

**Department of Fair Employment & Housing
Fair Employment and Housing Council**

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ATTACHMENT A**FAIR EMPLOYMENT AND HOUSING COUNCIL**

Meeting of May 21, 2020

Minutes

Remote Meeting

Councilmembers Present

Chaya Mandelbaum, Chairperson
Dale Brodsky, Councilmember
Tim Iglesias, Councilmember
Joseph Ortiz, Councilmember
Gabriel Sandoval, Councilmember
Dara Schur, Councilmember
Kevin Kish, DFEH Director and Ex Officio member

DFEH Staff Present

Adam Romero, DFEH Deputy Director of Executive Programs
Brian Sperber, DFEH Legislative and Regulatory Counsel

Others Present

About 32 members of the public who called in and/or viewed on Zoom

I. Call to Order and Roll Call

Chair Mandelbaum welcomed guests to the FEH Council's 35th meeting and called it to order. He then turned the meeting over to DFEH Legislative and Regulatory Counsel, Brian Sperber, who conducted roll call.

II. Welcome and Introduction of Guests

Chair Mandelbaum announced that the Council meeting would be livestreamed on the Council's website via Zoom and that the recording will be available later on the Council's website and YouTube channel. The public can participate in the meeting by emailing the Council or using Zoom chat or "Raise Hand" and can find the Attachments to the Agenda on the website.

Chair Mandelbaum then acknowledged Department leaders and members, including: Brian Sperber, DFEH Legislative and Regulatory Counsel; and Adam Romero, DFEH Deputy Director of Executive Programs. Deputy Director Romero introduced himself to the public and detailed his background and experience. He also expressed his enthusiasm to contribute to the mission of the Department.

III. Review of the Agenda

Chair Mandelbaum noted that hard copies of the agenda and its attachments were available on the Council's webpage. He then reviewed the agenda for the meeting.

Chair Mandelbaum announced the highlights of the meeting, which included:

- Consideration of Unmodified Text of Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act.

IV. Approval of the Minutes

Attachment A: Minutes from February 25, 2020, Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the February 25, 2020, meeting. During that meeting, the Council considered and voted to initiate a rulemaking action for Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability; considered and adopted Modifications to Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act; considered and voted to finalize Unmodified Text of Employment Regulations Regarding Religious Creed and Age Discrimination; and considered and voted to initiate a rulemaking action on revised Government Code Section 11135 Regulations. Chair Mandelbaum asked for public comments on the minutes, and receiving none, the Council voted to approve the minutes unanimously.

V. Councilmembers' Reports

Chair Chaya Mandelbaum and Councilmembers

Councilmember Ortiz reported that the Office of Administrative Law approved the Employment Regulations Regarding Religious Creed and Age Discrimination, and the regulations will go into effect on July 1, 2020.

Councilmember Schur noted that she participated in two of DFEH's fair housing regulations webinars and commended DFEH for their work on the webinars. She also noted that the webinar presentations are available to the public on DFEH's website.

Councilmember Iglesias noted that he also participated in one of DFEH's fair housing regulations webinars, as well as a national webinar on criminal history in housing where he informed them of California's regulations on the topic.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

Director Kish thanked the staff of DFEH for their flexibility in migration to telework during the current pandemic. He also acknowledged two recent settlements: (1) an Unruh Civil Rights Act case regarding discrimination based on immigration status, which settled for \$250,000; and (2) the first case filed by DFEH under civil code 51.9, which prohibits sexual harassment in business services and professional relationships, resulting in a \$1.8 million settlement. He then turned the meeting over to Deputy Director Romero for further updates.

Deputy Director Romero reported that DFEH has launched several outreach initiatives, including: online, interactive sexual harassment and abusive conduct prevention training for non-supervisory employees; new outreach materials regarding combatting hate crimes during the coronavirus pandemic, available in twelve

languages; new outreach resources regarding fair housing and criminal history, available in six languages as both a fact sheet and a FAQ document; and new outreach resources regarding discrimination and harassment in shelters, available in six languages, which is being mailed to shelters and local governments across California.

VII. Consideration of Unmodified Text of Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act

Chair Chaya Mandelbaum and Councilmember Joseph Ortiz

Attachment B: Unmodified Text of Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act

A. Discussion by Council

Chair Mandelbaum noted that the subcommittee did not make any additional modifications to the regulations since the last Council meeting as a result of public comment and addressed one untimely comment submitted earlier in the day.

Councilmember Brodsky recommended DFEH include a section in its Criminal History FAQ regarding what constitutes a conditional offer.

B. Public Comment

A Zoom comment came in asking how right-to-sue letters are being issued. Director Kish explained how right-to-sue letters are issued and recommended the individual email DFEH for more in-depth discussion.

C. Action by Council

The Council unanimously approved the text, authorized DFEH staff to submit it to the Office of Administrative Law, and authorized DFEH staff to make non-substantial changes if required by the Office of Administrative Law.

VIII. Update from Subcommittee Regarding Hate Violence

Councilmembers Dale Brodsky and Joseph Ortiz

A. Discussion by Council

Councilmember Ortiz announced that due to the current pandemic, the public hearing in the Inland Empire projected for June 2020 has been tentatively rescheduled for September 21. He and Councilmember Brodsky also noted that Professor Levin from the Center for the Study of Hate and Extremism, local law enforcement, Fair Housing Council of Riverside County, and the California Department of Justice are confirmed participants in the hearing along with other speakers.

B. Public Comment

None.

IX. Update from Employment Regulations Regarding Harassment Prevention Training Subcommittee

Chair Chaya Mandelbaum and Councilmember Gabriel Sandoval

A. Discussion by Council

Chair Mandelbaum noted that the interactive sexual harassment and abusive conduct prevention training for non-supervisory employees was made available online by the DFEH, and he is anticipating that regulatory guidance will be available in the coming months. He also stated that they expect to have a public hearing on these regulations in August or September 2020.

B. Public Comment

None.

X. Update from Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability Subcommittee
Councilmembers Dara Schur and Tim Iglesias

A. Discussion by Council

Councilmember Schur noted that the subcommittee is finalizing documents for submission to the Office of Administrative Law.

B. Public Comment

The California Apartment Association thanked the Council for its work and looks forward to engaging with the Council on these regulations.

XI. Update from Government Code Section 11135 Regulations Subcommittee
Councilmembers Dale Brodsky and Dara Schur

A. Discussion by Council

Councilmember Schur reported that the subcommittee is making progress on the initial statement of reasons and hopes it will be completed in the coming weeks.

B. Public Comment

A Zoom comment came in asking if it is too early to submit comment on the Government Code Section 11135 Regulations. Councilmembers informed the commenter to await the formal public comment period or to re-submit earlier comments during the formal comment period.

XII. Update from Criminal History & Employment Hearing Subcommittee
Chair Chaya Mandelbaum and Councilmember Gabriel Sandoval

A. Discussion by Council

Councilmember Sandoval noted that the subcommittee met with Legal Aid at Work regarding partnering for a future public hearing on the Fair Chance Act, and future meetings are scheduled to continue the planning discussions.

Chair Mandelbaum added that they hope to hear from individuals regarding licensing obstacles and solutions, the Richmond ordinance on criminal history, and from academics regarding recidivism research.

Councilmember Iglesias thanked the subcommittee for the work on the regulations and recommended speakers offer proposed regulatory and legislative changes in addition to their experiences.

B. Public Comment

None.

XIII. Further Public Comment

None.

XIV. Adjournment

Chair Mandelbaum adjourned the meeting at approximately 2:50 PM.

Date: May 22, 2020

CHAYA MANDELBAUM
Chair

RENEE RONDINONE
DFEH Outreach and Education Specialist