



GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS
BI-MONTHLY PUBLIC MEETING

OFFICIAL COMMISSION MEETING
Via Webex
November 18, 2020

The Meeting Can be viewed HERE:

Commission on Human Rights Bi-Monthly Meeting -20201118 2333-1
<https://dcnet.webex.com/dcnet/ldr.php?RCID=3f2725a8ca3d42e7bb3f03ccb1dfcd3>

ATTENDEES

Commissioners

Motoko Aizawa, Chair
Eleanor Collinson, Vice Chair (elected 11/18/2020)
Anika Simpson, Secretary (elected 11/18/2020)
Karen Mulhauser
Adam E. Maier
Wynter Allen
Brian Griffey

Office of Human Rights Staff

Michelle Garcia, Interim Director
Hnin Khaing, General Counsel
Allison Carlon, Law Clerk

Commission on Human Rights Staff

Erika Pierson, Chief ALJ
Brandes Ash, ALJ

Guests

Bri Perez

MINUTES

I. CALL TO ORDER

- Chair Aizawa called the Commission's Official Meeting to order at 6:33 pm.

II. ROLL CALL

- Commissioner Collinson conducted the roll call.
- A total of 7 commissioners appeared. There was a quorum.
- Commissioner Brian Giffey and ALJ Ash introduced themselves.

III. ADOPTION OF THE AGENDA

- The 11/18/2020 agenda was adopted.

IV. ADOPTION OF THE MINUTES

- The September 9, 2020 meeting minutes were adopted by acclamation.

V. REPORT OF THE INTERIM DIRECTOR

OHR Interim Director, Michelle Garcia, gave the report, highlighting the following:

- There have been 23 positions added to the budget for FY21, and the agency is working hard to bring most of these positions on board. Of note, there is some consideration to give related to the FY22 budget--OHR submitted its proposed FY22 budget to the Mayor last week and, as in typical years, included a proposed reduction. While OHR hopes to get these positions back, they still have several new positions this fiscal year. Interim Director Garcia asked the Commissioners to share these (new) positions, once they're made public, with their respective networks.
- Interim Director Garcia discussed new agency initiatives and provided an update on FY19 Language Access Report. Specifically, the latter Report is undergoing an internal review process, and will hopefully be published by the end of the month.

Interim Director Garcia opened the floor for questions:

- Commissioner Maier asked about budget reductions and next steps.
- Interim Director Garcia shared that the mayor is currently reviewing the budget and will make her final determination before submitting it to Council. Interim Director Garcia further advised that OHR will continue to fulfill its mission despite budget reductions and fiscal changes due to COVID-19.

- Commissioner Maier asked Interim Director Garcia if she thinks a supplemental budget will be submitted. Interim Director Garcia said she does not know if a supplemental budget will be submitted at any point in the future.

VI. REPORT OF GENERAL COUNSEL

General Counsel, Hnin Khaing, gave the report via a Power Point presentation, highlighting the following:

- There are three (3) pending legislations from 2019 and two (2) from 2020 currently before Council. **The 2019 legislations include:**
 - **Fair Tenant Screening Act of 2019 (B23-0149)**
 - Will amend the D.C. Human Rights Act (HRA) to establish certain obligations of housing providers during the application phase (OHR recommended that it be moved to the Rental Housing Act)
 - Will require that housing providers to provide certain information in advance of collecting an application fee:
 - Written screening and admission criteria;
 - Information on available units; *and*
 - Timelines and procedures for processing [an] application.
 - Would require [a] housing provider to provide a notice of prospective tenant's rights and how to file a complaint
 - If [a] housing provider fails to review [an] application, must return application fee
 - When a housing provider denies an application, would have to send a notice of denial with an explanation for the denial along with any supporting information
 - Would limit information a housing provider may require from prospective tenants
 - A housing provider may only inquire about certain past legal housing actions (actions to recover possession, breach of lease, etc.).
 - A housing provider cannot inquire about certain rental history, income levels or credit scores for

tenants seeking to rent with an income-based assisted subsidy.

- Would seek to regulate background screening companies with respect to registered agents.
- **Intersectional Discrimination Protection Amendment Act (B23-0498)**
 - A hearing was held on October 27, 2020 and General Counsel Khaing testified on behalf of OHR.
 - Would amend HRA to explicitly prohibit discrimination wholly or partially because of any combination of statutorily protected traits
 - OHR currently investigates intersectional claims.
 - **The Michael A. Stoops Anti-Discrimination Amendment Act (B23-0195)**
 - A hearing was held on October 27, 2020, and General Counsel Khaing testified on behalf of OHR.
 - Would amend the HRA to add homelessness as a protected trait to all enforcement areas (employment; housing; educational institutions; places of public accommodation; government services)
 - **The Creating a Respectful and Open World for Natural Hair Act of 2020 (known as the CROWN Act) (B23-970)**
 - A hearing was held on November 18, 2020, and General Counsel Khaing testified on behalf of OHR.
 - Would amend the definition of “personal appearance” in the HRA to include “protective hairstyles”
 - “Personal appearance” means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristic, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair styles, protective hairstyles and beards.
 - A “protective hairstyle” is a hairstyle necessitated by or resulting from the immutable characteristics of a hair texture associated with race, including braids, cornrow, locs, across, curls, twists, and knots.

- Note, protective hairstyles are already protected, but this Act will bring more awareness and clarity.
- **The Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020 (Omnibus Bill on Hate Crimes) (B23-0409)**
 - **Among other things:**
 - Section 2:
 - Would amend the HRA to include coverage of online forums or other places not explicitly enumerated in the current definition of “place of public accommodation”
 - Section 4:
 - Would amend the Bias-Related Crime Act of 1989
 - The amendment in section 4 would allow the Attorney General to bring civil claims for bias-related crime or discrimination under any laws in the District, including the HRA
 - Would define “discrimination” as differential treatment on the basis of a protected trait described in the HRA
 - Of note, this is an omnibus bill so there will not be a hearing.
- **Questions/Comments:**
 - Commissioner Mulhauser asked if General Counsel Khaing could share her PowerPoint presentation. General Counsel Khaing agreed to share the presentation.
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VII. REPORT OF THE CHIEF ADMINISTRATIVE LAW JUDGE

Chief Judge Erika Pierson gave the report for the Commission on Human Rights (Commission) , highlighting the following:

- **Case Management System**

- The Case Management System (system) has been fully migrated to OCTO's servers, and is completely operational internally, but hasn't gone live because OCTO identified a 90-day condition of approval that Synergy needs to fix before the system is open to the public.
 - Synergy reported this week that there is only one vulnerability to fix and once it is repaired, the system can go live.
- **Virtual Hearings**
 - The Commission has started to hold hearings and mediations remotely. Things are going well, albeit a few minor glitches.
- **Staffing Update**
 - ALJ Brandes Ash joined the Commission October 13, 2020.

VIII. REPORT OF THE CHAIR OF THE COMMISSION

- Chair Aizawa shared that she has had a chance to use the system and it seems to work really well. She shared she was able to access all of the documents and files for a case in one place, compared to commissioners having to wait to receive documents in the mail.
- Chair Aizawa also acknowledged Chief Judge Pierson for her stupendous contributions to the Commission, particularly from January 2020 to October 2020 when she worked as the only ALJ at the Commission.

IX. OLD BUSINESS

- **Review of COHR Case Inventory and Commission Assignments**
 - 14 cases were closed in FY 2020—the Commission closed more cases than it received.
 - 2 cases have been closed, thus far, in FY 2021.
 - There are two cases currently open and a few others that will be ready for a tribunal.
 - There are two cases at the Court of Appeals, one that will probably be decided at the beginning of 2021.
 - Commissioner Collinson inquired about any cases that may remain outstanding from when an ALJ left the Commission this year. Chief Judge Pierson is confident that any outstanding orders will be issued soon.

- **Update on Commission Vacancies**
 - There are 5 vacancies. Applications were received and interviews have started. Some applicants didn't respond to the invitation to interview, so Chief Judge Pierson will follow up with a phone call.
 - Chief Judge Pierson, Chair Aizawa and Judge Ash held 3 good interviews.
 - Chief Judge Pierson is hopeful there will be more applicants.

- Will defer the discussion on rules.

X. NEW BUSINESS

- **Human Rights Event**
 - ALJ Ash shared that she and Chief Judge Pierson have been working with OHR's Communications Director, Stephanie Franklin to come up with a virtual event focused on youth and voting rights to celebrate Human Rights Month in December 2020. The event is still in the planning stages, but the idea is to host a program via Instagram Live so as many people as possible, in the District and beyond, can participate. The goal is for youth to understand how important it is for them to exercise their right to vote and, among other things, to provide an open, safe and honest platform for new generation voters to discuss this most recent election as well as other issues they face.
 - Commissioner Mulhauser volunteered to reach out to the UNA—they have a fellow program, high school program, internship program—to help promote the event. Commissioner Mulhauser also suggested using breakout rooms so youth could identify and discuss multiple relevant topics.
 - Chair Aizawa also shared her support and asked Judge Ash to let the Commission know if they could be of any help.

- **Election of Vice Chair**
 - Chair Aizawa called for nominations, including self-nominations.
 - Commissioner Collinson nominated herself to serve as Vice Chair.
 - Motion approved unanimously for Commissioner Collinson to serve as Vice Chair.

- **Election of Secretary** (Commissioner Collinson's former position)

- Chair Aizawa called for nominations.
- Commissioner Simpson nominates herself to serve as Secretary.
- Motion approved unanimously, for Commissioner Simpson to serve as Secretary.

XI. ANNOUNCEMENTS

- Chair Aizawa reminds everyone the next meeting will be January 13, 2021.
- Commissioner Maier shares that he invited Bri Perez to join the November 18, 2020 meeting. Bri works with Commissioner Maier at Pathways.
 - Bri introduces herself to everyone at the meeting and describes her role at Pathways, working on various initiatives including voting rights and language access initiatives.

XII. ADJOURNMENT OF MEETING

- Chair Aizawa adjourned the meeting at 7:28 pm.

Webex Login Information

Bi-Monthly Public Meeting of the Commission on Human Rights

Hosted by Brandes Ash

January 13, 2021 6:30 pm | 2 hours |

Meeting Number: 172 034 7664

Password: 3EQpbsuFV45

<https://dcnet.webex.com/dcnet/j.php?MTID=m243723c8788e7f51c17881c702ee318c>

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