



Department of Fair Employment & Housing Fair Employment and Housing Council

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Attachment A

Version: 11/9/2021

FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of July 7, 2021

Minutes

Remote Meeting

Councilmembers Present

Gabriel Sandoval, Chairperson
Dale Brodsky, Councilmember
Hellen Hong, Councilmember
Tim Iglesias, Councilmember
Adetunji O. Olude, Councilmember
Dara Schur, Councilmember
Julie Wilensky, Councilmember
Kevin Kish, DFEH Director and Ex Officio member

DFEH Staff Present

Adam Romero, DFEH Deputy Director of Executive Programs
Kara Brodfuehrer, DFEH Legislative and Regulatory Counsel

Others Present

About 40 members of the public.

I. Call to Order and Roll Call

Chair Sandoval welcomed guests to the FEH Council's 44th meeting and called it to order. He then turned the meeting over to DFEH Legislative and Regulatory Counsel, Kara Brodfuehrer, who conducted roll call.

II. Welcome and Introduction of Guests

Chair Sandoval 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 using the "Raise Hand" function and can find the Attachments to the Agenda on the website.

Chair Sandoval then acknowledged Department leaders and members, including Adam Romero, DFEH Deputy Director of Executive Programs; and Kara Brodfuehrer, DFEH Legislative and Regulatory Counsel.

III. Review of the Agenda

Chair Sandoval reviewed the agenda for the meeting.

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

- Consideration of Unmodified Text of Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability
- Updates from the Council’s other subcommittees

IV. Approval of the Minutes

Attachment A: Minutes from May 27, 2021 Meeting of the Fair Employment and Housing Council

Chair Sandoval reviewed the minutes of the May 27, 2021 meeting. During that meeting, the Council considered and adopted Additional Modifications to Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability; and heard updates from the Council’s other subcommittees. Chair Sandoval asked for public comments on the minutes, and receiving none, the Council voted to approve the minutes unanimously.

V. Councilmembers’ Reports

Chair Gabriel Sandoval and Councilmembers

None.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

Director Kish turned the meeting over to Deputy Director Romero for updates.

Deputy Director Romero highlighted a new harassment prevention guide for housing providers, available on DFEH’s website.

VII. Consideration of Unmodified Text of Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability

Councilmembers Dara Schur and Tim Iglesias

Attachment B: Unmodified Text of Proposed Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability

A. Discussion by Council

Councilmember Iglesias noted that the subcommittee did not make any additional modifications to the regulations since the last Council meeting.

Councilmember Brodsky added that she will send additional non-substantive modifications.

B. Public Comment

Janet Powers, Fiore, Racobs, and Powers: Ms. Powers thanked the Council for the work on the regulations and expressed confusion with sections 12179 and 12181 regarding reasonable modifications made to an

individual's interior residence or a common area of a common interest development. She noted that there is concern with the safety of modification construction as well as there being no obligation to restore the individual's interior residence or common area in common interest developments at the end of the residency. She further noted that most associations are subject to the FEHA rather than the ADA and are not considered places of public accommodation; therefore, according to Ms. Powers, there is no obligation under the FEHA to allow modifications to remain at the end of tenancy.

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 the Reasonable Accommodations for Associational Disabilities Subcommittee
Councilmembers Dale Brodsky and Adetunji Olude

A. Discussion by Council

Councilmember Brodsky noted that the subcommittee is making progress on reviewing the public comments received and expects to have proposed language soon.

B. Public Comment

Dr. Cliff Chang and Janet Powers commented that the public is unable to submit comments through the Zoom chat feature because the function has been prohibited.

DFEH Legislative and Regulatory Counsel, Kara Brodfuehrer, said she was looking into the chat issue. She also reminded the public that they can still submit comments orally or through the Council's email.

IX. Update from the Criminal History & Employment Regulations Subcommittee
Chair Gabriel Sandoval and Councilmember Julie Wilensky

A. Discussion by Council

Councilmember Wilensky noted that the subcommittee is continuing to research and consider potential modifications to the Council's criminal history and employment regulations.

B. Public Comment

None.

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

A. Discussion by Council

Councilmember Schur reported that the notice package is still under review by the California Business, Consumer Services and Housing Agency.

B. Public Comment

Guillermo Vallejo commented that the public is unable to submit comments in Zoom because the function has been prohibited.

Janet Powers clarified that the chat function continually states that the chat is disabled.

Deputy Director, Adam Romero, stated that the chat issue had been resolved.

XI. Update from the Hate Violence Subcommittee

Chair Gabriel Sandoval and Councilmember Dale Brodsky

A. Discussion by Council

Councilmember Brodsky and Chair Sandoval announced that the subcommittee attended a bystander intervention training and has scheduled a similar training for July 20, 2021, which is free and open to the public.

Councilmember Iglesias thanked the Council for organizing the training.

B. Public Comment

None.

XII. Update from the Algorithms and Bias Hearing Subcommittee

Councilmembers Tim Iglesias and Hellen Hong

A. Discussion by Council

Councilmember Hong noted that the subcommittee has been reviewing topics discussed during the April 2021 Algorithms and Bias Hearing and expects to have proposed actions soon.

B. Public Comment

None.

XIII. Discussion Regarding Additional Subcommittee Assignments

Chair Gabriel Sandoval and Councilmembers

A. Discussion by Council

Councilmember Iglesias asked if the Council will continue to meet remotely or otherwise going forward.

Director Kish responded that they hope to eventually have hybrid meetings, but they plan on continuing to meet remotely for the foreseeable future and will update the Council and the public on any changes.

B. Public Comment

None.

C. Action by Council

None.

XIV. Further Public Comment

None.

XV. Adjournment

Chair Sandoval adjourned the meeting at approximately 11:34 AM.

Date: October 4, 2021

GABRIEL SANDOVAL
Chair

RENEE RONDINONE
DFEH Outreach and Education Specialist