



Department of Fair Employment & Housing Fair Employment and Housing Council

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FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of March 25, 2022

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
Rachael Langston, DFEH Legislative and Regulatory Counsel
Mariel Block, DFEH Legislative and Regulatory Counsel

Others Present

About 60 members of the public.

I. Call to Order and Roll Call

Chair Sandoval welcomed guests to the FEH Council's 47th meeting and called it to order. He then turned the meeting over to Senior DFEH Counsel, Mariel Block, 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 by using the "Raise Hand" function on Zoom chat and can find the Attachments to the Agenda on the website.

Chair Sandoval then acknowledged Department leaders and members, including Kevin Kish, DFEH Director; Adam Romero, DFEH Deputy Director of Executive Programs; Rachael Langston, Senior DFEH Counsel; Mariel Block, Senior DFEH Counsel; and Becky Monroe, DFEH Deputy Director of Strategic Initiatives and External Affairs, who then introduced herself.

III. Review of the Agenda

Chair Sandoval reviewed the agenda for the meeting.

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

- Report from Director Kish, Deputy Director Romero, and Deputy Director Monroe
- Public Workshop and Review of Working Draft of Employment Regulations Regarding Automated-Decision Systems
- Update from the Council's other subcommittees

IV. Approval of the Minutes

Attachment A: Minutes from January 21, 2022 Meeting of the Fair Employment and Housing Council

Chair Sandoval reviewed the minutes of the January 21, 2022 meeting. During that meeting, the Council considered proposed modifications to employment regulations regarding criminal history and heard updates from the Council's other subcommittees.

Having not received any comments or recommended amendments from any Councilmember, Chair Sandoval then 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

Councilmember Iglesias highlighted that the 3rd edition of the ABA book on the development of affordable housing was just released.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

Director Kish congratulated Councilmembers Schur and Iglesias and the DFEH team who worked on the fair housing webinar series. Director Kish then announced that April is Fair Housing Month and there will be a list posted of the events DFEH is participating in on the DFEH website. Director Kish also announced that DFEH will be releasing some additional guidance documents within the next month, including guidance on emotional support animals in the housing context.

Director Kish further noted that DFEH is in the second year of pay data collection and that filing deadline for covered employers is April 1. Director Kish also highlighted that DFEH has released the results of last year's pay data collection on the DFEH website.

DFEH Deputy Director of Executive Programs, Adam Romero, explained the results of the first year of pay data collection.

DFEH Deputy Director of Strategic Initiatives and External Affairs, Becky Monroe, announced the building of California's statewide hotline resource network, currently being referred to as California vs. Hate Resource Line and Network. Deputy Director Monroe explained that the network will be utilized for connecting people with options and resources after experiencing hate-motivated crimes and incidents, as well as for improving data collection around hate crimes and incidents. Deputy Director Monroe announced that the network will likely

launch later in the summer.

A. Discussion by Council

Councilmember Iglesias inquired whether a letter has gone out to law enforcement regarding hate violence. Chair Sandoval confirmed that approximately 1,000 letters have gone out from the Council to city attorneys, law enforcement agencies, and district attorney offices throughout California reminding law enforcement stakeholders that civil remedies and other resources exist for victims of hate incidents that may not be cognizable under criminal law. Councilmember Brodsky added that the Council also intends to send the letter to public defender offices and other government agencies that may have contact with victims of hate incidents.

Councilmember Iglesias asked about plans surrounding the rollout of the hotline. Deputy Director Monroe explained that DFEH is working in partnership with many colleagues throughout the state government, including the state library. DFEH will also be conducting a significant media outreach and public campaign to inform Californians about these resources.

Councilmember Hong asked whether DFEH will be adding new staff to implement the hotline, and how the hotline relates to outreach and Department priorities. Director Kish responded that the legislature authorized funding for the hotline that would be housed through DFEH. Deputy Director Monroe explained that DFEH will be entering into contracts with organizations that have connections with victims of violence and a baseline of trauma-informed training and cultural competence.

Councilmember Brodsky asked whether Deputy Director Monroe has reached out to mental health organizations, including the National Alliance on Mental Illness (NAMI) . Deputy Director Monroe responded that she has reached out to several mental healthcare organizations throughout California and plans to reach out to more, including NAMI.

Councilmember Schur asked whether Deputy Director Monroe has connected with Disability Rights California. Deputy Director Monroe confirmed that she has.

VII. Public Workshop and Review of Working Draft of Employment Regulations Regarding Automated-Decision Systems

Councilmembers Tim Iglesias and Hellen Hong

Attachment B: Draft Modifications to Employment Regulations Regarding Automated-Decision Systems

A. Discussion by Council

Councilmembers Iglesias and Hong summarized the draft modifications to the FEHA employment regulations regarding automated-decision systems.

Councilmember Brodsky inquired whether this meeting would be the start of the 45-day comment period for these draft modifications. Councilmember Iglesias responded that it would not and that the discussion of the modifications at this meeting was for the purpose of workshopping the draft.

Councilmember Schur suggested the use of less technical language for better understanding and additional testing as well as consultation with technology developers and other experts.

Chair Sandoval inquired about the potential survey of other states that may have enacted similar laws, and the use of consistent language that can be utilized.

Director Kish emphasized how strongly the speakers for the 2021 hearing on algorithmic bias encouraged DFEH to review automated-decision systems not as a new phenomenon but as mechanisms for making the same decisions covered by civil rights laws already enforced by DFEH. Councilmember Hong noted that the subcommittee has taken guidance from that feedback.

Councilmember Wilensky suggested editing some language for clarity.

B. Public Comment

The Council received public comment.

C. Action by Council

None.

VIII. Update from the Reasonable Accommodations for Associational Disabilities Subcommittee
Councilmembers Dale Brodsky and Adetunji Olude

A. Discussion by Council

Councilmember Olude stated that the subcommittee has met, continues to engage in discussion, and is in conversation with the administration concerning potential regulations for reasonable accommodations for associational disabilities.

B. Public Comment

The Council received public comment.

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

A. Discussion by Council

Councilmember Wilensky announced that the proposed regulation and initial statement of reasons are currently under review by the administration.

B. Public Comment

None.

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

A. Discussion by Council

Councilmember Schur noted that the draft of the Government Code Section 11135 regulations is still under review.

B. Public Comment

None.

XI. Update from the Hate Violence Subcommittee

Chair Gabriel Sandoval and Councilmember Dale Brodsky

A. Discussion by Council

Chair Sandoval noted that letters regarding civil resources for victims of hate violence have been sent to 408 law enforcement agencies in California, 58 district attorneys' offices, 708 city attorneys' offices, and other stakeholders. Chair Sandoval also noted that more letters will be sent to California public defenders. He noted that the subcommittee has also been meeting with other community stakeholders, Deputy Director Monroe, and Deputy Director Romero regarding the hotline.

B. Public Comment

None.

XII. Update from the Algorithms and Bias Hearing Subcommittee

Councilmembers Tim Iglesias and Hellen Hong

A. Discussion by Council

Councilmember Iglesias stated that there were no additional updates.

B. Public Comment

None.

XIII. Update from the Housing Regulations Review Subcommittee

Councilmembers Dara Schur and Tim Iglesias

A. Discussion by Council

Councilmember Iglesias stated that the subcommittee is contemplating clean-up modifications to the existing housing regulations and is currently in the process of research and drafting.

B. Public Comment

None.

XIV. Update from the Real Estate Lending and Restrictive Covenants Subcommittee

Councilmembers Tim Iglesias and Hellen Hong

A. Discussion by Council

Councilmember Iglesias stated that the subcommittee is contemplating bringing forth regulations that would integrate FEHA's regulations with HUD's as well as disseminating a survey to gather information regarding this topic.

B. Public Comment

None.

XV. Update from the Unruh Act Subcommittee

Councilmembers Adetunji Olude and Julie Wilensky

A. Discussion by Council

Councilmember Olude stated the subcommittee has begun research and discussion to evaluate areas of potential rulemaking.

B. Public Comment

None.

XVI. Update from the Community Education and Outreach Subcommittee

Chair Gabriel Sandoval and Councilmember Hellen Hong

A. Discussion by Council

Councilmember Hong raised the question how to prioritize rulemaking, staff priorities, and community need.

Chair Sandoval highlighted community outreach that has been conducted and sought the other councilmembers' views regarding being proactive about reaching targeted areas in California and creating more opportunity to interact with the community.

Councilmember Olude raised the question of how to support staff resources and time while expanding the Council's outreach efforts.

Chair Sandoval proposed the idea of a yearly meeting regarding education and outreach.

Councilmember Iglesias suggested reserving time in the Council meetings to hear from a relevant community member, community group, or stakeholder.

Director Kish highlighted an open job opportunity with DFEH education and outreach and then suggested the councilmembers think about civil rights issues within the department's jurisdiction that have not received much attention and then create a targeted approach for outreach.

Deputy Director Adam Romero highlighted civil rights issues that could benefit from additional research and outreach.

B. Public Comment

None.

XVII. Discussion Regarding Additional Subcommittee Assignments

Chair Gabriel Sandoval and Councilmembers

A. Discussion by Council

Councilmember Brodsky suggests updating religious creed regulations to cover issues related to reasonable accommodation in light of COVID and proposed a subcommittee to amend those regulations. Councilmembers Brodsky and Wilensky will be on the subcommittee.

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and unanimously voted to approve a motion to adopt the subcommittee assignments.

XVIII. Further Public Comment

None.

XIX. Adjournment

Chair Sandoval adjourned the meeting at approximately 4:53 PM.

Date: June 24, 2022

GABRIEL SANDOVAL
Chair

TAYLOR WHITLEY
DFEH Outreach and Education Office Technician