

Berea Human Rights Commission
Regular Meeting
December 7, 2015
6:30 PM
Berea City Hall, Community Room

Present: Dave Shroyer (Vice-Chair, acting Chair for Meeting), Gene Stinchcomb (Treasurer), Ali Blair (Secretary), Mim Pride, Carla Gilbert (Chair)

Guests: Michael Harrington (Administrative Assistant), Pam Gaily, Martina Laforce, Charlie Wilton, Beth Meyers (Berea Citizen Newspaper), Bekah Hughes, Brett Hetzell, Megan McKinney, Curtis Stauffer, Molly Kaviar, Hannah Perry

Summary of Actions Taken:

- Stinchcomb MOVES to amend previous meeting minutes to state: Blair seeking quote on banner cost, not Stinchcomb, also, “no action taken during EXECUTIVE SESSION,” and to note reason for EXECUTIVE SESSION was to “discuss incident in the community:”
MOTION CARRIED
- Blair MOVES to approve previous meeting minutes as amended: MOTION CARRIED
- Blair MOVES to approve Treasurer’s report: MOTION CARRIED
- Shroyer MOVES to adjourn meeting 8:35 PM: MOTION CARRIED

Body:

Vice-Chair Shroyer will be acting as Chair for the duration of the meeting in Rev. Gilbert’s absence. Rev. Gilbert intends to attend meeting after prior engagement.

Shroyer calls meeting to order and briefly introduces Commissioners to guests, and presents the opportunity for guests to introduce themselves.

After introductions, Shroyer transitions to discuss previous meeting minutes.

Stinchcomb MOVES to amend the previous minutes to state: Blair, not Stinchcomb, will be seeking a quote on the cost of a banner for the Commission to use at tabling events, to clearly state the reason that the Commission enters EXECUTIVE SESSION, and to reflect that no action was taken by the Commission during the EXECUTIVE SESSION. He notes that a general description of the reason for an EXECUTIVE SESSION and a statement as to whether or not any ACTION was taken during the EXECUTIVE SESSION is required by the parameters of the statutes governing open meetings. MOTION to amend previous minutes: MOTION CARRIED.

Blair MOVES to approve previous meeting minutes as amended: MOTION CARRIED.

Shroyer asks Stinchcomb for the TREASURER'S REPORT. Stinchcomb informs the Commission that he has submitted invoices to the city for office supplies on Thursday. Further, the city has not issued a check for the authorized \$200 for the AVP Conference in February, as the invoice for the item has yet to be submitted.

Blair MOVES to approve TREASURER'S REPORT: MOTION CARRIED.

Shroyer welcomes the Commission's guests from the Bowling Green chapter of Kentuckians for the Commonwealth (KFTC), who have been working on a local URLTA Ordinance, and the Homeless and Housing Coalition of Kentucky (HHCK). The Commission's guests were invited and encouraged to share their expertise on housing issues in Kentucky and ways that local governing bodies may use their authority to resolve housing issues that affect tenants and landlords of residential housing units in Kentucky.

Hannah Perry opened the presentation by highlighting her personal experiences with lawful but harmful housing practices at the hands of a previous landlord. After Perry's introduction, Chris Stauffer, Executive Director of the Homeless and Housing Coalition of Kentucky, addressed the Commission concerning housing laws at the state level and locally passed Uniform Residential Landlord Tenant Acts for Safe and Healthy Homes (URLTA) in communities throughout the Commonwealth.

The HHCK is an organization which focuses on affordable housing in the state and has been working to pass statewide and local URLTA legislation in order to create a codified standard for housing practices instead of leases remaining governed by relatively more tenuous common law standards.

In 1974 the state passed an URLTA law which affected only the metropolitan areas of Louisville and Lexington. However, in 1983 the Kentucky Supreme Court overturned key provisions of the statewide URLTA legislation in *Miles v. Shauntee* stating that it was a violation of the Kentucky Constitution for the State Legislature to pass a law that singled out Jefferson and Fayette Counties alone for no legitimate purpose.

In the wake of the 1983 Kentucky Supreme Court decision, the General Assembly empowered local governing bodies to opt into the protections outlined in URLTA and pass their own local URLTA ordinances. The General Assembly took these steps to address the high court's concerns with the original legislation's territorial applicability. Presently, four counties and fifteen cities in the state have enacted URLTA protections. The last municipality to pass an URLTA Ordinance was Barbourville. Accordingly, only 3.99% of Kentuckians are covered by the types of protections outlined by URLTA, which are designed to standardize and codify the legal rights and responsibilities, and expectations of tenants and landlords.

URLTA's legal changes to the present common law standard include: standardization and codification of terms of a lease, requirements that security deposits be deposited and managed in interest bearing accounts, and streamlining evictions processes.

Under Kentucky's common law standard for verbal leases, landlords are not required to do anything to establish habitability standards for properties they rent. However, Mr. Stauffer notes that URLTA does not include an automatic implementation clause. Claims based on the requirements of URLTA are adjudicated, typically by local circuit courts.

The State House of Representatives has recently explored a statewide URLTA law in House Bill 368. The bill did not receive a hearing in the Judiciary Committee. Mr. Stauffer encouraged Commission to submit a resolution to the City Council of Berea to pass a local URLTA ordinance.

Further, he encouraged the Commission to show support for the passage of a statewide URLTA law, as well as encouraging individuals and guests to add their names to an online petition urging the passage of a statewide URLTA law. Mr. Stauffer also encouraged Commission to reach out to AppalReD if Commissioners need any information concerning the number of people seeking legal assistance from the organization concerning housing issues as his presentation concluded.

Chair, Rev. Carla Gilbert, attends meeting as presentation is concluded. Shroyer continues to act as Chair for the remainder of the meeting.

Shroyer transitions to review progress on outstanding tasks. Chair Rev. Gilbert informs the Commission that City Attorney Gilbert, or someone from his office, will be available to attend a meeting with the Commissioners to discuss open meeting procedures. Rev. Gilbert will contact City Attorney to schedule a work session, as request by Stinchcomb so as not to take time out of Regular Meeting Agenda, immediately prior to the January 4th Regular Commission Meeting.

Stinchcomb delivered a letter directly to the Mayor concerning salary for the Administrative Assistant position. He will send another copy of the letter to Rev. Gilbert.

Presently, Blair reports no progress on receiving a quote on the cost of a banner, and will report back to Commission with results of her search.

Harrington, Administrative Assistant, debriefs Commission concerning office set up. Cherryl Chasteen, Administrator for Randy Stone's office, is scheduling maintenance on the phone line for the office and will report back to Harrington with the details of the scheduled maintenance. Harrington will schedule a meeting with David Rowlette and post office personnel to discuss receiving mail at the office.

Rev. Gilbert debriefs Commission concerning the Chair's Annual Report to the City Council from December 1, 2015. Commissioners asked Rev. Gilbert about the recently sent letter concerning Confederate flag merchandise at the Spoonbread Festival, since the Annual Report did not include mention of the letter. Additionally, Councilors also request more detailed information concerning the number of complaints of discrimination that the Commission has received. Rev. Gilbert mentioned three, but there have been more than three unofficial complaints, which is the information Councilors were seeking.

Pride clarified with Councilor Kerby that the Council was seeking information concerning the number of incidents and complaints that have appeared before the Commission whether or not the Commission has had authority to adjudicate or process the complaints. Pride holds that the Commission should work to piece together this information, about the number of official and unofficially reported incidents, and submit it to the Council.

Rev. Gilbert has worked to tally issues that have arisen from the community from memory and request Commissioners to point out any incidents that she has overlooked.

Shroyer highlights the importance of making the Council and community aware that discrimination is allegedly happening outside the purview of the Commission.

From the previous City Council meeting, Rev. Gilbert understood that the Council will be putting together a subcommittee of select Councilors to address issues of racial discrimination within the community.

Rev. Gilbert and Vice-Chair Shroyer intend to prepare an addendum to the Chair's Annual Report to the City Council including information concerning the number of instances of discrimination within the community as well as detailed information concerning the drafting of the Commission's letter concerning the sale of Confederate flag merchandise at the Spoonbread Festival. Further, this letter of addendum should be submitted as an amendment for the official City Council minutes so that the addendum becomes part of the public record.

Blair points out that there was one housing concern and one disability concern brought to the Commission that Commissioners were unable to address due matter falling outside scope of Commission's charter.

Councilor Kerby intends to put forth a resolution addressing racial discrimination. Rev. Gilbert would like to send a letter to the newspaper to thank Councilor Kerby for requesting a resolution to address racial discrimination in the community, while further encouraging the newly formed subcommittee of City Councilors to make sure issues of harassment based on sexual orientation and gender identity are addressed as well.

Stinchcomb recommends that a letter to the Berea Citizen should include thanks for the efforts the Council has taken and urges the Human Rights Commission to send personalized letters to Councilors encouraging them to address discrimination based on sexual orientation and gender identity as well, as opposed to urging subcommittee to take these steps in the newspaper. Shroyer agrees that this would be a good way to acknowledge the efforts of the Council.

Pride believes that Councilor Kerby's perspective on addressing discrimination within the community indicated in her stated purpose at the Council meeting in seeking a City Council resolution is reflective of a broad perspective which includes addressing instances of discrimination based on sexual orientation and gender identity.

Stinchcomb recommends that before deciding to use the Commission's budget for items that may be acquired through the City, Administrative Assistant talk with the Finance Department about their process for purchasing items for offices. Further stating that Commission should check with the City about office supplies needed before using budget to purchase items which may be provided by the City through other means. He highlights the importance of following the City's process for purchasing and reimbursement.

Rev. Gilbert informs the Commission about Dr. Turley reaching out to the Commission and coordinating on an event discussing race that will take place in April. Shroyer reminds Rev. Gilbert to inquire about Commission getting access to tabling during the event so that Commission can educate public about activities and mission, and pass out information about the Commission's purpose.

Pride seeks clarification on the date of upcoming conferences in which the Commission will attend and participate. The Alternatives to Violence Project (AVP) workshop is scheduled for February 20-21st 9 AM to 9 PM. The Kentucky Civil Rights Act Symposium hosted by the University of Kentucky College Of Law and the Kentucky Commission on Human Rights is scheduled for January 27th. Harrington will keep Commissioners informed as to when registration for the event opens.

Rev. Gilbert informs Commission that she will send a letter of thanks to President Roelofs of Berea College and Mayor Connelly for their leadership in addressing issues of harassment based on race and sexual orientation within the community.

Guests of the Commission inform Commissioners that they have experienced street harassment and having homophobic epithets direct at them multiple times while riding a bicycle in the community. Further expressing gratitude that the Commission's work highlights that there is a civic procedure designed to address these instances.

Shroyer reminds Commission that the structure of a Fairness Ordinance would protect all residents from homophobic discrimination whether residents are members of the LGBTI community or whether they are merely perceived to be a member of that community.

Pride mentions that the Commission has been presented arguments which state that since there are not documentation of harassment, then there isn't a wide spread problem within the city with harassment of LGBTI people. She further emphasizes the importance of letting the Berea Police Department know of any events of harassment. Many residents come to the Commission with issues that the Commission cannot address, but the Commission is able to collect information about the incidents reported to the body.

Blair reminds Commission and guests that the BPD has a new feature on their website that enables online incident reporting. She informs that upon submitting an incident report, one receives an email after the report is processed and it costs \$10 to download the information.

Rev. Gilbert reads from the Chair's Annual Report to the City Council in regards to issues of harassment, stating that although there are not specific city protections addressing discrimination against LGBTI people in housing, employment, or public accommodations, there are issues of harassment which are prohibited by law.

Shroyer encourages anyone who has experienced homophobic harassment to report the issue to authorities regardless of whether or not one anticipates a judicial official would see the issue in the same way.

Blair and Pride request that Harrington reach out to BPD and access the department's non-emergency number.

Shroyer MOVES to adjourn the meeting: MOTION CARRIED 8:35 PM.

Michael Harrington
Berea Human Rights Commission
Administrative Assistant

Minutes recorded: Dec. 7, 2015.

Minutes approved: Jan. 4, 2016.