



SHAKER HEIGHTS

Fair Housing Review Board

Meeting Minutes

February 9, 2023 - 6:00 p.m.

Remotely Held Meeting – Via Zoom

Members Present: Council Member Earl Williams, FHRB Chairperson
Council Member Carmella Williams, FHRB Member
Ann Millette, FHRB Member

Staff Present: William M. Ondrey Gruber, Director of Law/Fair Housing Administrator
Lisa Gold-Scott, Assistant Dir. of Law/Housing Attorney

I. Preliminary Matters

The meeting was called to order by Chairperson Williams at approximately 6:08 pm and a quorum was established. Members and staff introduced themselves. The minutes of the November 10, 2022 meeting were reviewed. Ms. Millette moved to approve the minutes, and Ms. Williams seconded the motion. The motion was unanimously approved.

II. Report On Fair Housing Program

- **Financial Report & Budget for 2022**

Mr. Gruber presented an updated report, through 12/31/2022, which reflects the approved budget for 2023. The actuals for 2023 were also reviewed, which includes \$30,000 for “other special services”. Chairman Williams asked if there might be a need for additional funds due to the number of investigations. Mr. Gruber responded that the grants should be sufficient for now. Gold-Scott mentioned two other potential sources of HUD funding, such as the SEE fund, which can assist with unforeseen litigation costs (such as expert witnesses). Because we approved the '23 budget at our last meeting, no vote is necessary at this time.

- **Complaint Update**

- Ms. Gold-Scott reported that there are 17 complaints (including the one on today’s agenda for conciliation review). One complaint is presently being negotiated and will hopefully be ready for Board review at a later date. Four cases are in the process of being finalized, with “cause” findings. The Board may hear those cases in the future. Three cases are close to being finalized. Three cases will be closed administratively; of those three, one complainant has hired her own attorney and settled the ongoing landlord/tenant litigation. Two cases will be written up as “no cause.” In addition, there are three cases where the investigations are all active.

- Gold-Scott will be emailing Board members with several potential hearing dates and we will need at least four dates scheduled. There is the possibility, as in any kind of litigation, that one or more cases may settle, but the hearing dates must still be calendared so parties can plan accordingly.

- Gold-Scott requested that the Board review a proposed conciliation agreement, and that it be done in executive session, due to the nature of the claims and the status of the ongoing discussion between the parties and staff.

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- Ms. Millette asked how likely is it that the four cases will proceed to hearing. Gold-Scott mentioned that 2 cases likely will go forward, but are not considered complex due to the substantive issues, the lack of a bona fide complainant and because the Respondents have failed to maintain communications with our office. Regarding the other two cases, because our ordinance requires that the parties attempt conciliation prior to a hearing, there is certainly the possibility of one or both of those cases settling prior to the formal hearing. The hearings are open to the public, and hearing dates would appear on the City’s public meeting calendar. Board members would decide whether hearings must be in person, or a hybrid option (such as, the City’s Board of Appeals).
- Ms. Williams asked if the other two cases, if they proceed to hearing, would require two separate hearings, or if they could be heard on the same day. The answer would likely depend on members’ schedules and staff’s estimation as to how long each hearing may take. She also asked whether these cases take one, or multiple days. Staff responded that it is unlikely a hearing would last more than one day. In addition, parties have the right under Fair Housing law to “elect” to have their case heard in a judicial forum, as opposed to an administrative forum.
- Mr. Gruber stated that we would plan to hold a meeting to review procedures, etc. prior to any formal hearings.
- **Executive Session; Approval of Proposed Conciliation Agreement**
Chairman Williams stated that the Board would go into executive session to review a proposed conciliation agreement for one of the pending fair housing cases. Mr. Gruber noted that the motion for executive session would be for the purpose of imminent or pending litigation, per §115.04 of the Codified Ordinances of the City of Shaker Heights.

Ms. Millette moved to go into Executive Session, and Ms. Williams seconded the motion. Ms. Gold-Scott read the roll: Williams – Ay. Ms. Millette – Ay. Chairman Williams – Ay. The motion passed, and the Board entered into executive session (6:38pm).

At 7:00pm, the Board went back on the record in order to continue the agenda.

Ms. Williams moved to approve the proposed conciliation agreement, accepted by all parties in the case of Lauria and Agoado v. Statesman Senior Housing, K&D, Kevin Hagen, Case No. FH-22-04; HUD No. 05-22-6180-8. Ms. Millette seconded the motion, and the motion was unanimously approved.

- **Education & Outreach Presented or Attended by City Staff**
 - January 12, 2023: attended a CLE at the CMBA, How Zoning and Land Use Impact LGBTQ+ Families. The presenter was an attorney (also a Shaker resident).
 - January 18, 2023 – Webinar sponsored by HUD and NFHTA – focused on VAWA, Part II which was reinstated in 2022. VAWA is for victims of domestic violence, sexual abuse, stalking – but only involves covered properties – such as a HUD subsidized property. HUD will accept these cases – and HUD is modifying their own intake procedures to reflect this change, and all FHAPs must do the same. HUD just launched a new website focused exclusively on VAWA with many excellent resources and guidance. Note that “covered properties” includes not only HUD-based properties but other HUD subsidized properties as well.
 - January 19, 2023: attended a required HUD training focusing on intake procedures, including substantive matters, with over 70 participants from our region.
- **HUD Partnership Grant (FY 2021):** The City is waiting on the FHC to finish up the deliverables for this grant.

III. New Business

- Fair Housing Month, April 2023: our office will prepare a resolution for introduction by City Council in recognition of national fair housing month.
- Suggested future events:
 - National Fair Housing Alliance, in partnership with ABC, created a documentary focusing on discriminatory appraisals. HUD also did a recent training focused on discrimination in the appraisal process. We are proposing a viewing of this film, followed by a panel discussion. While it would be ideal to have an event in April, if that does not come to fruition, this can be pushed to later in the year.
 - Potential event in conjunction with other FHAP's, such as the Ohio Civil Rights Commission, and FHIPs – in the Fall
- Landlord and Tenant training offered by the City: currently being explored with other departments in the City, possibly in conjunction with Legal Aid. One goal is to increase awareness of the availability of Legal Aid's Free Eviction Help that can provide legal advice to tenants facing eviction.
- RFQ for Investigative Assistance: this is being drafted and is under internal review. Once finalized, staff will share with Board members.

IV. Future Meetings

Next meeting: May 11, 2023.

V. Adjournment

Hearing no further business, Ms. Williams moved to adjourn the meeting. Ms. Millette seconded the notion, and the motion was unanimously approved.

Approved May 11, 2023

Submitted By:

William M. Ondrey Gruber
William M. Ondrey Gruber, Fair Housing Administrator