;">Page 20</p>
<p>1 disparity, if it's unrelated -- if it's not caused by the 2 practice, of course, you can't hold the housing provider 3 liable for that. And so we'd ask that that be clarified.</p> <p>4 It also -- and I'll touch on this very briefly, 5 as the realtors touched on it. The presumption for 6 national statistics is inconsistent with what we see in 7 the HUD guidance, which actually expresses more of a 8 preference for local statistics, if they're available. 9 And likewise, there's nothing in either the HUD guidance 10 or FEHA which provides a presumption as to the relevance 11 of any statistics. The plaintiff has the burden of 12 proving the discriminatory effect, and I'm not aware of 13 the authority for creating a presumption based on 14 statistical evidence.</p> <p>15 Looking at 11098.18.4, legally sufficient 16 justification in criminal cases. Many of the same 17 concerns that I discussed with respect to the general 18 discriminatory effect. Regulations apply, and so I won't 19 repeat those. But looking at Subsection B4, this section 20 adds an additional requirement which states the housing 21 provider must prove that its policy actually achieves the 22 identified interest and accurately distinguishes between 23 conduct that poses a demonstrable risk and that which does 24 not. The concern here is that it's unclear what exactly 25 this means, and to the extent that language is interpreted</p> <p style="text-align: right;">Page 19</p>	<p>1 up with an objective written screening criteria if they 2 have to conduct an individualized assessment.</p> <p>3 And then looking at 11098.5, this is the 4 intentional violations liability. We would ask that the 5 Council reconsider its language regarding the strong 6 evidence that two people have been treated differently. 7 If a housing provider was applying the standards that are 8 discussed earlier in these proposed regulations, it's 9 quite possible that you would have two different 10 applicants with similar conviction records being treated 11 differently. For example, if one person could show 12 rehabilitation efforts, and the other couldn't. And so 13 that's concerning, and we'd ask that the Council consider 14 that in revising these regulations. We'd also ask that a 15 provision be added which provides a housing provider who 16 has revised their policy, perhaps in response to these 17 regulations of a HUD guidance, that they not be held 18 liable for discriminatory effect where the difference in 19 treatment between two applicants is a result of a uniform 20 change in policy that has been applied consistently.</p> <p>21 And again, we do propose language in our written 22 comments on that. With that, I invite any questions. 23 Otherwise I'll stop talking.</p> <p>24 MR. MANDELBAUM: Thank you very much. 25 MS. PROUT: Thank you.</p> <p style="text-align: right;">Page 21</p>

1 MS. SCHUR: Let me just say we really appreciate
2 it when you provide proposed language. So thank you for
3 doing that. It's helpful for us when we're evaluating the
4 comments. So thank you.
5 MS. PROUT: Thank you.
6 MR. KINGSTON: Mr. Chairman. Members of the
7 Council. Ron Kingston. And with me is John Smock. We
8 represent four apartment associations. The Apartment
9 Association of Southern California Cities, the Apartment
10 Association of Orange County, East Bay Rental Housing
11 Association and the North Valley Property Owners
12 Association. We have submitted written comments. We
13 e-mailed them to Brian. He's shaking his head that he has
14 received them. I trust that you have read our
15 several-page submission by now. But we would like to just
16 review some of the highlights of this submission.
17 Excuse me. Brian? Should we hand these out?
18 MR. SPERBER: I'll distribute them. Did you
19 think -- I can give it to them now.
20 MR. KINGSTON: Yeah. Okay. Thank you very
21 much?
22 We are -- we have been participating at your
23 hearings throughout the State on various subject matters
24 over the last couple years. In this case we want to speak
25 to the issue of criminal history. And because you, like

Page 22

1 us, are trying to meet the need for the tenants, balanced
2 against the needs of housing providers. And there are
3 several specific sections here that we will address. In
4 some part we will show and illustrate conflicts. In other
5 cases we will be making specific language suggestions.
6 There are some issues here that conflict with federal law,
7 and what is proposed. We have noted that in our letter as
8 well. And there are some very confusing terms here that
9 we are going to try to point out that can be problematic
10 for everyone concerned.
11 And the overall issue here is that as housing
12 providers, we are liable and subject to asset forfeiture,
13 nuisance abatement of criminal activity. We are subject
14 to very specific laws regarding providing a safe,
15 habitable property. This is illustrated in statute and
16 decisional law. And we point some of those out in our
17 letter. And we are more than happy to elaborate as the
18 case may be.
19 Overall, we do note, and we provide statistics,
20 which I think are really helpful background, showing what
21 the recidivism rate is in California. It's 65 percent.
22 And 73.5 percent within one year for repeat offenders. It
23 is a very significant number. There's well over
24 20 percent of all California, that have been convicted of
25 some form of a crime. This is identified in the CDCR risk

Page 23

1 assessment reports. We back that up. We show you in our
2 letter where it is located and we cite what that is. And
3 it -- and the reason why we say that it is helpful is
4 because it serves as a backdrop for this discussion.
5 The -- as our -- as the duty to keep our
6 property safe, and also provide safety for our tenants, we
7 have, overall, a legitimate non-discriminatory policy
8 about this. And I understand how you labor through these
9 issues, specifically now, as to the matters that we wanted
10 to address before the Council today.
11 Under 11098.184, it states that establishing a
12 legally sufficient justification relating to criminal
13 history information. And our question here is where
14 owners are to prove that their practice meets the legal
15 standards is -- quote -- "specific and substantial." We
16 honestly don't know what that means. We would seek
17 clarification with regard to that. You know, because we
18 must understand how to consider the -- as the terms are
19 used, the nature and severity of the crime. Now
20 generally, so that's one of a couple issues within this
21 section.
22 There are other examples s here in your
23 regulation -- proposed regulations that convictions are to
24 be related to fulfilling the housing obligation, whatever
25 that means. And that is particularly troublesome as you

Page 24

1 wind through your proposed regulation. For example, in
2 here you note that arson and possession of illegal weapons
3 could be used directly related to tenancy obligation. But
4 it doesn't explain why. And why is this pointed out,
5 versus any other crime? It's so in the negative pregnant,
6 we don't know what other crimes mean in the severity of
7 theirs versus the two that you've -- I think -- try to
8 help identify. And by you providing clarity, it actually
9 is the reverse, in our judgment. It provides a great deal
10 of confusion. And that could be extremely problematic for
11 everybody concerned.
12 The regulation doesn't explain how an owner --
13 quote -- "prove that the practice actually achieves the
14 identified interest" -- unquote. And unfortunately, there
15 are no statistics that are required or internal studies
16 that are needed. And one, I guess, could argue that the
17 standard is almost impossible to meet. And this is
18 something we're asking, respectfully asking you to
19 investigate and provide a great deal of clarity.
20 The regulation also admits clarification about
21 what is meant on how to prove that a practice is --
22 quote -- "accurately distinguishes between criminal
23 conduct and poses a demonstrable risk." We're not sure
24 what that really means, and respectfully ask to -- further
25 clarification. In this 11098.18.4, we ask for further

Page 25

1 clarification, and this is the reason why. In this it
2 states that convictions are to be related to renting
3 property. From a rental property owner's perspective,
4 arguments could be made that a number of conviction types
5 are related to a person's capacity to meet his or her
6 rental obligations, but we're not provided enough
7 information for evaluation, which would be subject to
8 investigation and po- -- and legal remedy.
9 MR. HARRIS: Mr. Chairman, question? If it's
10 appropriate. I'm a teacher. So pardon me.
11 MR. KINGSTON: Okay.
12 MR. HARRIS: Because the person who is least
13 intelligent in the room is typically the teacher.
14 MR. KINGSTON: Or the smartest.
15 MR. HARRIS: Yeah. You're -- first of all, it's
16 good to see you. You and John. I haven't seen you in
17 many years. When I was here all those many years ago, so
18 were you. You guys haven't aged. I have.
19 MR. KINGSTON: I've just lost a lot of hair.
20 MR. HARRIS: But what are the examples? I mean,
21 you know, I'm listening to this. You're making, in my
22 opinion, some valid points relative to all of us seeking
23 clarity, and all of us seeking a clear path on this. But
24 what you just stated, for example, to the extent you can
25 provide some examples. The previous speaker did an

Page 26

1 excellent job providing contextual examples. And I don't
2 want to put you on the spot now. Some of that you do in
3 your written document. But to the extent as the new kid
4 on the block, you can provide the contextual examples that
5 clarify this for me, I'd be happy to receive those as a
6 part of the Council.
7 MR. KINGSTON: Mr. Harris, a lot of it is
8 embodied in the letter. I'm trying to shorten our
9 conversation --
10 MR. HARRIS: Uh-huh.
11 MR. KINGSTON: -- and just illustrate --
12 MR. HARRIS: Uh-huh.
13 MR. KINGSTON: -- some of the problems. And in
14 our letter the has been provided to you, it identifies the
15 section, identifies the verbiage. It tries to provide,
16 in each case, illustration for correction or contextual
17 understanding. And so for the rest of my testimony, what
18 we'll do is we'll follow that lead, instead of --
19 MR. HARRIS: Excuse me.
20 MR. KINGSTON: -- instead of going backward.
21 MR. HARRIS: Just to clarify. I've read your
22 document, if this is the one you're referring to. And the
23 challenge is, a lot of times you say they're are missing
24 clarification, without providing clarification. So is
25 there another document that either has been submitted, or

Page 27

1 that I can take a look at to get that clarification?
2 MR. KINGSTON: There -- we will provide one more
3 letter --
4 MR. HARRIS: Okay.
5 MR. KINGSTON: -- on the couple issues that
6 perhaps we haven't identified that. Thank you,
7 Mr. Harris, for pointing that out.
8 MR. HARRIS: Okay.
9 MR. KINGSTON: There are some issues. Let's
10 take for example, 11098.13.3A. We don't know what the
11 words "overbroad and arbitrary" in criminal history mean.
12 It would be great to provide definition. And under .18.4
13 C1, when we are supposed to take into account
14 individualized -- quote -- "individualized mitigating
15 information and evidence for rehabilitation," we don't
16 know what the standard would be besides just take into
17 account. We would love to know what is meant by "take
18 into account." Does this provide a challenge -- potential
19 challenge for each and every applicant for residential
20 housing? I would hope not. I would hope there would be a
21 more -- a broader standard that is applied. And so
22 instead of having exact personal nature in every
23 applicant, that we have to then review or establish, it
24 would be good for some greater clarity, one. Two, that it
25 would be applied to all, in this case, property owners.

Page 28

1 So we -- so we could track, follow, easily apply and move
2 on. Because most of these aren't of -- that are of great
3 concern, are going to be towards what we would popularly
4 refer to as "mom and pops." Mom and pops, we're going to
5 have the least sophistication in renting property. If
6 they had a bright light and standard, it would be the
7 absolutely best that we could achieve.
8 Just a couple other points, and then Mr. Smock
9 will follow.
10 We -- there are some -- as pointed out, there
11 are some different standards between HUD and what this
12 proposes. And we would -- we cite the HUD standard. We
13 cite in the letter the exact language that HUD has versus
14 what you have. And that would be far better to merge
15 those two, so we don't have conflicting standards. And
16 then -- the issue that -- and finally I guess I would just
17 say about a nexus, addressing a nexus prong. And this is
18 under 11098.704 B3. That there is an applicant's capacity
19 to fulfill his lease or obligation can't be based on their
20 criminal record. Because we don't know how to assess a
21 person's capacity based on a criminal record. And this
22 is -- this will require some work and some really close
23 examination about the term "capacity." We won't be able
24 to assess it. We -- on an individual basis, we just don't
25 know how to achieve that standard. And so we point out in

Page 29

1 here exactly where it's located.
2 And Mr. Harris, we don't have a solution for
3 this one. It's just something that -- it's something that
4 you're going to -- the Council and staff are just going to
5 have to work through and provide that clarification.
6 MS. BRODSKY: I have a question I want to ask
7 about that. Maybe just with respect to the word capacity.
8 Is that derived from some source? That word also jumped
9 out at me. Is that from some source that you're relying
10 on or what does it mean?
11 MR. IGLESIAS: So actually I thought in your
12 comments you recommended that we substitute "risk."
13 MS. BRODSKY: Risk.
14 MR. KINGSTON: Risk. Yes.
15 MR. IGLESIAS: So you actually did do that
16 specific recommendation. So we'll just --
17 MR. KINGSTON: I'm impressed. You read the --
18 thank you. You get a gold star.
19 MS. BRODSKY: So with that answer today, that
20 was their way of, I think, dealing with it. But I was
21 wondering whether there was some source for that?
22 MR. KINGSTON: We have a source, most certainly.
23 We do that. But -- you know -- it invited a better part
24 of two or three hours of discussion in my office of
25 what -- how do we achieve this and get away from capacity,

Page 30

1 the term "capacity." And the best we can come up with is
2 the term "risk."
3 MS. BRODSKY: Well, although in the employment
4 context, at least in disability law, you don't -- you
5 can't look at some speculative risk --
6 MR. KINGSTON: Right.
7 MS. BRODSKY: -- as a reason for excluding
8 someone. So I'm not sure that it's precise, but I get
9 your drift.
10 MR. KINGSTON: Yeah. This really has to be
11 worked on and to provide sufficient clarity for everybody.
12 That's what we're trying. So maybe the term is not
13 perfect, but what we have in here is less than perfect,
14 and that's why we were searching for something to help
15 you.
16 MR. SMOCK: I'm John Smock. And I'll make my
17 comments very brief. We worked very closely on this
18 issue. And overall, just generalized comments. While
19 this moves forward, it fails to distinguish appropriately
20 in our judgment between discretion and discrimination, and
21 places the burden on the owner to deny or to reject the
22 suggestion that everything that they do in regard to
23 qualifying a tenant or perspective tenant or residency is
24 negatively looked at by the Council as being
25 discriminatory, as opposed to -- and thereby followed.

Page 31

1 The suggestion that they will be subjected to the
2 commission's investigative resources at every turn, which
3 is very expensive, and in the judgment of several owners,
4 nonproductive with respect to the ability to conduct their
5 rental practices in a way that do not impact their other
6 obligations to tenants, to their employees and to their
7 property. And so it's a very fine line. And in our
8 judgment, this entire process has largely shifted the
9 burden to owners to disprove their activities that have
10 very generally, over the years, been rather successful
11 with respect to the housing of persons with prior criminal
12 records.
13 Objectively, and using common sense, these
14 people, for the most part, are living in rental units now.
15 Owners are not discriminating to a humongous degree. That
16 would be suggested by the activities here and at least
17 place a burden on owners to disprove their motivation,
18 their activities, their judgment with respect to their
19 housing policy. And so overall, as I say, as a general
20 proposition, this moves in the direction of discrimination
21 and having to disprove discrimination, as opposed to the
22 positive use of discretion, judgment, and in essence you
23 are shifting to the owners throughout the process a
24 liability that owners don't want to take.
25 It's their property. It's their resources.

Page 32

1 It's their livelihood which is subjected to great risk at
2 the option of having to disprove that their housing
3 policies are, on their face, fair. And it's not uncommon
4 to recognize under the -- underact, for example, that a
5 non-discriminatory practice is not presumed to be
6 discriminatory where it's neutral on its face. So a
7 neutral policy, on its face, is necessarily
8 non-discriminatory. This would suggest that these
9 policies that owners now follow are necessarily
10 discriminatory. And we would excuse that proposition.
11 So we are following this very closely. And
12 we're following the recommendations that have been made to
13 date. And as Mr. Kingston's indicated, we have specific
14 comments on specific sections. But overall, the direction
15 has been placed an unnecessary burden on owners to
16 disprove an activity that they do not in fact engage in.
17 And I'm open to any questions.
18 MS. SCHUR: I have one question.
19 Mr. Kingston, you cited this report from the
20 California Department of Corrections.
21 MR. KINGSTON: Uh-huh.
22 MS. SCHUR: And I'm wondering if you recall if
23 it had any statistics about seven years as opposed to
24 three years. 'Cause the information we have seemed to
25 indicate a significant drop in recidivism after that.

Page 33

1 MR. KINGSTON: Yeah. After seven years, it's --
2 the report, which if you would like, I will be more than
3 happy to provide to you if you don't have it. It's
4 sitting right on top of my desk. But after seven years,
5 it's not reported. So we don't know that -- so they track
6 the data, type of crime, location, and then the rates for
7 one -- each year, one through seven. And then it just
8 drops off.
9 MS. SCHUR: Uh-huh.
10 MR. KINGSTON: If you would like it, I'm more
11 than happy to provide it to you.
12 MR. HARRIS: I have a copy of it.
13 MR. KINGSTON: Okay.
14 MS. SCHUR: Thank you.
15 MR. MANDELBAUM: Thank you, both, for your
16 comments.
17 MS. FEARING: Good morning. My name is Jennifer
18 Fearing, I am appearing -- I wish to provide some
19 testimony on Item 12. I'm here today on behalf of the
20 Humane Society of the United States and the ASPCA, the
21 nation's two largest animal protection organizations. And
22 I'm here to thank you on our behalf for your efforts today
23 in clarifying the State regulations pertaining to requests
24 for reasonable accommodation for support animals in
25 housing.

Page 34

1 MR. MANDELBAUM: We will be taking testimony on
2 those separate housing provisions. Right now this is the
3 public comment period for a different set of housing
4 regulations.
5 MS. FEARING: Oh, I'm sorry. I was -- I thought
6 it was open, a free for all.
7 MR. MANDELBAUM: Oh, yeah. Sorry. This is the
8 45-day comment for the criminal history --
9 MS. FEARING: I apologize. I will stick around.
10 MS. MANDELBAUM: We look forward to hearing from
11 you later in the afternoon.
12 Anyone else wishing to provide testimony or
13 comments related to this set of housing regulations?
14 MS. STEINHEIMER: Hello. My name is Sarah
15 Steinheimer. I'm regional counsel for housing at Legal
16 Services of Northern California. We -- Legal Services, if
17 you're not familiar with us, is the legal aid agency for
18 23 counties in California. We serve Sacramento to the
19 Oregon border. We provide free legal assistance to low
20 income families and individuals and seniors on a wide
21 range of legal issues, including housing, public benefits,
22 healthcare and education. In our housing work, we
23 represent tenants who are dealing with general
24 landlord/tenant issues, evictions and fair housing issues.
25 We also assist homeowners dealing with foreclosures and

Page 35

1 related issues.
2 MS. SCHUR: Sorry. Sarah, is there a way to
3 adjust this so she doesn't have that light in her eyes
4 there?
5 MS. STEINHEIMER: Sit back little bit. Thank
6 you.
7 Okay. We submitted written comments with
8 Western Center on Law and Poverty and National Housing Law
9 Project, and today I'd really just like to speak on one
10 issue, on the Criminal History Regulations, Article 18.
11 And our written comments do have a number of
12 recommendations regarding those. And I won't speak to
13 those directly. But what I really would like to speak
14 about is the need for this regulation in the work that we
15 have -- that we see in our work. I have been at Legal
16 Services for seven years. And this has been an issue that
17 people come into our office regularly throughout the seven
18 years.
19 We have seen, we particularly seen it be in
20 terms of tenant screening policies, a problem for family
21 reunification, for people trying to come back once they've
22 been released from prison or jail, trying to stabilize and
23 reunite with their family, be able to be a contributing
24 member to their family, have the stable housing that they
25 need to find employment. We have seen these policies be a

Page 36

1 real barrier to that.
2 In just the last two or three months, we have
3 seen policies from large management companies that have
4 overly restrictive screening policies, in our view. One
5 such policy denies admission to tenant applicants with any
6 felony conviction no matter the nature of the criminal
7 activity or when the activity occurred, and all
8 misdemeanors under -- that occurred within three years,
9 under three years, no matter the nature of that
10 misdemeanor -- of that criminal activity. Another policy
11 we saw just last month prohibits admission to tenant
12 applicants with any felony or any misdemeanor, no matter
13 the nature of the criminal activity or when it occurred.
14 This same management company also prohibits current
15 tenants from having guests with any criminal record.
16 We think these regulations are key in ensuring
17 that these policies are addressed, and that there's
18 clarification under the law in stopping these
19 discriminatory policies.
20 Perhaps in one of the most egregious cases we
21 saw recently, we had a client who was denied admission to
22 HUD subsidized housing based on the fact that he had a
23 misdemeanor conviction for loitering. He received that
24 conviction while sleeping in a parking lot when he was
25 homeless. We were -- the housing, we did appeal that

Page 37

1 denial, and he was ultimately allowed into the housing.
2 But initially he was denied on that basis under a blanket
3 ban policy.
4 MR. MANDELBAUM: I've got a question for you as
5 it relates to blanket ban versus individual assessment. I
6 think there is some tension there. And there's not
7 uniform agreement on either side of the perspective about
8 what's preferable. Obviously blanket bans are clearer and
9 take out the subjective in a way that perhaps alleviate
10 some intentional discrimination or some different
11 treatment of history, but obviously it -- it's not as
12 nuanced as an individualized assessment.
13 So in general, when you hear concerns of denied
14 access to housing because of criminal history, I can
15 appreciate the examples you just gave are just incorrect
16 bright line policies. But on a broader level, are you
17 more concerned by people that are misapplying individual
18 assessments in an unfair and unequal way, or bright line
19 policies that aren't picking up enough nuance?
20 MS. STEINHEIMER: Bright line policies,
21 absolutely. We, at Legal Services, believe in the
22 individualized assessment. We think it is an important
23 way to address this issue. There are so many people with
24 criminal backgrounds. This is a significant barrier to
25 housing. In my experience, it is just not true that

Page 38

1 owners are not discriminating on this basis. Our clients,
2 we have so many clients who cannot find housing, or they
3 are living in last resource housing. And what I mean by
4 that is I mean the motels that are in terrible, terrible
5 condition. And they are not the housing that anybody
6 sitting in this room is representing -- you know? They
7 are not the type of housing that are well managed. And so
8 people, in our experience, don't have access to that kind
9 of housing, because of the bright line rules.
10 I do not agree that an individualized assessment
11 is more discriminatory. I think it's key to ensuring that
12 the policies are not discriminatory based on the elements
13 of a crime in the Penal Code or even the description of
14 the crime. It's important to know what happened, when it
15 happened, what was in that -- what was going on in that
16 person's situation, and what has happened since, and what
17 has that person's -- you know, what -- I think those are
18 very important indicators, and way to address this issue.
19 You know, we absolutely agree that there's a
20 balance here. And the balance is the accessing of
21 housing, and maintaining safe housing for the people
22 living there. We represent people in both situations.
23 And I think that individualized assessment is what gets
24 you -- achieves both.
25 MS. BRODSKY: Do you see any remedial course for

Page 39

1 those kinds of violations?
2 MS. STEINHEIMER: I don't know that I can speak
3 to that. In terms of the blanket ban?
4 MS. BRODSKY: Yes. Just curious.
5 MS. STEINHEIMER: Yeah.
6 MR. KISH: Do you mean based on the category of
7 the being --
8 MS. BRODSKY: Correct.
9 MR. KISH: -- having a criminal conviction?
10 MS. BRODSKY: Correct.
11 MS. STEINHEIMER: I mean, I think so. I mean, I
12 don't think that having a criminal conviction necessarily
13 makes you a bad tenant. If that's what you're --
14 MR. KISH: I just want to respond to Council
15 Member Brodsky. I'm not aware of recent cases that bring
16 that bring a claim of unlawful discrimination under Unrue
17 based on category of having a criminal conviction.
18 And for those in the room who aren't following,
19 Unrue's list of protected categories is not exclusive.
20 Unrue lists all forms of arbitrary discrimination, so
21 Courts have held that categories like your profession, for
22 example, might be protected under Unrue in certain
23 circumstances.
24 So in answer to your question, I'm not
25 personally aware of these cases.

Page 40

1 MS. BRODSKY: I'm not aware of any cases have
2 done it, but I'm wondering whether the consideration has
3 been given to applying Unrue, you know, looking to Unrue
4 to enforce that.
5 MS. STEINHEIMER: I think that's all I have.
6 Thank you.
7 MR. MANDELBAUM: Thank you.
8 MS. LEAL: Hi. Good morning. My name is
9 Patricia Leal. Last name L-e-a-l. And I am a policy
10 advocate with Leadership Council for Justice and
11 Accountability. We work alongside residents of low income
12 communities of color throughout the San Joaquin valley and
13 Coachella Valley to eliminate barriers to opportunity on
14 the basis of wealth, race, income and place.
15 We thank the Council for its work to develop
16 these regulations. We believe they will serve as a
17 critical tool in our efforts to ensure that all people
18 enjoy the same access to opportunity regardless of their
19 inclusion in a protected class. We work with Western
20 Center Align Poverty, the National Housing Law Project and
21 other organizations to develop comments that were
22 submitted to you yesterday.
23 I would like to highlight with my comments the
24 importance of proposed additions in those comments of
25 language to include infrastructure and facilities among

Page 41

<p>1 the resources which cannot be denied to persons on the 2 basis of protected class status as well as language, 3 confirming that land use practices that adversely impact 4 residents' enjoyment of residents' health and environment, 5 quality at their homes and the communities based on the 6 protected class status, also on Section 1212900. 7 MR. KISH: Hang on one second. I just want to 8 remind you there's a court reporter. 9 MS. LEAH: Okay. 10 MR. KISH: And you're speaking very quickly. 11 MS. LEAH: Okay. Sorry about that. 12 And my goal, we'll go ahead and discuss 13 environmental justice language recommendations. But I'll 14 go ahead and highlight my comments. Due to decades of 15 public and private neglect and discriminatory policies, 16 many of the communities we work in lack the basic 17 infrastructure, many already existing communities, and 18 services -- services necessary to support housing and to 19 allow them to thrive. Despite ongoing advocacy that we 20 have done, alongside with residence for years, local 21 jurisdictions have refused allocate the necessary 22 resources to allow communities to obtain these basic 23 infrastructures, all the while facilitating and supporting 24 new development which disproportionately serves higher 25 income and Caucasian residents.</p> <p style="text-align: right;">Page 42</p>	<p>1 Accountability. I'm based in Fresno. So I'd like to 2 highlight the portion of our comments that we contributed 3 to with a comment letter that was submitted yesterday 4 relating to environmental justice. So we are proposing 5 that the regulations include an additional subsection in 6 Section 11098.14.2, as well as a small modification to 7 Subsection B of that provision to address adverse impacts 8 to environmental quality, public health and enjoyment of 9 residents that arise from land-use practices on the basis 10 of protected class status. 11 And so specifically the comment letter does not 12 have page numbers. But it's located in about the middle 13 of the comment letter. And we are proposing the addition 14 of a subsection that states that public or private 15 practices that result in the location of toxic, polluting 16 and/or hazardous land uses in a manner that adversely 17 impacts environmental quality, public health and/or 18 enjoyment of residents because of membership in a 19 protected class. And we are also suggesting that 20 Subsection B of that provision, or of that section, 21 replace the term "render infeasible" with "adversely 22 impact enjoyment of residents." 23 And the reason that we want to highlight this is 24 that we work with many communities of color throughout the 25 Central Valley, and Coachilla Valley, that are among the</p> <p style="text-align: right;">Page 44</p>
<p>1 These communities often rely on septic tanks, 2 many of them which are deteriorating and leaking 3 contaminants into the ground water, which residents rely 4 for drinking water. 5 These examples show why the term 6 "infrastructure" should be included in Subsection D of 7 Section 11098.14.2. There is the reason why we really 8 stress the importance of incorporating the word 9 infrastructure, as it will help already existing 10 communities and new development to ensure that these basic 11 infrastructures are in these local communities that 12 oftentimes do not have the resources or money to dwell on 13 their own. Thank you. 14 MS. WARNER: Thank you. And I will address the 15 portion of the comments that we submitted. 16 MR. MANDELBAUM: Can you see if you can turn 17 that mic on, because people are following. 18 MS. WARNER: Sure. 19 THE COURT: It's normally like a tap -- is there 20 a -- oh, perfect. 21 MS. WARNER: Sure. Good idea. Okay. So my 22 name is -- 23 MR. KISH: I was going to ask. 24 MS. WARNER: My name is Ashley Warner. I'm an 25 attorney with Leadership Council for Justice and</p> <p style="text-align: right;">Page 43</p>	<p>1 most burdened in the State of California by multiple 2 sources of pollution according to the CAL Environmental 3 screening tool, created by the EPA. They are burdened by 4 multiple sources of pollution that are located within 5 their community and surround their community and are next 6 door to their homes, to parks, to schools, and that really 7 impact residents on a day-to-day basis -- impact their 8 public health, impact them in their homes and their 9 ability to enjoy their community. 10 And so we see this evidenced through data in 11 differential rates of asthma, cardiovascular disease, 12 shorter lifespans. We see it in residents ability to 13 enjoy their homes. We have worked on a variety of 14 land-use issues where residences have -- and residents of 15 color in particular and immigrant communities have to keep 16 the windows shut in their homes to keep out odors from 17 waste water treatment plants located next door to the 18 their houses, rendering facilities and other food 19 processing facilities. Many times these facilities don't 20 have proper permits. If they do have permits, they're 21 often operating in violation of them. And then when 22 residents complain, and they complain for decades about 23 one use in particular, let alone the whole variety of uses 24 surrounding them, jurisdictions, it falls on deaf ears. 25 There is not the representative to advocate for</p> <p style="text-align: right;">Page 45</p>

1 them. And jurisdictions refuse to enforce their own
2 ordinances and State ordinances. So we see the inclusion
3 of language relating to environmental justice as really
4 necessary to ensure request to jurisdiction to enforce the
5 laws fall on deaf ears, and often for decades. So we
6 believe that the inclusion of specific language relating
7 to environment quality that impacts residents' use and
8 enjoyment of their homes and communities is really
9 necessary to ensure that the language and meaning of this
10 section is effectively implemented.
11 And so -- and I think that's all. But we
12 welcome questions.
13 MR. MANDELBAUM: Well, thank you. I especially
14 want to thank you for providing voices from the Central
15 Valley, that we've been seeking a lot in these rulemaking.
16 So I would encourage you to continue on this and in
17 others, because it's definitely a population of the State
18 that we hear less from in these.
19 MS. WARNER: Excellent. Thank you.
20 MR. MANDELBAUM: Thank you.
21 MS. BRODSKY: While we're in between, just
22 another question. Is there a reason why we don't use the
23 term "adverse impact," but use the term "discriminatory
24 impact"? The speaker used "adverse impact," and just
25 throwing that out. Don't need an answer now. But just

Page 46

1 sort of something to chew on.
2 MS. HOWARD: Good morning.
3 MR. MANDELBAUM: Good morning.
4 MS. HOWARD: So I'm Madeline Howard.
5 M-a-d-e-l-i-n-e. Last name is H-o-w-a-r-d. And I'm with
6 Western Center on Law and Poverty.
7 As has been referenced earlier, we did submit a
8 comment letter yesterday, which hopefully you had an
9 opportunity look at of at least quite detailed comments.
10 So I'm not going to go into the -- took me a very long
11 time if I were to go through all of our comments. But we
12 have tried to propose specific language, because we know
13 that this process is very detailed and very time
14 consuming. So hopefully that will be helpful to the
15 Council.
16 So before addressing a few specific issues, I
17 just wanted to say thank you very much to the Council for
18 engaging this process. These are tremendously important
19 issues and discriminatory effects in particulars is such
20 an important way of enforcing fair housing laws. So we
21 really applaud this effort and are very glad to be here
22 today and talking about this.
23 A couple things that I wanted to respond to that
24 were commented on previously. I believe it was someone
25 from the Apartment Association who was commenting on

Page 47

1 11098.4.1 on the practices with the discriminatory effect,
2 and requesting that in Subsection B that the individual be
3 removed. And I think the comment was that discriminatory
4 effect only applies to groups. And our Council -- excuse
5 me, in our comments we talk about that. But I actually
6 think that's incorrect. And I think case law supports
7 that, that when you're analyzing whether a particular
8 policy or action has a discriminatory effect, you do look
9 at the group. But when you're looking at a particular
10 case, you are talking about the effect on the individual.
11 So I think that the Council's approach in this is correct
12 and should not be changed.
13 Regarding the burden-shift and analysis, which
14 is 11098.4.3, the Council -- in many ways, FEHA is more
15 protective than federal law. And so the Council is free
16 to adopt a different burden-shifting. And we support the
17 approach that the Council has taken here. And in terms of
18 putting the burden for the less discriminatory alternative
19 on the housing provider, we actually think that it really
20 makes sense to do this. Because the housing provider is
21 in a much better position to understand how different
22 practices would work. They are experts in providing
23 housing, in selecting tenants, if we're talking about a
24 landlord/tenant relationship. So placing the burden there
25 makes sense, and we really support that approach.

Page 48

1 Most of our comments on this discriminatory
2 effects section are focused on sort of clarifications, and
3 some providing some definitions so that there's
4 no confusion, and I think that everyone would agree that
5 we want to have a clear direction for all sides so that
6 everyone knows what the obligations are. So that's what a
7 lot of our comments are focused on. And I'll leave those
8 details to our written comments.
9 Let's see. One of the specific areas that we
10 suggested some clarifications on has also been addressed
11 earlier by people from the Apartment Association and the
12 realtors, which is that the burden shifting was a little
13 bit different in the discriminatory effect section, versus
14 criminal record section. And so we suggested some
15 specific language so that those sections would be
16 consistent so as not to create confusion on that issue.
17 Okay. Regarding the land use in Article 14.
18 Again, we're very glad that the Council has undertaken
19 this. This is a tremendously important issue, and we had
20 some, again, specific comments on clarifications and
21 definitions. And then I just wanted to highlight a couple
22 things that we recommended.
23 There's been HUD guidance and some Federal Court
24 Circuit decisions regarding a fact pattern wherein the
25 city, although the city officials themselves do not appear

Page 49

1 to be discriminating or appear to be holding stereotypes,
2 they sort of give in to the racism of the public. And we
3 have cited to specific cases and guidance in our comments,
4 where there's a city decision that's made after a public
5 meeting, where people basically use sort of dog whistle
6 terms and use code words, to talk about "we don't want
7 those people in community." And then the city gives in to
8 that. This is discriminatory. And the Courts have found
9 that, and the HUD guidance talk about that. And we would
10 really suggest putting that in the regulations. That's
11 something that unfortunately happens a lot.
12 Okay. So I think I'll move on and briefly speak
13 about the criminal record section. This is Article 18.
14 And I wanted to respond to a couple of comments. We agree
15 with prior comments that were made regarding the
16 usefulness of definitions. And we have suggested some
17 specific definitions for terms, because it seems like that
18 lack of clarity could cause some problems. So hopefully
19 those definitions will be helpful to the Council.
20 And regarding -- there were some comments made
21 about recidivism, and landlords' concerns about keeping
22 other tenants safe. And as Miss Steinheimer was saying
23 earlier, we, of course, are concerned about everyone
24 living in housing. We represent people who have criminal
25 records, as well as people who do not. And what we --

Page 50

1 what I wanted to point out is that one of the big reasons
2 that people end up being incarcerated again after getting
3 out is that they can't find housing. It's very difficult
4 to sort of live on the right side of the law if you are
5 living outside. And many communities have laws that
6 criminalize homelessness specifically, so you can be
7 arrested for being homeless. And one of the things, the
8 big barriers to get housing is these very restrictive
9 policies, these blanket bans. And so if we didn't have
10 those, some people could get into housing and they
11 wouldn't end up back in jail.
12 So this is a really important issue, and we're
13 so glad that the Council is addressing it. And we -- and
14 we have some very specific comments about that in terms of
15 we think there should be a shorter time commitment, and we
16 would -- we would suggest three years, as supported by HUD
17 guidance and statistics, as opposed to seven years.
18 And I think I'll stop there. If there are any
19 questions, I'd be happy to answer them. Okay. Thank you.
20 MR. MANDELBAUM: Thank you.
21 MS. MURRAY: Good morning.
22 MR. MANDELBAUM: Good morning.
23 MS. MURRAY: Thank you for holding this session.
24 My name is Marjorie Murray. M-a-r-j-o-r-i-e.
25 M-u-r-r-a-y. I represent the Center for California

Page 51

1 Homeowner Association Law. So I may be speaking for a
2 group that you don't hear from too much either.
3 We represent homeowners who live in the States'
4 52,000 common interest developments, which may be co-ops,
5 town homes, planned unit developments and condos. And as
6 I'm sure the Council is aware, common interest
7 developments, also known as homeowner associations, have a
8 long history of discrimination. In fact it was their
9 original purpose. I myself live in one of the State's
10 oldest associations, founded in 1917 in Oakland, whose
11 stated purpose in its CCNRs was to create an exclusive
12 community, which was code for -- and it's in the CCNRs --
13 no persons of color, Mongols or others may reside in this
14 community except in the capacity of servant.
15 Now, as we know, language like that and
16 governing documents like that have been declared
17 unconstitutional by the U.S. Supreme Court. However, the
18 pall and the cloud of discrimination still hangs over
19 common interest developments and expresses itself in many
20 different ways. And what I would like to do -- I hope
21 you're taking comments on this first section, practices
22 with discriminatory effect, at the moment, because I would
23 like to address a very specific business practice of
24 California homeowner associations. We have testified on
25 this issue multiple times here at the Capitol. And that

Page 52

1 is the fact that homeowner associations can foreclose,
2 take the house when homeowners fall behind on assessments,
3 otherwise known as homeowner dues. There have been huge
4 fights here at the Capitol about what that amount, whether
5 or not there should be any thresholds before the
6 association can initiate foreclosure. We finally got
7 thresholds established. However -- through legislation --
8 however, in research done by our center, which is based in
9 Oakland, but we serve homeowners statewide, research done
10 by our center, along with Sentinal Fair Housing in
11 Oakland, we established by studying notices of default,
12 that Hispanic households were foreclosed on far out of
13 proportion to their numbers in the census. And we have
14 reason to believe that this still holds true. Because we
15 get requests for help from homeowners facing foreclosure,
16 from Hispanic and Asian households in particular.
17 So we would recommend, and I'm going make my
18 comment -- my oral comments brief today. We will be
19 submitting written comments within your deadline that you
20 have set. And we will propose language for you to
21 consider. But we would like to see this issue of
22 association debt collection and foreclosure called out as
23 a specific discriminatory practice and business practice
24 and financial practice that needs to be addressed.
25 The association itself typically does not manage

Page 53

1 the assessment collection foreclosure process. It farms
2 out and contracts with special debt collectors who do
3 nothing but association assessment debt collection. There
4 is no requirement, either in statute. There is no
5 requirement levied on these entities that they contract
6 with that they provide any of the notices in the language
7 of the person who is receiving them. So it's no wonder
8 that we can find accelerated rates of foreclosure against
9 mono-lingual households, Asian and Hispanic in particular.
10 So I want to make clear that one of our special
11 concerns are the low and low moderate income households
12 who manage to become homeowners, particularly through the
13 inclusionary zoning and other first-time home-buyer
14 programs launched by California cities and counties. And
15 those homeowners who manage to get a condo or a town home
16 or a unit in a planned unit development very often are
17 mono-lingual households. So we would like to see added to
18 the topics to be examined, the issue of association debt
19 collection, and the issue of language. Because, to us
20 it's self-evident that if you're going to provide
21 protections to those persons in protected classes, they
22 need to be informed of their rights, particularly if
23 you're talking about taking away their home. They need to
24 be informed of their rights in the language that they
25 speak.

Page 54

1 So I'll stop at that point, and ask if you have
2 any questions thus far.
3 And we will be elaborating on these points and
4 submitting draft language in our written comments.
5 MR. MANDELBAUM: Thank you. Appreciate it, Miss
6 Murray.
7 MS. MURRAY: And you'll be taking the issue of
8 harassment later?
9 MR. MANDELBAUM: Yes. That will be in that.
10 MS. MURRAY: Thank you.
11 CRISTOL-DEMAN: Good morning. My name is Liza
12 Cristol-Deman. L-i-z-a. Last name Cristol-Deman. I've
13 been an attorney with Brancart and Brancart for almost
14 18 years. We bring Fair Housing Act cases here in
15 California, as well as nationwide. But the majority of
16 our practice is here in California. And we rely very much
17 on this Council and the Department of Fair Employment and
18 Housing to enforce our clients' rights. So thank you very
19 much for this important work that each of you is doing.
20 I'll be brief. I want to just express my
21 support and express our firm support here on the record
22 for the comments letter that was submitted by the Western
23 Center on Law and Poverty. We support the work they do,
24 and we support the comments and suggestions that they have
25 made in the letter that was already submitted here to the

Page 55

1 Council. Thank you very much.
2 MR. MANDELBAUM: Thank you.
3 Anyone else wishing to provide public comment?
4 Hearing none -- all right. Well, thank you for
5 taking the time to provide public comment on the issuance
6 of the proposed FEHA housing regulations regarding
7 discriminatory effect, discriminatory land use practices
8 and the use of criminal history information.
9 Again, as a reminder, we'll accept written
10 comments until 5:00 p.m. today, so get those in at your
11 earliest convenience. And with that, the meeting portion
12 of the hearing is adjourned -- or the hearing portion of
13 the meeting is adjourned.
14 (Off the record at 11:47 a.m.)
15
16
17
18
19
20
21
22
23
24
25

Page 56

1 REPORTER'S CERTIFICATE
2
3
4 I, KAREN S. CHALLE, CSR No. 8244, Certified Shorthand
5 Reporter, certify:
6 That the foregoing proceedings, pages 1 through 9,
7 were taken before me at the time and place therein set
8 forth;
9 That the proceedings and all statements made at the
10 time of the hearing were recorded stenographically by me
11 and were thereafter transcribed;
12 That the foregoing is a true and correct transcript
13 of my shorthand notes so taken.
14 I further certify that I am not a relative or
15 employee of any attorney of the parties, nor financially
16 interested in the action.
17 I declare under penalty of perjury under the laws of
18 California that the foregoing is true and correct.
19 Dated this 10th day of April, 2017.
20
21
22
23 _____
24 KAREN S. CHALLE, CSR NO. 8244
25

Page 57

<p style="text-align: center;">A</p> <p>a.m 2:21 5:2,6 56:14 AB02873 1:25 abatement 23:13 ability 32:4 45:9,12 able 9:4 11:5 16:14,17 29:23 36:23 absolutely 10:17 29:7 38:21 39:19 accelerated 54:8 accept 6:22 56:9 access 38:14 39:8 41:18 accessing 39:20 accommodation 34:24 account 28:13,17,18 Accountability 4:12,14 41:11 44:1 accurately 19:22 25:22 achieve 29:7,25 30:25 achieves 19:21 25:13 39:24 Act 55:14 action 5:23 10:24 17:5 48:8 57:16 activities 32:9,16,18 activity 17:4 23:13 33:16 37:7,7,10,13 add 5:19 added 21:15 54:17 addition 6:19 44:13 additional 11:18 19:20 44:5 additions 41:24 address 23:3 24:10 38:23 39:18 43:14 44:7 52:23 addressed 37:17 49:10 53:24 addressing 29:17 47:16 51:13 adds 19:20 adjourned 56:12,13 adjudicator 9:19 adjust 36:3 admission 37:5,11,21 admits 25:20 adopt 48:16 advanced 15:15 adverse 44:7 46:23,24 adversely 42:3 44:16,21 advocacy 42:19 advocate 41:10 45:25 affiliation 8:4 afternoon 35:11 aged 26:18 agency 35:17 ago 6:16 11:22 26:17 agree 39:10,19 49:4 50:14 agreement 38:7 ahead 42:12,14 aid 35:17 Align 41:20 alleviate 38:9 allocate 42:21 allow 42:19,22 allowed 38:1</p>	<p>alongside 41:11 42:20 alternative 13:15,18,23 15:8,10,13 20:10 48:18 alternatives 15:6 ambiguity 17:16 amendments 5:18 6:9 7:11,11 amount 53:4 amplified 14:9 amplify 12:24 analysis 48:13 analyzing 48:7 ancestry 6:4 and/or 44:16,17 Angeles 7:2,4 animal 34:21 animals 34:24 answer 8:20 9:22 10:12 30:19 40:24 46:25 51:19 anybody 39:5 apartment 4:4,5,8 12:13 15:18 22:8,8,9 47:25 49:11 apologize 8:17 10:22 35:9 appeal 37:25 appear 6:6 49:25 50:1 APPEARANCES 3:1 appearing 34:18 appears 14:7,14 20:9 applaud 47:21 applicant 17:3,24 20:21 28:19,23 applicant's 29:18 applicants 17:20 18:3 21:10,19 37:5,12 application 11:3 applied 15:22 21:20 28:21,25 applies 14:23 48:4 apply 14:8 15:20 16:13 18:18 19:18 20:19 29:1 applying 17:21 21:7 41:3 appreciate 8:18 10:23 12:8,9 22:1 38:15 55:5 approach 13:19 48:11,17 48:25 appropriate 11:4,24 26:10 appropriately 31:19 April 57:19 arbitrary 28:11 40:20 area 12:17 20:6 areas 49:9 argue 25:16 arguments 26:4 arrest 17:1 arrested 51:7 arson 25:2 article 9:2,4 12:25 15:17 17:11,12,19 36:10 49:17 50:13 articles 17:13 Ashley 4:13 43:24 Asian 53:16 54:9 asking 8:23 25:18,18</p>	<p>ASPCA 34:20 assess 29:20,24 assessment 16:3,8 21:2 24:1 38:5,12,22 39:10 39:23 54:1,3 assessments 16:5 38:18 53:2 asset 23:12 assist 35:25 assistance 35:19 association 4:3,4,7,8,17 8:16 11:12 12:13 15:18 22:9,10,11,12 47:25 49:11 52:1 53:6,22,25 54:3,18 associations 4:5 22:8 52:7,10,24 53:1 asthma 45:11 ATKINSON-BAKER 1:20 Attachment 6:10 Attachments 6:12 attempt 12:18 attorney 43:25 55:13 57:15 authority 19:13 available 6:9,13 7:24 19:8 avoid 15:12 16:13,14 aware 19:12 40:15,25 41:1 52:6</p> <hr/> <p style="text-align: center;">B</p> <p>B 4:22 6:12 8:23 9:15 11:9 13:1,10 15:5 44:7 44:20 48:2 B3 29:18 B4 19:19 back 6:10 13:17 24:1 36:5 36:21 51:11 backdrop 24:4 background 16:2 23:20 backgrounds 15:20 38:24 backward 27:20 bad 40:13 balance 39:20,20 balanced 23:1 ban 38:3,5 40:3 bankruptcy 12:5 bans 38:8 51:9 Barnhart 4:18,18 barrier 37:1 38:24 barriers 41:13 51:8 based 19:13 29:19,21 37:22 39:12 40:6,17 42:5 44:1 53:8 basic 42:16,22 43:10 basically 50:5 basis 9:20 29:24 38:2 39:1 41:14 42:2 44:9 45:7 Bay 4:6 22:10 behalf 2:17 34:19,22 behavioral 16:18 believe 38:21 41:16 46:6 47:24 53:14 benefits 35:21</p>	<p>best 10:25 29:7 31:1 better 13:19 15:11 29:14 30:23 48:21 beyond 20:2 bifurcation 14:10 big 51:1,8 bit 5:6 11:19 36:5 49:13 blanket 38:2,5,8 40:3 51:9 block 27:4 border 35:19 Brancart 55:13,13 Brian 3:10 7:2,7 22:13,17 brief 8:19 31:17 53:18 55:20 briefly 19:4 50:12 bright 29:6 38:16,18,20 39:9 bring 7:7 12:18 40:15,16 55:14 broader 28:21 38:16 broadly 16:25 Brodsky 3:5 5:12 30:6,13 30:19 31:3,7 39:25 40:4 40:8,10,15 41:1 46:21 brought 7:5 burden 9:15 13:11,14,17 13:22 18:11 19:11 31:21 32:9,17 33:15 48:18,24 49:12 burden-shift 48:13 burden-shifting 48:16 burdened 45:1,3 burdens 13:9 business 14:6,11,13,20 14:21,24 52:23 53:23 businesses 14:14,18</p> <hr/> <p style="text-align: center;">C</p> <p>C 6:12 20:10,15 c'mon 8:12 C1 28:13 CAL 45:2 California 1:3,13 2:5,12 2:18,20 4:3,4,6,10,16 5:1 6:6,16 7:4 8:16 12:13 15:18 22:9 23:21 23:24 33:20 35:16,18 45:1 51:25 52:24 54:14 55:15,16 57:18 call 16:2 called 53:22 capacity 26:5 29:18,21 29:23 30:7,25 31:1 52:14 Capitol 2:19 5:7 52:25 53:4 card 11:21 cardiovascular 45:11 care 7:2 carved 10:3 case 9:20,20 18:21,23 22:24 23:18 27:16 28:25 48:6,10 cases 13:10 18:12,18 19:16 23:5 37:20 40:15 40:25 41:1 50:3 55:14</p>	<p>categories 40:19,21 category 40:6,17 Caucasian 42:25 causation 18:18 cause 33:24 50:18 caused 18:24 19:1 CCNRs 8:25 52:11,12 CDCR 23:25 census 53:13 center 4:15,16 36:8 41:20 47:6 51:25 53:8,10 55:23 Central 44:25 46:14 certain 40:22 certainly 9:9 12:17 30:22 CERTIFICATE 57:1 Certified 2:21 7:22 57:4 certify 57:5,14 Chairman 8:14 22:6 26:9 Chairperson 3:4 5:8 Challe 1:24 2:21 57:4,23 challenge 12:18 27:23 28:18,19 challenged 18:25 change 7:10 21:20 changed 48:12 changes 7:15 Chaya 3:4 5:8 chew 47:1 choose 15:19 16:1 Circuit 49:24 circumstances 9:11 40:23 citations 10:15 11:15 12:4 cite 24:2 29:12,13 cited 33:19 50:3 cities 22:9 54:14 city 49:25,25 50:4,7 Civil 11:16 18:5 claim 40:16 claimant's 9:20 clarification 24:17 25:20 25:25 26:1 27:24,24 28:1 30:5 37:18 clarifications 49:2,10,20 clarified 13:6 19:3 clarifies 5:23 clarify 12:16,23 16:20 27:5,21 clarifying 34:23 clarity 12:19 14:4 25:8,19 26:23 28:24 31:11 50:18 class 13:4 41:19 42:2,6 44:10,19 classes 54:21 cleanup 15:4 18:14 20:12 clear 17:6 18:23 26:23 49:5 54:10 clearer 38:8 client 37:21 clients 39:1,2 clients' 55:18 close 29:22 closely 20:24 31:17 33:11</p>
---	--	--	--	--

<p>cloud 52:18 co-ops 52:4 Coachella 41:13 Coachilla 44:25 code 6:6 11:16 14:17 18:5 39:13 50:6 52:12 collection 53:22 54:1,3 54:19 collectors 54:2 color 6:2 41:12 44:24 45:15 52:13 come 8:1 16:11 20:25 31:1 36:17,21 commencing 2:20 comment 5:17 7:15,18,19 11:8 16:8 35:3,8 44:3 44:11,13 47:8 48:3 53:18 56:3,5 commented 47:24 commenting 8:5 47:25 comments 6:24 7:5,10,14 7:23 8:7,18,20 9:7 10:16 12:11,22 15:1,17 18:16 20:13,23 21:22 22:4,12 30:12 31:17,18 33:14 34:16 35:13 36:7 36:11 41:21,23,24 42:14 43:15 44:2 47:9 47:11 48:5 49:1,7,8,20 50:3,14,15,20 51:14 52:21 53:18,19 55:4,22 55:24 56:10 commission's 32:2 commitment 51:15 common 9:1 32:13 52:4,6 52:19 communities 41:12 42:5 42:16,17,22 43:1,10,11 44:24 45:15 46:8 51:5 community 18:23 45:5,5 45:9 50:7 52:12,14 companies 37:3 company 37:14 complain 45:22,22 completes 9:23 compliance 17:13 concern 5:20 16:3,23 17:18 19:24 29:3 concerned 12:5 23:10 25:11 38:17 50:23 concerning 21:13 concerns 10:3 17:9 19:17 38:13 50:21 54:11 condition 8:24 39:5 condo 54:15 condos 52:5 conduct 16:15 17:1 19:23 21:2 25:23 32:4 conducting 16:7 confirming 42:3 conflict 17:11 18:1 23:6 conflicting 29:15 conflicts 17:18 23:4 confusing 23:8 confusion 14:8 25:10 49:4,16 confusions 12:24</p>	<p>consider 7:18 14:23 20:17 21:13 24:18 53:21 consideration 41:2 considered 13:17 15:3 considering 11:20 consistent 49:16 consistently 15:22 16:13 21:20 constraint 8:23 consuming 47:14 contaminants 43:3 context 18:5 31:4 contextual 27:1,4,16 continue 46:16 contract 54:5 contracts 54:2 contributed 44:2 contributing 36:23 control 20:5 convenience 56:11 conversation 27:9 convict- 18:19 convicted 23:24 conviction 11:21 16:23 17:1 18:19 21:10 26:4 37:6,23,24 40:9,12,17 convictions 24:23 26:2 copies 6:9 17:20 copy 7:6,7,10 18:4,7,9 34:12 correct 40:8,10 48:11 57:12,18 correction 27:16 Corrections 33:20 Council 1:4 2:6,18 3:3,5 3:5,6,6 4:11,13 5:9,11 5:11 6:14,24 7:1,11,16 7:18,21 8:14 9:23 10:1 11:23 12:15 13:16,24 14:4,23 15:2 16:9,20 20:23 21:5,13 22:7 24:10 27:6 30:4 31:24 40:14 41:10,15 43:25 47:15,17 48:4,14,15,17 49:18 50:19 51:13 52:6 55:17 56:1 Council's 6:13,19,20 48:11 counsel 3:10 35:15 counties 35:18 54:14 County 4:6,8 22:10 couple 12:21 15:17 22:24 24:20 28:5 29:8 47:23 49:21 50:14 course 8:6 17:5,25 19:2 20:4 39:25 50:23 court 1:21 7:22 8:2 10:21 11:7 18:22 42:8 43:19 49:23 52:17 Courts 40:21 50:8 covered 5:20 17:7 crafting 16:10 create 49:16 52:11 created 45:3 creates 14:8 17:15 creating 19:13</p>	<p>credibility 12:3 credit 11:21 crime 23:25 24:19 25:5 34:6 39:13,14 crimes 10:2 11:10 25:6 criminal 1:11 2:10 5:22 11:20 15:16,20 16:1,21 16:22,24 17:7,22 18:12 19:16 22:25 23:13 24:12 25:22 28:11 29:20,21 32:11 35:8 36:10 37:6,10,13,15 38:14,24 40:9,12,17 49:14 50:13,24 56:8 criminalize 51:6 Cristol-Deman 4:18 55:11,12,12 criteria 15:21 16:12 17:21 18:4,7 21:1 critical 41:17 CSR 1:24 57:4,23 curious 40:4 current 37:14 Currently 15:6</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 4:1 6:10 43:6 Dale 3:5 5:11 Dara 3:6 5:12 data 34:6 45:10 date 33:13 Dated 57:19 David 9:3 day 57:19 day-to-day 45:7 days 6:16 deadline 53:19 deaf 45:24 46:5 deal 25:9,19 dealing 14:1 30:20 35:23 35:25 deals 13:9 14:3 18:10 debt 53:22 54:2,3,18 decades 42:14 45:22 46:5 decision 50:4 decisional 23:16 decisions 49:24 declare 57:17 declared 52:16 default 53:11 defeat 20:11 defendant 13:11,23 defense 13:12 definitely 46:17 definition 15:2 16:21 28:12 definitions 49:3,21 50:16 50:17,19 degree 32:15 demonstrable 19:23 25:23 denial 38:1 denied 37:21 38:2,13 42:1 denies 37:5 deny 31:21</p>	<p>Department 5:14 33:20 55:17 depending 16:6 derived 30:8 description 39:13 designed 14:12 desk 34:4 Despite 42:19 detail 9:12 12:1 20:22 detailed 47:9,13 details 49:8 detainer 17:5 deteriorating 43:2 develop 41:15,21 development 42:24 43:10 54:16 developments 52:4,5,7 52:19 DFEH 7:1 DFEH's 7:2 difference 21:18 different 11:19 16:22 20:7,16 21:9 29:11 35:3 38:10 48:16,21 49:13 52:20 differential 45:11 differently 20:6,6 21:6,11 difficult 13:21 15:25 51:3 direction 32:20 33:14 49:5 directly 25:3 36:13 Director 5:13 disability 6:5 31:4 disclose 10:6 discourages 16:5 discretion 31:20 32:22 discriminating 32:15 39:1 50:1 discrimination 6:1 16:4 31:20 32:20,21 38:10 40:16,20 52:8,18 discriminatory 1:9,10 2:9 2:10 5:21,21 9:8 12:17 12:25 13:2,3,5,7,10,14 13:18,23 15:6,8,10 17:12 18:11,20 19:12 19:18 20:10,11 21:18 31:25 33:6,10 37:19 39:11,12 42:15 46:23 47:19 48:1,3,8,18 49:1 49:13 50:8 52:22 53:23 56:7,7 discuss 42:12 discussed 19:17 20:22 21:8 discussion 9:10 10:1,20 10:25 11:11,23 24:4 30:24 disease 45:11 disparate 9:16 disparity 18:20,24 19:1 disproportionately 42:24 disprove 32:9,17,21 33:2 33:16 disqualifying 20:2 distinction 14:6 distinguish 31:19</p>	<p>distinguishes 19:22 25:22 distribute 22:18 distribution 10:2 document 27:3,22,25 documents 52:16 dog 50:5 doing 11:5 22:3 55:19 door 45:6,17 draft 55:4 drift 31:9 drinking 43:4 drop 33:25 drops 34:8 drug 10:2 due 17:4 42:14 dues 53:3 duplicative 18:17 duty 24:5 dwell 43:12</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 4:1,22 e-mail 6:18,24 e-mailed 22:13 earlier 21:8 47:7 49:11 50:23 earliest 56:11 ears 45:24 46:5 easily 29:1 East 4:6 22:10 easy 12:18 education 35:22 effect 1:10 2:10 5:21 12:17,25 13:2,3,5,7,10 15:1 17:12 18:11,21 19:12,18 20:11 21:18 48:1,4,8,10 49:13 52:22 56:7 effectively 15:14 16:17 46:10 effects 9:8 47:19 49:2 effort 47:21 efforts 21:12 34:22 41:17 egregious 37:20 eight 11:22 either 12:23 14:23 17:11 19:9 27:25 38:7 52:2 54:4 elaborate 23:17 elaborating 55:3 element 18:17 elements 39:12 eliminate 41:13 embodied 27:8 employee 57:15 employees 32:6 employment 1:4 2:6,18 3:3 5:9,11,18 13:16,25 31:3 36:25 55:17 encourage 16:9 20:23 46:16 encouraged 15:19 enforce 41:4 46:1,4 55:18 enforcing 47:20 engage 33:16 engaging 47:18</p>
---	---	--	---	--

<p>enjoy 41:18 45:9,13 enjoyment 42:4 44:8,18 44:22 46:8 ensure 41:17 43:10 46:4 46:9 ensuring 37:16 39:11 entire 32:8 entities 14:7 54:5 environment 42:4 46:7 environmental 42:13 44:4,8,17 45:2 46:3 EPA 45:3 equally 15:10 especially 10:4 46:13 essence 32:22 essentially 10:22 11:15 16:2 18:18 establish 9:16 28:23 established 53:7,11 establishes 18:20 establishing 24:11 establishments 14:7,24 14:25 evaluate 9:20 11:5 evaluated 12:3 evaluating 11:3 22:3 evaluation 26:7 everybody 25:11 31:11 evicted 17:3 evictions 35:24 evidence 9:20 11:18 12:1 19:14 20:20 21:6 28:15 evidenced 45:10 ex-officio 3:7 5:13 exact 28:22 29:13 exactly 17:16 19:24 20:3 20:7 30:1 examination 29:23 examined 54:18 example 17:3 21:11 25:1 26:24 28:10 33:4 40:22 examples 24:22 26:20,25 27:1,4 38:15 43:5 exceed 9:9 exceeding 9:11 excellent 27:1 46:19 excluding 31:7 exclusive 40:19 52:11 excuse 10:15 22:17 27:19 33:10 48:4 existing 42:17 43:9 expensive 32:3 experience 38:25 39:8 experts 48:22 explain 9:10 25:4,12 express 55:20,21 expressed 18:2 expresses 19:7 52:19 expression 6:3 extent 19:25 26:24 27:3 extremely 15:25 25:10 eye 16:10 eyes 36:3</p> <hr/> <p style="text-align: center;">F</p> <p>face 33:3,6,7 facilitating 42:23</p>	<p>facilities 41:25 45:18,19 45:19 facings 53:15 fact 8:18 12:3 18:25 33:16 37:22 49:24 52:8 53:1 factors 20:16,17,19 facts 16:7 fails 31:19 failure 11:21 fair 1:4 2:6,18 3:3 5:9,10 5:18 33:3 35:24 47:20 53:10 55:14,17 fall 46:5 53:2 falls 45:24 familial 6:4 familiar 35:17 families 35:20 family 36:20,23,24 far 12:4 29:14 53:12 55:2 farms 54:1 Fearing 34:17,18 35:5,9 February 6:17 federal 9:9,12,18 10:3 11:25 23:6 48:15 49:23 feel 9:8,19 10:1,7 11:10 11:14,16,17 12:22 FEHA 5:24,25 7:12 13:22 14:3 15:9 19:10 48:14 56:6 fehouncil@dfeh.ca.gov 6:25 felony 37:6,12 fight 53:4 file 1:25 9:5 final 7:19 11:8 finally 20:15 29:16 53:6 financial 11:15,19 53:24 financially 57:15 find 36:25 39:2 51:3 54:8 finder 12:3 fine 32:7 firm 4:18 55:21 first 5:20 8:12,22 9:14 12:15 15:18 18:12 26:15 52:21 first-time 54:13 Floor 7:3 focused 49:2,7 follow 13:24 27:18 29:1,9 33:9 followed 31:25 following 33:11,12 40:18 43:17 food 45:18 foreclose 53:1 foreclosed 53:12 foreclosure 53:6,15,22 54:1,8 foreclosures 35:25 foregoing 57:6,12,18 forfeiture 23:12 form 23:25 formal 6:14,15 forms 40:20 forth 5:24 57:8 forward 12:10 31:19</p>	<p>35:10 found 17:23 50:8 founded 52:10 four 22:8 free 35:6,19 48:15 Fresno 44:1 front 8:1 fulfill 29:19 fulfilling 24:24 further 7:15,15 9:10,22 10:1,12,20 11:10,23 25:24,25 57:14</p> <hr/> <p style="text-align: center;">G</p> <p>game 18:8 gender 6:2,2,2 general 16:8 19:17 32:19 35:23 38:13 generalized 31:18 generally 24:20 32:10 genetic 6:5 getting 51:2 give 7:6 22:19 50:2 given 12:4 20:19 41:3 gives 50:7 glad 47:21 49:18 51:13 go 8:12 9:12 12:1 42:12 42:14 47:10,11 goal 42:12 going 5:5 23:9 27:20 29:3 29:4 30:4,4 39:15 43:23 47:10 53:17 54:20 gold 30:18 good 8:14 12:12 18:2 26:16 28:24 34:17 41:8 43:21 47:2,3 51:21,22 55:11 governing 52:16 Government 5:25 14:17 great 25:9,19 28:12 29:2 33:1 greater 28:24 ground 43:3 group 13:4 48:9 52:2 groups 20:5 48:4 guess 25:16 29:16 guests 37:15 guidance 9:9,12,19 13:25 15:22 17:14 19:7,9 21:17 49:23 50:3,9 51:17 guys 26:18</p> <hr/> <p style="text-align: center;">H</p> <p>H 4:22 H-o-w-a-r-d 47:5 habitable 23:15 hair 26:19 hand 22:17 Hang 42:7 hangs 52:18 happened 39:14,15,16 happens 50:11 happy 8:20 9:22 10:12 23:17 27:5 34:3,11 51:19</p>	<p>harassment 6:1 55:8 Harris 3:5 5:12 26:9,12 26:15,20 27:7,10,12,19 27:21 28:4,7,8 30:2 34:12 hazardous 44:16 head 22:13 health 42:4 44:8,17 45:8 healthcare 35:22 hear 8:8 38:13 46:18 52:2 hearing 1:8 2:8 5:5,16,17 6:14,16 7:21 8:12 9:23 10:13 35:10 56:4,12,12 57:10 hearings 22:23 heart 20:24 held 14:18 21:17 40:21 Hello 35:14 help 25:8 31:14 43:9 53:15 helpful 22:3 23:20 24:3 47:14 50:19 Hi 41:8 higher 14:14,19 15:9 42:24 highlight 41:23 42:14 44:2,23 49:21 highlights 22:16 Hispanic 53:12,16 54:9 history 1:11 2:10 5:22 10:4,10 14:16 15:16 16:21,24 17:7,22 18:12 22:25 24:13 28:11 35:8 36:10 38:11,14 52:8 56:8 hold 14:14 19:2 holding 6:14 50:1 51:23 holds 53:14 home 18:5,6,8 54:15,23 home-buyer 54:13 homeless 37:25 51:7 homelessness 51:6 homeowner 4:16 18:8 52:1,7,24 53:1,3 homeowners 35:25 52:3 53:2,9,15 54:12,15 homes 42:5 45:6,8,13,16 46:8 52:5 honestly 24:16 hope 28:20,20 52:20 hopefully 47:8,14 50:18 hours 30:24 house 53:2 households 53:12,16 54:9,11,17 houses 45:18 housing 1:4,9 2:6,9,18 3:3 4:7 5:9,11,18,19,20 5:23,25 12:19 13:20 16:1,11,16 17:16,19 18:3 19:2,20 20:1,3,4 20:16,18,25 21:7,15 22:10 23:2,11 24:24 28:20 32:11,19 33:2 34:25 35:2,3,13,15,21 35:22,24 36:8,24 37:22 37:25 38:1,14,25 39:2,3</p>	<p>39:5,7,9,21,21 41:20 42:18 47:20 48:19,20 48:23 50:24 51:3,8,10 53:10 55:14,18 56:6 Howard 4:15 47:2,4,4 HUD 13:15,24 15:22 19:7 19:9 21:17 29:11,12,13 37:22 49:23 50:9 51:16 huge 53:3 Humane 34:20 humongous 32:15 hurt 10:11 hypotheticals 10:25</p> <hr/> <p style="text-align: center;">I</p> <p>idea 43:21 identified 19:22 23:25 25:14 28:6 identifies 27:14,15 identify 8:6 25:8 identity 6:2 Iglesias 3:6 5:12 30:11,15 illegal 25:2 illustrate 23:4 27:11 illustrated 23:15 illustration 27:16 immigrant 45:15 impact 9:16 32:5 42:3 44:22 45:7,7,8 46:23,24 46:24 impacts 44:7,17 46:7 imperfect 14:5 implemented 46:10 importance 41:24 43:8 important 38:22 39:14,18 47:18,20 49:19 51:12 55:19 impossible 20:25 25:17 impressed 30:17 incarcerated 51:2 include 9:6 14:25 16:25 18:15 41:25 44:5 included 15:12 20:12 43:6 includes 13:13 including 20:18 35:21 inclusion 41:19 46:2,6 inclusionary 54:13 inclusive 18:22 income 6:4 35:20 41:11 41:14 42:25 54:11 inconsistent 16:6 18:21 19:6 incorporating 43:8 incorrect 38:15 48:6 indicate 33:25 indicated 33:13 indicates 14:18 indicators 39:18 individual 11:11 13:2,5,8 29:24 38:5,17 48:2,10 individualized 16:3,5 21:2 28:14,14 38:12,22 39:10,23 individuals 6:18 13:4 35:20 infeasible 44:21</p>
---	---	---	---	--

<p>information 1:11 2:10 5:22 6:5 9:6 16:22,24 16:25 17:8,22,23 20:20 24:13 26:7 28:15 33:24 56:8</p> <p>informed 54:22,24</p> <p>infrastructure 41:25 42:17 43:6,9</p> <p>infrastructures 42:23 43:11</p> <p>inherent 18:1</p> <p>inherently 16:6</p> <p>initial 5:15 6:11 8:10 9:2</p> <p>initially 38:2</p> <p>initiate 53:6</p> <p>intelligent 26:13</p> <p>intended 14:18</p> <p>intent 18:2</p> <p>intentional 21:4 38:10</p> <p>interest 15:11,14 19:22 25:14 52:4,6,19</p> <p>interested 57:16</p> <p>interests 14:11</p> <p>internal 25:15</p> <p>interpreted 16:24 19:25</p> <p>introductions 5:15</p> <p>investigate 25:19</p> <p>investigation 26:8</p> <p>investigative 32:2</p> <p>invite 12:7 21:22</p> <p>invited 30:23</p> <p>issuance 5:18 56:5</p> <p>issue 17:13 22:25 23:11 29:16 31:18 36:10,16 38:23 39:18 49:16,19 51:12 52:25 53:21 54:18,19 55:7</p> <p>issues 16:18 20:18 23:6 24:9,20 28:5,9 35:21,24 35:24 36:1 45:14 47:16 47:19</p> <p>Item 34:19</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>J-u-s-t-i-n 8:15</p> <p>jail 36:22 51:11</p> <p>Jennifer 34:17</p> <p>Joaquin 41:12</p> <p>job 27:1</p> <p>John 4:8 22:7 26:16 31:16</p> <p>Joining 5:10</p> <p>judgment 25:9 31:20 32:3,8,18,22</p> <p>jumped 30:8</p> <p>jurisdiction 46:4</p> <p>jurisdictions 42:21 45:24 46:1</p> <p>justice 4:11,13 41:10 42:13 43:25 44:4 46:3</p> <p>justification 13:12 14:2 14:15 19:16 24:12</p> <p>Justin 4:3 8:15</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Karen 1:24 2:21 57:4,23</p>	<p>keep 16:10 24:5 45:15,16</p> <p>keeping 50:21</p> <p>Kevin 3:7 5:14</p> <p>key 18:17 37:16 39:11</p> <p>kid 27:3</p> <p>kind 39:8</p> <p>kinds 40:1</p> <p>Kingston 4:5 22:6,7,20 26:11,14,19 27:7,11,13 27:20 28:2,5,9 30:14,17 30:22 31:6,10 33:19,21 34:1,10,13</p> <p>Kingston's 33:13</p> <p>Kish 3:7 5:14 40:6,9,14 42:7,10 43:23</p> <p>know 14:2 20:6 24:16,17 25:6 26:21 28:10,16,17 29:20,25 30:23 34:5 39:6,14,17,19 40:2 41:3 47:12 52:15</p> <p>known 52:7 53:3</p> <p>knows 49:6</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 3:6</p> <p>L-e-a-l 41:9</p> <p>L-i-z-a 55:12</p> <p>labor 24:8</p> <p>lack 42:16 50:18</p> <p>land 1:10 2:10 5:21 42:3 44:16 49:17 56:7</p> <p>land-use 44:9 45:14</p> <p>landlord 10:9 11:2,4 17:2</p> <p>landlord/tenant 10:8,24 35:24 48:24</p> <p>landlords' 50:21</p> <p>language 13:7 15:1 18:15 19:25 20:13 21:5,21 22:2 23:5 29:13 41:25 42:2,13 46:3,6,9 47:12 49:15 52:15 53:20 54:6 54:19,24 55:4</p> <p>large 37:3</p> <p>largely 32:8</p> <p>largest 34:21</p> <p>launched 54:14</p> <p>law 4:15,18 10:3 12:17 18:21 23:6,16 31:4 36:8 36:8 37:18 41:20 47:6 48:6,15 51:4 52:1 55:23</p> <p>lawful 17:15</p> <p>laws 10:5,16 12:5 23:14 46:5 47:20 51:5 57:17</p> <p>lead 27:18</p> <p>Leadership 4:11,13 41:10 43:25</p> <p>LEAH 42:9,11</p> <p>leaking 43:2</p> <p>Leal 4:11 41:8,9</p> <p>lease 29:19</p> <p>leave 9:21 49:7</p> <p>leaves 18:17</p> <p>legal 4:9 24:14 26:8 35:15 35:16,17,19,21 36:15 38:21</p> <p>legally 13:12 14:2 19:15 24:12</p>	<p>legislation 53:7</p> <p>legislative 14:16</p> <p>Legislature 18:1</p> <p>legitimate 24:7</p> <p>let's 5:5 28:9 49:9</p> <p>letter 12:1 23:7,17 24:2 27:8,14 28:3 29:13 44:3 44:11,13 47:8 55:22,25</p> <p>level 38:16</p> <p>levied 54:5</p> <p>liability 16:13 21:4 32:24 40:11,11</p> <p>liable 19:3 21:18 23:12</p> <p>lifespans 45:12</p> <p>light 29:6 36:3</p> <p>likewise 19:9</p> <p>line 9:23 32:7 38:16,18,20 39:9</p> <p>list 40:19</p> <p>listed 20:22</p> <p>listening 26:21</p> <p>lists 40:20</p> <p>little 5:6 11:19 36:5 49:12</p> <p>live 51:4 52:3,9</p> <p>livelihood 33:1</p> <p>living 32:14 39:3,22 50:24 51:5</p> <p>Liza 4:18 55:11</p> <p>local 19:8 42:20 43:11</p> <p>located 24:2 30:1 44:12 45:4,17</p> <p>location 34:6 44:15</p> <p>loitering 37:23</p> <p>long 10:11 47:10 52:8</p> <p>longer 16:14</p> <p>look 12:10 14:16 20:23 28:1 31:5 35:10 47:9 48:8</p> <p>looked 31:24</p> <p>looking 14:1 16:19 18:10 19:15,19 21:3 41:3 48:9</p> <p>Los 7:2,3</p> <p>lost 26:19</p> <p>lot 26:19 27:7,23 37:24 46:15 49:7 50:11</p> <p>love 28:17</p> <p>low 35:19 41:11 54:11,11</p> <p>lowers 16:16</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M-a-d-e-l-i-n-e 47:5</p> <p>M-a-r-j-o-r-i-e 51:24</p> <p>M-u-r-r-a-y 51:25</p> <p>Madeline 4:15 47:4</p> <p>mail 6:25</p> <p>maintaining 39:21</p> <p>majority 55:15</p> <p>making 14:22 23:5 26:21</p> <p>manage 53:25 54:12,15</p> <p>managed 39:7</p> <p>management 37:3,14</p> <p>Mandelbaum 3:4 5:4,8 12:9 21:24 34:15 35:1,7 35:10 38:4 41:7 43:16 46:13,20 47:3 51:20,22 55:5,9 56:2</p> <p>manner 44:16</p> <p>manufacturer 10:5</p>	<p>manufacturing 10:2</p> <p>March 1:14 2:13,20 5:1,7</p> <p>marital 6:3</p> <p>Marjorie 4:16 51:24</p> <p>Mark 3:5 5:12</p> <p>materially 9:6</p> <p>materials 6:11</p> <p>matter 37:6,9,12</p> <p>matters 22:23 24:9</p> <p>mean 20:1 25:6 26:20 28:11 30:10 39:3,4 40:6 40:11,11</p> <p>meaning 46:9</p> <p>means 19:25 24:16,25 25:24</p> <p>meant 25:21 28:17</p> <p>measure 15:4</p> <p>meet 16:18 23:1 25:17 26:5</p> <p>meeting 11:6 50:5 56:11 56:13</p> <p>meets 24:14</p> <p>member 3:5,5,6,6,7 5:13 36:24 40:15</p> <p>members 5:10,11 8:15 12:19 13:3 15:19,25 22:6</p> <p>membership 44:18</p> <p>merge 29:14</p> <p>methamphetamine 10:4</p> <p>methamphetamines 10:6</p> <p>mic 43:17</p> <p>microphone 8:2</p> <p>middle 44:12</p> <p>misapplying 38:17</p> <p>misdeemeanor 37:10,12 37:23</p> <p>misdeemeanors 37:8</p> <p>missing 27:23</p> <p>mistake 20:9</p> <p>mitigating 20:17 28:14</p> <p>mobile 18:5,6,8</p> <p>moderate 54:11</p> <p>modification 44:6</p> <p>mom 29:4,4</p> <p>moment 52:22</p> <p>money 43:12</p> <p>Mongols 52:13</p> <p>mono-lingual 54:9,17</p> <p>month 37:11</p> <p>months 37:2</p> <p>morning 8:14 12:12 34:17 41:8 47:2,3 51:21 51:22 55:11</p> <p>motels 39:4</p> <p>motivation 32:17</p> <p>move 9:1 29:1 50:12</p> <p>moves 31:19 32:20</p> <p>multiple 45:1,4 52:25</p> <p>murky 12:16</p> <p>Murray 4:16 51:21,23,24 55:6,7,10</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 4:1</p> <p>name 5:8 8:4,15 12:14 34:17 35:14 41:8,9</p>	<p>43:22,24 47:5 51:24 55:11,12</p> <p>narrowly 15:20</p> <p>nation's 34:21</p> <p>national 6:3 9:17 19:6 36:8 41:20</p> <p>nationwide 55:15</p> <p>nature 24:19 28:22 37:6,9 37:13</p> <p>nearly 20:25</p> <p>necessarily 33:7,9 40:12</p> <p>necessary 11:11 14:12 14:20,21,22 15:3 42:18 42:21 46:4,9</p> <p>need 23:1 36:14,25 46:25 54:22,23</p> <p>needed 25:16</p> <p>needs 23:2 53:24</p> <p>negative 13:20 25:5</p> <p>negatively 31:24</p> <p>neglect 42:15</p> <p>neither 17:13</p> <p>neutral 33:6,7</p> <p>new 27:3 42:24 43:10</p> <p>nexus 29:17,17</p> <p>night 8:18</p> <p>non-business 14:24</p> <p>non-businesses 14:15</p> <p>non-discriminatory 24:7 33:5,8</p> <p>nonproductive 32:4</p> <p>normally 43:19</p> <p>North 22:11</p> <p>Northern 4:9 35:16</p> <p>note 18:1 23:19 25:2</p> <p>noted 23:7</p> <p>notes 57:13</p> <p>Notice 6:11,17,21</p> <p>Noticed 6:15</p> <p>notices 53:11 54:6</p> <p>nuance 38:19</p> <p>nuanced 38:12</p> <p>nuisance 23:13</p> <p>number 2:22 11:12,14,24 20:15,17 23:23 26:4 36:11</p> <p>numbers 44:12 53:13</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>Oakland 52:10 53:9,11</p> <p>objective 16:12 21:1</p> <p>objectively 15:22 32:13</p> <p>obligation 20:3 24:24 25:3 29:19</p> <p>obligations 16:18 26:6 32:6 49:6</p> <p>obtain 42:22</p> <p>obtained 17:2</p> <p>obviously 38:8,11</p> <p>occurred 11:22 37:7,8,13</p> <p>odors 45:16</p> <p>offenders 23:22</p> <p>offense 20:3</p> <p>offered 4:23</p> <p>office 7:3 30:24 36:17</p> <p>officials 49:25</p> <p>oftentimes 43:12</p>
--	---	--	---	--

<p>related 8:25 9:14 18:12 24:24 25:3 26:2,5 35:13 36:1 relates 5:25 11:8 17:5 38:5 relating 24:12 44:4 46:3,6 relationship 10:8 20:2 48:24 relative 26:22 57:14 released 36:22 relevance 19:10 relied 9:6 religion 6:2 rely 43:1,3 55:16 relying 30:9 remainder 9:7 remedial 39:25 remedy 26:8 remind 42:8 reminder 56:9 remove 13:7 removed 48:3 render 44:21 rendering 45:18 rental 4:6 22:10 26:3,6 32:5,14 renting 26:2 29:5 repeat 19:19 23:22 replace 44:21 replaced 8:24 report 33:19 34:2 reported 1:24 34:5 reporter 2:22 7:22 8:3 42:8 57:5 REPORTER'S 57:1 REPORTERS 1:21 reporting 11:15,19 reports 24:1 represent 22:8 35:23 39:22 50:24 51:25 52:3 representative 45:25 representing 8:16 39:6 request 7:13 9:5 13:6,24 14:22 16:20 18:9 46:4 requesting 48:2 requests 34:23 53:15 require 29:22 required 11:18 25:15 requirement 15:9 17:18 19:20 54:4,5 requirements 11:7 requires 13:22 requiring 14:10 research 53:8,9 reside 52:13 residence 17:4 42:20 residences 45:14 residency 31:23 residential 28:19 residents 41:11 42:25 43:3 44:9,18,22 45:7,12 45:14,22 residents' 42:4,4 46:7 resource 39:3 resources 32:2,25 42:1 42:22 43:12 respect 15:21 17:22</p>	<p>19:17 30:7 32:4,11,18 respectfully 25:18,24 respectively 6:12 respond 7:19 40:14 47:23 50:14 response 21:16 responsibilities 5:24 rest 27:17 restitution 10:21,21 11:2 11:3 restrictive 37:4 51:8 result 17:1 21:19 44:15 resulted 17:4 reunification 36:21 reunite 36:23 reverse 25:9 review 8:19 10:9 22:16 28:23 reviewing 12:10 revised 21:16 revising 16:9 21:14 right 18:13 31:6 34:4 35:2 51:4 56:4 rights 5:24 54:22,24 55:18 risk 19:23 23:25 25:23 30:12,13,14 31:2,5 33:1 Ron 4:5 22:7 room 2:19 6:10 8:2 26:13 39:6 40:18 rue's 40:19 Rule 11:25 rulemaking 5:23 6:15 7:16,21,24 9:5 46:15 rules 39:9</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>s 4:22 24:22 57:4,23 Sacramento 1:13 2:12,19 5:1,8 35:18 safe 23:14 24:6 39:21 50:22 safety 24:6 San 41:12 Sarah 4:9 35:14 36:2 saw 9:2 37:11,21 saying 50:22 schools 45:6 Schur 3:6 5:12 10:15,18 22:1 33:18,22 34:9,14 36:2 screen 15:19 16:1,17 screening 15:21 16:12,15 17:6,21 18:4,7 21:1 36:20 37:4 45:3 searching 31:14 second 9:2,25 17:9 42:7 section 8:6,22 9:25 10:19 11:9 13:9 14:1,3,17 17:10 18:6,10,15,16 19:19 24:21 27:15 42:6 43:7 44:6,20 46:10 49:2 49:13,14 50:13 52:21 sections 6:7 11:15,17 23:3 33:14 49:15 see 18:5 19:6 20:15 26:16 36:15 39:25 43:16</p>	<p>45:10,12 46:2 49:9 53:21 54:17 seek 24:16 seeking 26:22,23 46:15 seen 26:16 36:19,19,25 37:3 selecting 48:23 self-evident 54:20 seniors 35:20 sense 32:13 48:20,25 sent 6:18 Sentinal 53:10 separate 35:2 separately 7:6 septic 43:1 servant 52:14 serve 14:12 15:11,13 35:18 41:16 53:9 served 15:8 serves 15:13 24:4 42:24 services 4:9 35:16,16 36:16 38:21 42:18,18 session 51:23 set 5:24 35:3,13 53:20 57:7 seven 11:10,13,23 33:23 34:1,4,7 36:16,17 51:17 several-page 22:15 severity 24:19 25:6 sex 6:2 sexual 6:3 shaking 22:13 shift 13:17 shifted 32:8 shifting 13:25 32:23 49:12 shorten 27:8 shorter 45:12 51:15 shorthand 2:21 57:4,13 show 13:18 14:11 20:1,4 20:5,8 21:11 23:4 24:1 43:5 showing 18:19 20:10 23:20 shut 45:16 side 38:7 51:4 sides 49:5 significant 23:23 33:25 38:24 similar 21:10 simply 15:7 single 13:8 Sit 36:5 sitting 34:4 39:6 situation 15:12 16:7,14 17:17 39:16 situations 39:22 Skippping 15:16 slated 6:6 sleeping 37:24 small 44:6 smartest 26:14 Smock 4:8 22:7 29:8 31:16,16 Society 34:20 solution 30:2 somewhat 18:16</p>	<p>sophistication 29:5 sorry 18:4 35:5,7 36:2 42:11 sort 10:10 15:2 18:20 47:1 49:2 50:2,5 51:4 source 6:4 30:8,9,21,22 sources 45:2,4 Southern 4:5 22:9 speak 8:2,7 22:24 36:9,12 36:13 40:2 50:12 54:25 speaker 26:25 46:24 SPEAKERS 4:2 speaking 42:10 52:1 speaks 15:5 special 54:2,10 specific 5:23 8:5 11:12 23:3,5,14 24:15 30:16 33:13,14 46:6 47:12,16 49:9,15,20 50:3,17 51:14 52:23 53:23 specifically 9:15 10:8 24:9 44:11 51:6 speculative 31:5 spelling 8:4 Sperber 3:10 7:2,7 22:18 spot 27:2 stabilize 36:22 stable 36:24 staff 30:4 stakeholders 6:19 standard 12:6 14:9,14,19 14:23 25:17 28:16,21 29:6,12,25 standards 21:7 24:15 29:11,15 star 30:18 starting 12:24 14:5 state 1:3 2:5,18,19 5:7 9:17 10:5,16 12:20 22:23 34:23 45:1 46:2 46:17 State's 52:9 stated 26:24 52:11 statement 6:11 7:20 9:3 statements 17:11,15 57:9 states 13:11 18:6 19:20 24:11 26:2 34:20 44:14 States' 52:3 statewide 53:9 stating 8:4 statistical 18:24 19:14 statistics 9:17 18:19 19:6 19:8,11 23:19 25:15 33:23 51:17 status 6:3,4 42:2,6 44:10 statute 12:6 23:15 54:4 statutes 14:8 Steinheimer 4:9 35:14,15 36:5 38:20 40:2,5,11 41:5 50:22 stems 14:19 stenographically 57:10 stereotypes 50:1 stick 35:9 stop 21:23 51:18 55:1 stopping 37:18 Street 2:19 7:3,3</p>	<p>stress 43:8 stricken 13:2 strong 21:5 studies 25:15 study 11:16 studying 53:11 subdivision 8:22 9:14,17 11:9 subject 22:23 23:12,13 26:7 subjected 32:1 33:1 subjective 16:6 38:9 subjects 12:11 submission 22:15,16 submit 7:6 8:17 47:7 submits 7:9,13 submitted 22:12 27:25 36:7 41:22 43:15 44:3 55:22,25 submitting 20:14 53:19 55:4 subsection 8:6 13:1,10 18:14 19:19 20:9,15 43:6 44:5,7,14,20 48:2 sections 15:5 18:13 subsidized 37:22 substantial 24:15 substitute 30:12 successful 32:10 sufficient 9:18 13:12 14:2 19:15 24:12 31:11 sufficiently 12:23 suggest 11:13 33:8 50:10 51:16 suggested 17:25 32:16 49:10,14 50:16 suggesting 44:19 suggestion 17:19 31:22 32:1 suggestions 23:5 55:24 summarizing 8:20 support 34:24 42:18 48:16,25 55:21,21,23 55:24 supported 51:16 supporting 42:23 supports 48:6 supposed 28:13 Supreme 18:22 52:17 sure 11:6 18:13 25:23 31:8 43:18,21 52:6 surround 45:5 surrounding 12:24 45:24 sworn 7:25</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 3:5 4:22 tailored 15:20 take 8:3 20:20 28:1,10,13 28:16,17 32:24 38:9 53:2 taken 2:17 48:17 57:7,13 talk 48:5 50:6,9 talking 21:23 47:22 48:10 48:23 54:23 tanks 43:1 tap 43:19</p>
--	---	--	---	--

<p>task 13:21 15:25 teacher 26:10,13 ten 11:13 12:2,5 tenancy 16:18 20:3 25:3 tenant 10:22 11:3 16:15 17:3,6 31:23,23 36:20 37:5,11 40:13 tenants 16:16,17 18:3,9 23:1 24:6 32:6 35:23 37:15 48:23 50:22 tends 20:11 tension 38:6 term 9:1 10:11 14:20 16:21,22,24 17:7 29:23 31:1,2,12 43:5 44:21 46:23,23 terms 23:8 24:18 36:20 40:3 48:17 50:6,17 51:14 terrible 39:4,4 testified 52:24 testifies 7:9,13 testify 7:25 8:8 testimony 6:21,22 8:3,8 27:17 34:19 35:1,12 tests 9:8 text 17:24,25 thank 10:18 12:8,9,15 21:24,25 22:2,4,5,20 28:6 30:18 34:14,15,22 36:5 41:6,7,15 43:13,14 46:13,14,19,20 47:17 51:19,20,23 55:5,10,18 56:1,2,4 Thatcher 9:3 theirs 25:7 things 47:23 49:22 51:7 think 11:4 22:19 23:20 25:7 30:20 37:16 38:6 38:22 39:11,17,23 40:11,12 41:5 46:11 48:3,6,6,11,19 49:4 50:12 51:15,18 thorough 10:9 16:15 thought 30:11 35:5 thousands 6:18 three 30:24 33:24 37:2,8 37:9 51:16 thresholds 53:5,7 thrive 42:19 throwing 46:25 Thursday 1:14 2:13,20 5:1,7 Tim 3:6 5:12 time 5:20 8:19 12:8 47:11 47:13 51:15 56:5 57:7 57:10 times 27:23 45:19 52:25 title 6:7 8:25 10:11 today 5:10 6:22,23 7:8,9 7:19 8:1 11:8 24:10 30:19 34:19,22 36:9 47:22 53:18 56:10 tool 41:17 45:3 top 34:4 topic 13:15 topics 54:18</p>	<p>touch 19:4 touched 19:5 town 52:5 54:15 toxic 44:15 track 29:1 34:5 transactions 8:25 transcribed 7:22 57:11 transcript 2:17 7:23 57:12 transmit 7:8 treated 20:6 21:6,10 treatment 21:19 38:11 45:17 tremendously 47:18 49:19 tried 47:12 tries 27:15 troublesome 24:25 true 20:21 38:25 53:14 57:12,18 trust 22:14 try 23:9 25:7 trying 12:16 13:20 23:1 27:8 31:12 36:21,22 turn 32:2 43:16 two 17:9 21:6,9,19 25:7 28:24 29:15 30:24 34:21 37:2 type 34:6 39:7 types 14:7 26:4 typically 26:13 53:25</p> <hr/> <p>U</p> <p>U.S 18:22 52:17 Uh-huh 27:10,12 33:21 34:9 ultimately 16:15 38:1 Un 40:19 unclear 19:24 20:7 uncommon 33:3 unconstitutional 52:17 underact 33:4 understand 24:8,18 48:21 understanding 27:17 undertake 13:21 undertaken 49:18 undertaking 12:16 unequal 38:18 unfair 38:18 unfortunately 25:14 50:11 unified 14:23 uniform 21:19 38:7 unit 52:5 54:16,16 United 34:20 units 32:14 unlawful 16:25 17:4,5 40:16 unnecessary 33:15 unquote 14:13 25:14 unrelated 19:1 Unrue 40:16,20,22 41:3,3 updated 9:5 use 1:10,10 2:10,10 5:21 5:22 9:1 14:9,19 16:22 18:19 32:22 42:3 45:23</p>	<p>46:7,22,23 49:17 50:5,6 56:7,8 usefulness 50:16 uses 44:16 45:23 usually 10:25</p> <hr/> <p>V</p> <p>valid 26:22 valley 22:11 41:12,13 44:25,25 46:15 variety 45:13,23 various 22:23 vein 14:10 verbiage 27:15 verify 20:21 versus 11:21 25:5,7 29:13 38:5 49:13 view 37:4 violation 17:10,24 45:21 violations 21:4 40:1 voices 46:14</p> <hr/> <p>W</p> <p>W-h-i-t-n-e-y 12:13 want 22:24 27:2 30:6 32:24 40:14 42:7 44:23 46:14 49:5 50:6 54:10 55:20 wanted 24:9 47:17,23 49:21 50:14 51:1 wants 8:12 Warner 4:13 43:14,18,21 43:24,24 46:19 wasn't 9:4 waste 45:17 water 43:3,4 45:17 way 16:11 30:20 32:5 36:2 38:9,18,23 39:18 47:20 ways 14:5 15:13 48:14 52:20 we'll 7:19 27:18,18 30:16 42:12 56:9 we're 5:4 8:10,23,24 9:15 22:3 25:18,23 26:6 29:4 31:12 33:12 46:21 48:23 49:18 51:12 we've 46:15 wealth 41:14 weapons 25:2 web 6:13 web-page 6:19,20 weight 20:19 welcome 5:16 12:18 46:12 West 7:3 Western 4:15 36:8 41:19 47:6 55:22 whistle 50:5 Whitney 4:4 12:12 wide 35:20 wind 25:1 windows 45:16 wish 34:18 wishing 8:8 35:12 56:3 witness 12:2</p>	<p>wonder 54:7 wondering 30:21 33:22 41:2 word 8:23 30:7,8 43:8 words 13:1,4 14:21 17:14 28:11 50:6 work 29:22 30:5 35:22 36:14,15 41:11,15,19 42:16 44:24 48:22 55:19,23 worked 31:11,17 45:13 working 14:5 wouldn't 51:11 written 6:22,24 7:5,10,13 7:15,23 8:17 10:16 12:10,23 13:13 15:1,24 17:21 18:7,15,16,22 20:13,23 21:1,21 22:12 27:3 36:7,11 49:8 53:19 55:4 56:9 www.depo.com 1:22</p> <hr/> <p>X</p> <p>X 4:1,22</p> <hr/> <p>Y</p> <p>yeah 22:20 26:15 31:10 34:1 35:7 40:5 year 15:23 23:22 34:7 years 11:10,13,14,22,24 12:2,5 22:24 26:17,17 32:10 33:23,24 34:1,4 36:16,18 37:8,9 42:20 51:16,17 55:14 yesterday 41:22 44:3 47:8</p> <hr/> <p>Z</p> <p>zoning 54:13</p> <hr/> <p>0</p> <p>04.6 6:7</p> <hr/> <p>1</p> <p>1 57:6 10:30 2:21 5:2,6 10th 2:19 7:3 57:19 11:47 56:14 11098.04.1 6:7 13:1 11098.04.2 13:9 11098.04.3 14:1 11098.13.3A 28:10 11098.14.1 6:8 8:22 11098.14.2 43:7 44:6 11098.18.1 6:8 16:20 11098.18.2 17:9 11098.18.3 9:14 18:10 11098.18.4 9:25 19:15 25:25 11098.18.6 10:20 11098.184 24:11 11098.4.1 48:1 11098.4.3 48:14 11098.5 21:3 11098.704 29:18 12 34:19</p>	<p>1212900 42:6 127 2:19 12900 5:25 1315 2:19 14 49:17 14.4 6:8 15-day 7:14 18 9:2 15:17 36:10 50:13 55:14 18.4 28:12 18.8 6:8 1917 52:10</p> <hr/> <p>2</p> <p>2 6:7 20 23:24 2017 1:14 2:13,20 5:1 6:17 57:19 23 35:18 288-3376 1:21</p> <hr/> <p>3</p> <p>30 1:14 2:13,20 5:1 30th 5:7 320 7:3 3rd 6:17</p> <hr/> <p>4</p> <p>4 12:25 17:12 45 6:16 45-day 35:8 4th 7:3</p> <hr/> <p>5</p> <p>5:00 6:23 7:8 56:10 52,000 52:4</p> <hr/> <p>6</p> <p>603 12:1 65 23:21</p> <hr/> <p>7</p> <p>73.5 23:22 798.74 18:6</p> <hr/> <p>8</p> <p>800 1:21 8244 1:24 2:22 57:4,23</p> <hr/> <p>9</p> <p>9 57:6 9:30 5:6 90013 7:4</p>
---	---	---	---	---