

Presented by:
Ronald Mullins,
Chairperson, Hammond Human Relations Commission (HHRC)

Holli Harrington, Vice-Chair, Indiana Civil Rights Commission (ICRC)



Session Description

Chairperson Ronald M. Mullins from the Hammond Human Relations Commission and Vice-Chair Holli Harrington of the Indiana Civil Rights Commission:

- I. Will give their perspective of adjudication from a Commissioner's perspective. As the final authority of enforcement of their respective agencies, they have best practices to share.
- 2. Further, they will speak about the roles and responsibilities of their Commissions and innovative ideas that have brought change to fair housing in their jurisdiction.



Bio: Ronald M. Mullins:

Ronald M. Mullins was born in Chicago, Illinois and has been a resident of Hammond, Indiana since 1980. In February 2017, Ronald M. Mullins retired from Northern Trust, where he served as Vice President, managing the Technical Department's Disaster Recovery and Business Continuity programs.

Ronald received an Associate of Arts degree from Triton College in River Grove, Illinois in 1971; a Bachelor of Arts degree from the University of Illinois, Chicago in 1973; and a Masters of Arts degree, from the University of Illinois, Chicago in 1977.

Ronald Mullins was appointed to the Hammond Human Relations Commission (HHRC) in 2004; currently, he is the Chairperson of the Commission. A position he has held since 2007. The Hammond Human Relations Commission was established by city ordinance in the mid-1980s to hear complaints of discrimination in education, employment, housing and business opportunities. Recently, the Hammond City Council amended the Hammond ordinances to include protections for the LGBTQ+ community.

Besides the Hammond Human Relations Commission, Ronald is on the Board of Directors for the Northwest Indiana Reinvestment Alliance (NWIRA); Vice Chairperson of the Hammond Police and Citizens Advisory Commission; a board member of the City of Hammond Black History Committee; and a board member of the City of Hammond College Bound Program (a program which provide full college scholarships to high school students in the City of Hammond). Ronald Mullins is also the Treasurer of the Indiana Consortium of State and Local Human Agencies.



PART I

Adjudication from a Commissioner's Perspective from the eighth largest city in Hammond, Indiana. (120)

PART II



A Demonstration of an Apple Application (APP) which provides our clients the ability to submit a Fair Housing complaint.

Wait there's more





The ticket you received at the door, will be selected during the this session.







FIRST LEGAL (disclaimer)

We do not have the rights to any music, pictures, art, or poems within this presentation.

PART I

Adjudication from a Commissioner's Perspective from the eighth largest city in Hammond, Indiana. (120)



ADMISTRACTION ADJUDICATION IS THE PROCESS BY
WHICH AN ADMINSTRACTION AGENCY ISSUES AN
AFFIRMATIVE, NEGATIVE, INJUNCTIVE, OR DECLARATORY
ORDER. THE FORMAL PROCEEDING BEFORE AN
ADMINISTRATIVE AGENCY ADOPT THE PROCESS OF RULE
MAKING OR ADJUDICATION



So this is how we are going to do it ...

- Discuss when Hammond Human Relations Commission (HHRC) cases are referred to Admission Adjudication.
- 2. The role of the HHRC during Adjudication.
- 3. The final HHRC ruling based on an Adjudicated case.
- 4. A cautionary tail of a HHRC Adjudication gone wrong
- 5. How the HHRC uses Social Media as an outreach tool.

LET'S GET STARTED



Who are you and what do you do?

Before you know how to Adjudicated a case. You need to know your local Government's Fair Housing laws

- I. Some Municipalities have Advisory Human Relations Councils
- 2. Some Municipalities have Department of Human Relations
- 3. Some Municipalities have Human Rights Commissions

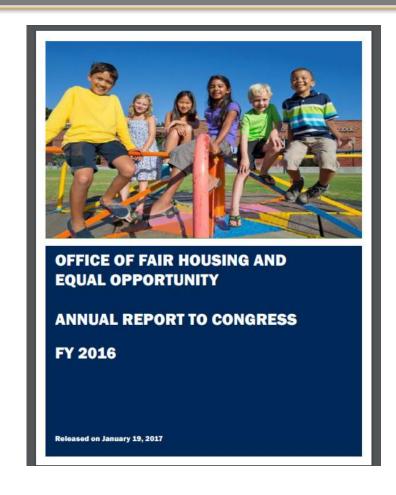


What do we use to determine how to "Issue a Charge"?

First what is a "Fair Housing" Charge?

After a "Fair Housing Case has been investigated the Executive Director issues a Charge.

- 1. Complainant failed to cooperate
- 2. Complaint withdrawn by complainant without resolution
- 3. Complaint withdrawn by complainant after resolution
- 4. Conciliation agreement
- No Reasonable cause
- 6. Reasonable cause (Start of Adjudication)



https://www.hud.gov/sites/documents/FY2016FHEOANNUALREPORT.PDF

Case Outcomes

Table 2.3: HUD and FHAP Case Outcomes, FY 2016

	Number	Percentage	Number	Percentage	Number	Percentage
	of HUD	of HUD	of FHAP	of FHAP	of Total	of Total
Case Completion Type	Cases	Cases	Cases	Cases	Cases	Cases
Administrative Closure	220	14.8%	563	8.2%	783	9.4%
Cause (FHAP)	NA	NA	361	5.3%	361	4.3%
Charged (HUD)	37	2.5%	NA	NA	37	0.4%
Conciliated	532	35.8%	1,980	28.9%	2,512	30.1%
DOJ Closure	12	0.8%	NA	NA	12	0.1%
No Cause	560	37.7%	3,474	50.7%	4,034	48.4%
Withdrawn with Resolution	123	8.3%	480	7.0%	603	7.2%
Total	1,484	100.0%	6,858	100.0%	8,342	100.0%

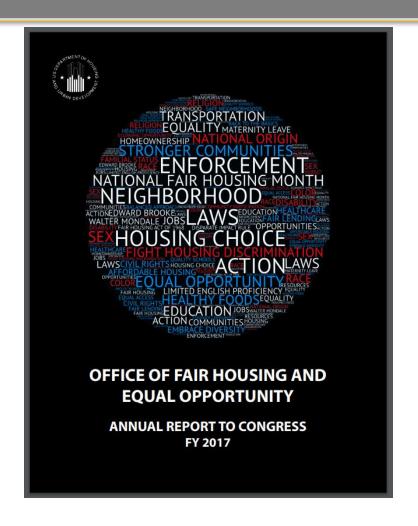
Source: HUD Enforcement Management System (HEMS)

MONETARY RELIEF

\$25,247,453

Source: HUD Enforcement Management System (HEMS)

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https://www.hud.gov/sites/dfiles/FHEO/images/FHEO Annual Report 2017-508c.pdf

Case Outcomes

Table 2.3: HUD and FHAP Case Outcomes, FY 2017

Case	Number	Percentage	Number	Percentage	Number	Percentage
Completion	of HUD	of HUD	of FHAP	of FHAP	of Total	of Total
Туре	Cases	Cases	Cases	Cases	Cases	Cases
Administrative	284	18.2%	546	8.5%	830	10.4%
Closure						
Cause (FHAP)	NA	NA	382	5.9%	382	4.8%
Charged (HUD)	19	1.2%	NA	NA	19	0.2%
Conciliated	528	33.8%	1,703	26.5%	2,231	27.9%
DOJ Closure	5	0.3%	NA	NA	5	0.1%
No Cause	574	36.7%	3,315	50.1%	3,789	47.5%
Withdrawn with	152	9.7%	577	9.0%	729	9.1%
Resolution						
Total	1,562	100.0%	6,423	100.0%	7,985	100.0%

Source: HUD Enforcement Management System (HEMS)

MONETARY RELIEF - HUD and FHAP

\$ 8,907,003

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How does it start?

What is the Genesis of Adjudication?

In Hammond it starts with a section of the Hammond Human Relations Commissions

"Rules and Regulations"



RULES AND REGULATIONS

01' THE

HAMMOND HUMAN RELATIONS COMMISSION

FOR

HUMAN RELATIONS ORDINANCE NO. 4920, AS AMENDED, ARTICLE VI, ENTITLED "FAIR HOUSING"

CITY OF HAMMOND, INDIANA

Corporation Counsel with a recommendation for the filing of a civil action under applicable laws for the enforcement of the terms of the conciliation agreement. (Civil Rights Commission; 910 IAC 2-6-

SECTION 6 - ISSUANCE OF CHARGE

Authority: Municipal Ordinance No. 4920, as amended, Article VI, Section 6.7

Section 6. (a) If a conciliation agreement under Section 5(d) the respondent, and approved by the HIRC, the director, with the respondent, and approved by the HIRC, the director, with the respondent, and approved by the HIRC, the director, with the time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of this Rule, shall determine time limits set forth in Section 4(f) of the factual circumstances known and 5(e) of this Rule has not been executed by the complainant and that a discriminatory housing practice has occurred or is about to occur. The reasonable cause determination shall be based solely on the facts concerning the alleged discriminatory housing practice, provided by the complainant and respondent and otherwise, disclosed during the investigation. In making the reasonable cause determination, the director shall consider whether the facts concerning the alleged discriminatory housing practices are sufficient to warrant the initiation of a civil action in a county or state court.

The following apply in all cases not involving the legality of local zoning or land use laws or ordinances:

(1) If the director determines that reasonable cause exists, the director shall immediately issue a charge under exists, the director shart subsection (g) on behalf of the aggrieved person and shart noting the aggrieved person and the respondent of this determination by the aggrieved person and the respondent of this determination by the aggrieved person and the respondent of this determination by the aggree of the aggr

(2) If the director determines that no reasonable cause exists, the director shall do the following: (A) issue a short and plain written statement of the facts upon which the director has based the no reasonable cause determination; (B) dismiss the complaint; (C) notify the aggrieved person and the respondent of the dismissal (including the written statement of facts) by Cause certified mail or personal service. The fact of the dismissal including the names of the parties shall be public information available on request.

←No reasonable

(c) If the director determines that the matter involves the legality of local zoning or land use law or ordinances, the director in lieu of making a determination regarding reasonable cause may refer the investigative materials to the corporation counsel for appropriate action, and shall notify the aggrieved person and the respondent of this action by certified mail or



initiation or continuation of proceedings under this Rule or administrative proceedings under Rule 8.

(2) If the director has reason to believe that a basis exists for the commencement of proceedings, (a) against the respondent under Ordinance No. 4920's pattern or practice cases; or concerning (b) under Ordinance No. 4920, as amended, and Article VI Sections 6.9 A (1) and B; and/or concerning (c) enforcement of subpoenas; or proceedings by any governmental licensing or supervisory authorities; the director shall transmit the information upon which that belief is based to the appropriate authorities for enforcement. (Civil Rights Commission; 910 IAC 2-6-7).

SECTION 8 - OTHER ACTION

Authority: Municipal Ordinance No. 4920, as amended, Article VI, Section 6.7

Section 8, (a) In addition to the actions described in Section 7(a) of this rule, HHRC may pursue one or more of the following course of action:

(1) Take appropriate steps to initiate license revocation proceedings leading to the debarment of the respondent under section 17(m) or initiate other actions leading to the imposition of administrative sanctions where the HHRC determines that such actions are necessary to the effective operation and administration of Ordinance 4920, as amended.

(2) Inform any other Federal, state or local agency with an interest in the enforcement of respondent's obligations with respect to nondiscrimination in housing.

RULE 8 - ADMINISTRATIVE PROCEEDINGS

Authority: Municipal Ordinance No. 4920, as amended, Article VI, Section 6.5

SECTION 1 - RULES OF PRACTICE & PROCEDURE

Section 1. (a) This section contains the rules of practice and procedure established by the HHRC for administrative proceedings before an administrative law judge adjudicating the claims asserted in a complaint issued under Rule 7-Section 2 where no party, the complainant, the respondent or an aggrieved party, elects to have the claims decided in a civil action under Ordinance No. 4920, as amended, Article VI, Sections 6.7 L and M.

(b) Hearings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. ← Start of Adjudication



accordance with Rule 8-Section 1(e).

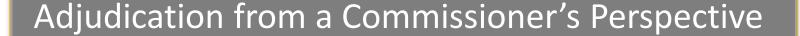
- (D) Notify the HHRC of the filing of the charge.
- (h) The following apply to election of a civil action or provision of an administrative proceeding:
- (1) If a charge is issued under subsection (g), a complainant (including the HHRC, if the HHRC filed the complaint), a respondent or an aggrieved person on whose behalf the complaint is filed may elect, in lieu of an administrative proceeding under Rule 8 to have the claims asserted in the charge decided in a civil action under Ordinance 4920, as amended.
- (2) The election must be made not later than twenty days after the receipt of service of the charge or in the case of the HHRC, not later than twenty days after service. The notice of the election must be filed with the HHRC docket clerk and serviced on the director, the respondent and the aggrieved persons on whose behalf the complaint was filed. the notification shall be filed and served in accordance with Rule 8-Section 1(e).
- (3) If an election is not made under this section, the director will maintain an administrative proceeding based on the charge in accordance with Rule 8.
- (4) If an election is made under this section, the director shall immediately notify and authorize the City's Commission to commence and maintain a civil action seeking relief under Ordinance No. 4920, as amended, on behalf of the aggrieved person in an appropriate state court. Such notification and authorization shall include transmission of the file in the case, including a copy of the final investigative report and the charge to the Corporation Counsel.
- (5) The director shall be available for consultation Concerning any legal issues raised by the Corporation Counsel as to how best to proceed in the event that a new court decision or newly discovered evidence is regarded as relevant to the reasonable cause determination. (Civil Rights commission; 910 TAC 2-6-6).

SECTION 7 - JUDICIAL ACTION

Authority: Municipal Ordinance No. 4920, as amended, Article VI, Section 6.7

Section 7. (a) If at any time following the filing of a complaint, the director concludes that prompt judicial action is necessary to carry out the purposes of this Rule, the director may commence a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint. The commencement of a civil action under this section shall not affect the





all parties, the aggrieved person on whose behalf the charge was filed, and the director of the HHRC. In addition to the notice requirements of Section 17(i) of this Rule, the initial decision shall include a notice stating that the initial decision will become the final decision of the HHRC unless the HHRC issues a final decision under subsection (i) within thirty days of the date of issuance of the initial decision.

(h) At any time before the issuance of a final decision under subsection (i), the parties may submit an agreement resolving the charge. The agreement must be signed by the General Counsel, the respondent and the aggrieved person upon whose behalf the charge was issued. The administrative law judge shall accept the agreement by issuing an initial decision based on the agreed findings. The submission of an agreement resolving the charge constitutes a waiver of any right to challenge or contest the validity of a decision entered in accordance with the agreement.

(i) The Commissioners of the HHRC may review any finding of fact, conclusion of law or order contained in the initial decision of the administrative law judge and issue a final decision in the proceeding. The HHRC may affirm, modify or set aside, in whole or in part, the initial decision or remand the initial decision for further proceedings. The HHRC shall serve the final decision on all parties no later than thirty days from the date of issuance of the initial decision of the administrative law judge. The final decision shall be served on all parties, the aggrieved person on whose behalf the charge was filed and the director.

(j) If the Commissioners of the HHRC do not serve a final decision within the time period described in subsection (i), the initial decision of the administrative law judge will become the final decision of the HHRC. For the purposes of this Rule, such a final decision shall be considered to have been issued thirty days following the date of issuance of the initial decision.

(k) HHRC shall make public disclosure of each final decision.

(1) If the Commissioners remand the decision for further proceeding, the administrative law judge shall issue an initial decision or remand within sixty days from the date of issuance of the decision by the HHRC, unless it is impractical to do so. If the administrative law judge is unable to issue the initial decision within this time period, or within any succeeding sixty day period following the initial sixty day period, the administrative law judge shall notify in writing the parties, the aggrieved person on whose behalf the charge was filed and the director of the reasons for the delay.

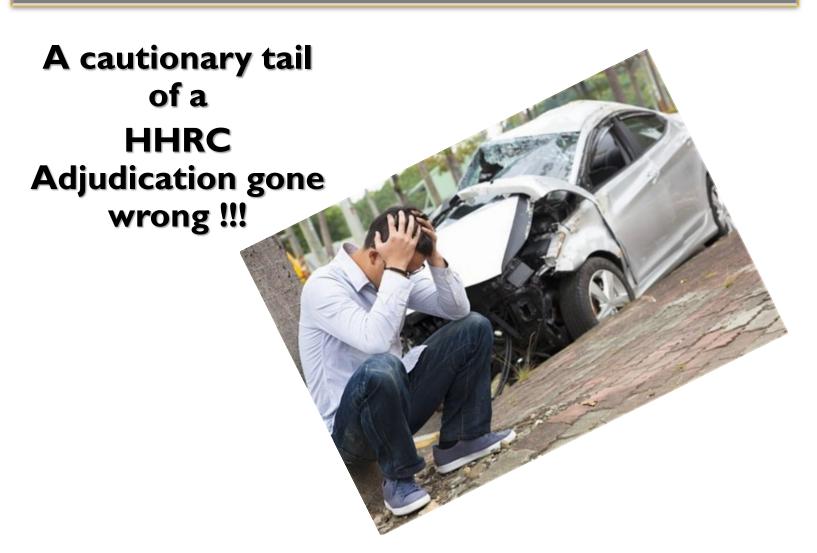
(m) Upon issuance of a final decision, the following action shall be taken: Commissioners
has the FINAL
decision

4. "YOUR VOTE COUNTS"

Know the substance of the case, before you vote. Come into the office. Ask for the case, which will be up for a vote at the next Commission meeting. Take the case files into the conference room and review. Ask your Commission's Executive Director, if you have questions about the case. (DON'T ask the staff; you should always direct any questions to the Commission's Executive Director.) Also, don't come into the office five minutes before the start of the monthly meeting and ask to review a case.

5. "UNDERSTANDING WHAT YOU AREVOTING ON"

Not only in the local general community elects, should you always know the issues. (In a general election you should not go "Eeney, Meeney, Miney, Moe.") So, when the Fair Housing staff presents a case during the Commissioner's meeting, you should know the case resolution which needs your vote for approval before closing the investigation?



- It was a cold Wednesday afternoon in December. A Client walked into the Hammond Human Relations Office.
- She told a tale of race discrimination.
- She was looking for an apartment, and was shown an apartment in an complex in Hammond. She was told that there a 2-bedroom apartments available.

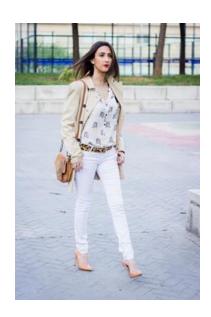


Client

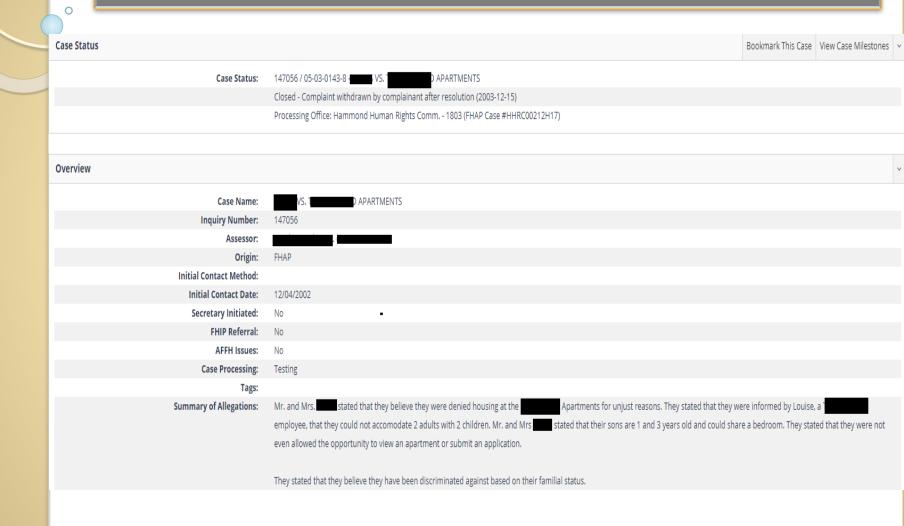


Hammond Human Relations Office

But when she back to the apartment with her husband and two children, she was told that the apartment complex could not permit her I and 2 year old sons to share a bedroom.







Question:

What is the difference between FHAP and FHIP?

❖ FAIR HOUSING ASSISTANCE PROGRAM (FHAP)

The Fair Housing Act contemplates that, across the country, state and local governments will enact and enforce their own statutes and ordinances that are substantially equivalent to the Fair Housing Act. HUD provides FHAP funding annually on a noncompetitive basis to state and local agencies that administer fair housing laws that provide rights and remedies that are substantially equivalent to those provided by the Fair Housing Act.

Question:

❖ FAIR HOUSING INITIATIVES PROGRAM (FHIP)

Fair housing organizations and other non-profits that receive funding through the Fair Housing Initiatives Program (FHIP) assist people who believe they have been victims of housing discrimination.

FHIP organizations partner with HUD to help people identify government agencies that handle complaints of housing discrimination. They also conduct preliminary investigation of claims, including sending "testers" to properties suspected of practicing housing discrimination.

In addition to funding organizations that provide direct assistance to individuals who feel they have been discriminated against while attempting to purchase or rent housing, FHIP also has initiatives that promote fair housing laws and equal housing opportunity awareness.

The HHRC wanted to charge the case as race discrimination case. But the apartment complex denied they did not rent to the family because they were a biracial family. So the HHRC charged the case based on familial status.





However, the HHRC attorney, was convinced that this was a race discrimination case; he wanted an attorney with experience in race discrimination; therefore the FHAP attorney contacted a FHIP attorney.

Page 30



The FHIP **tested** the apartment complex and gathered enough evidence to build a strong case of race discrimination. Good News for the FHAP, **JUST WAIT**

FHIP invited the apartment complex owners, the clients, and the HHRC to a settlement hearing. The problem was that the HHRC was not allowed in the settlement room.

The case was settled the FHIP received settlement monies, and the HHRC received **NOTHING**





What should the HHRC done?

- I. . Sign a Contract with the FHIP.
- 2.
- 3. .
- 4. .
- 5.
- 6.
- 7.
- 8.
- 9.
- 10. .
- 11.
- 12. .



PART II

A Demonstration of an Apple Application (APP) which provides our clients the ability to submit a Fair Housing complaint.

Hammond Human Relations Commission uses Social Media to reach the community to provide information about Fair Housing rights within the City of Hammond, Indiana via Social Media applications on desktops and mobile devices.



Fair Housing: There's An App For That!

In 2016 the Hammond Human Relations Commission applied and won a Fair Housing Outreach grant. We immediately had the idea to reach more clients by creating a mobile app. After approval, we contacted a

Hammond Human Relations COMMISSION contractor who started to design. There are two primary mobile phone operating systems (OS): iOS (Apple) 43% and Android 54%. Why only iOS and Android. BlackBerry and Windows occupy 3% of the total phone owned in the United Stated.

> Imagine, you are a single mother of two (boy/girl). You get denied an application for the apartment because the rental agency states a boy and girl can't be in the same bedroom. What will you do?

> a) You, the mom, says to herself, "I think I have just been discriminated against, but the Fair Housing agency is closed over the weekend and Mr. Jones, my manager, will bust a blood vessel if I ask for time off on Monday to visit the Fair Housing office. I'll let it go".

Fair Housing: There's An App For That!

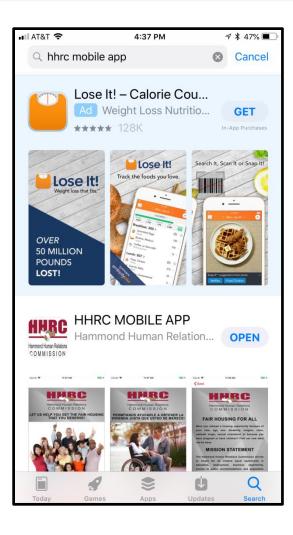
Hammond Human Relations 30MMISSION b.) You, the mom, "I think I have been just discriminated against, let me open the Hammond Human Relations Commission app on my iPhone and file a Housing complaint.

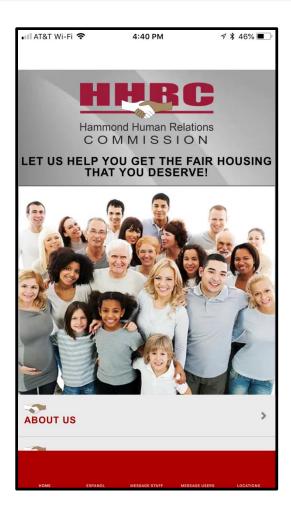
The HHRC contactor quickly developed the Andriod phone app, and it was available on the Andriod app store to be install.

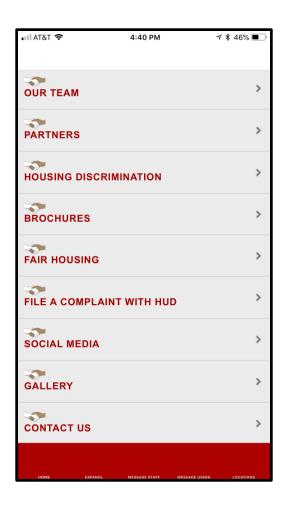
The major problem was not with the contract, the problem was with Apple. Apple had changed there application approval process. It took over a year for the Apple app to be approved. The contractor stated April of 2017 and received approval from Apple May 3, 2018.

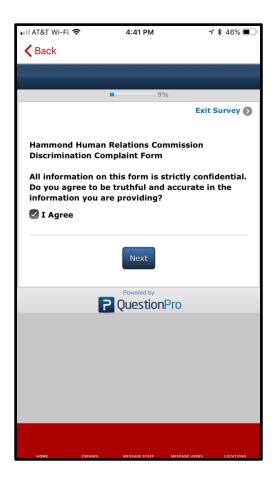


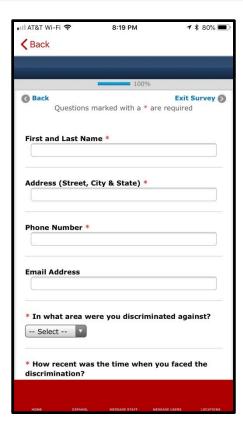


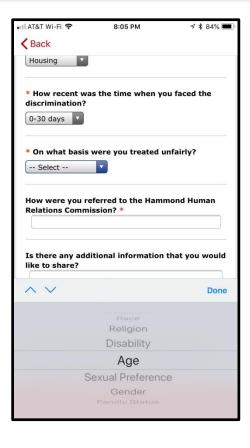


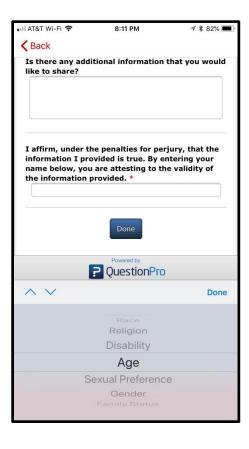












Still Confused?

(Questions)

