



TENNESSEE HUMAN RIGHTS COMMISSION
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May 21, 2021

Board of Commissioners Meeting via WebEx

Minutes

Commissioners Present:

Commissioner Arnwine
Commissioner Behler
Chair Derryberry
Commissioner Hayes
Commissioner Houston
Commissioner Martin

Commissioners Absent:

Commissioner Crider
Commissioner Crafton
Commissioner Sloss

Staff Present:

Beverly L. Watts, Executive Director
Muriel Nolen, Deputy Director
Carla Johnson, Compliance Officer
Veronica McGraw, Communications Director
Lynn Cothren, Special Assistant to the Executive Director
Dawn Cummings, General Counsel
William Wade, Associate General Counsel
Tanya Webster, Title VI Compliance Director
Saadia Williams, Housing Coordinator
Allen Staley, Finance and Administration
Dazaly Reyes-Montalvo, Administrative Assistant

Guests:

James Gooch

Call to Order

Chair Robin Derryberry called the meeting to order at 9:04 a.m. CST and requested a moment of silence given the situations in our daily lives. The roll call was taken with six commissioners present. Commissioner Crider, Commissioner Sloss and Commissioner Crafton were absent.

Chair Derryberry asked for a review and approval of the March 19, 2021 minutes. Commissioner Martin made the motion to approve the minutes and Commissioner Arnwine seconded the motion. All commissioners voted to approve the minutes.

Sunshine Memo

General Counsel Cummings reviewed a memo drafted per the request of Commission Derryberry. The memo concerned Tenn. Ann. Code § 8-44-101 which is also referred to as the Tennessee Open

Meetings Act or the "Sunshine Laws." The memo is attached as page 6 and 7 to the minutes. There were no questions from the Commission Board.

Executive Director Report

Executive Director Watts began her report on staff vacancies. She first introduced the new Deputy Director, Muriel Nolen Malone. She noted that Ms. Nolen is a former Assistant Attorney General in Shelby County and a graduate of the University of Memphis Law School. She asked Ms. Nolen to make a few remarks who did that and indicated she was looking forward to working with the THRC staff. Executive Director Watts noted there were three vacancies in the process of being filled which included Title VI Coordinator, Title VI Compliance and Human Right Representative in Chattanooga. The Chattanooga Regional Coordinator position was filled with Shelbea Cooley who was the Human Rights Representative in that office. She noted that Ms. Cooley was the most outstanding candidate.

The legislature closed on May 5, 2021. She noted the FY '22 appropriation bill was passed and asked Allen Staley to provide information on the current budget. Allen Staley noted that the FY '22 is at the same level as this year and gave more details on the budget spending to date. There were no questions on the budget.

Executive Director Watts noted she and staff had been meeting with EEOC and HUD. The EEOC meeting was to introduce the new Deputy Director and to modify our contract this FY to 155, due to of the all the vacancies int the last year. The meeting with HUD was to discuss the backlog in housing intake and training for staff. She noted that meetings are continuing with STS regarding the employment Case Management System. The goal is have it in place so testing can begin in October.

Three Commissioners terms will expire on June 30, 2021. As required, we have notified the Secretary of State 45 days before vacancies occur. The Commissioners are Crider, Martin, and Sloss who will to serve until reappointed or replaced them.

Executive Director Watts noted that the next Commission meeting has been scheduled as an in person in Nashville in the tower.

There were no questions or discussion. Commissioner Martin made the motion to accept and Commissioner Houston seconded the motion. All Commissioners voted to accept the executive director's report.

Employment Report

Deputy Director Malone reported that employment intake for the two-month period from March 1 through April 30, 2021 was 130 inquiries, of which 102 were through the online portal. She noted that is 78 percent compared to the same time last year. There have been 53 inquiries accepted that included 42 dual files and 11 THRC only. There are 144 pending inquiries. Customer service staff is still supporting the intake unit and inquiries are being processed as quickly as possible. During this time period we have closed 30 cases, 21 dual filed and 9 THRC only. This included 18 no cause, 11 administrative , and 1 pre-determination settlement for \$504.40.

The contract numbers from October 1, 2020 through April 30, 2021 were 59 dual-filed complaints closures. She noted there are 437 pending cases in our inventory of which 344 are duals filed with

the EEOC and 93 THRC only. The Deputy Director noted a six-month plan was developed in March 2021 which include monthly meeting with all investigators to discuss caseloads to determine how course of action and to assist with case closures. We have a goal to reduce the intake backlog, Beginning in June our goal is to assigned new cases to replace the closures through the end of the contract period which is September.

She noted SOPs are under continuous review to conform to ongoing adjustments and revise to enhance efficiency. Training for all staff investigators is under discussion. The EEOC contract was modified downwards from 200 closure projection to 155. Commissioner Houston expressed her appreciation for the level of accountability and the work in closing cases.

Commissioner Behler made motion to accept and Commissioner Hayes seconded the motion. All Commissioners voted to accept the Employment report.

Housing Report

Housing Coordinator Saadia Williams indicated her report covers from March 1, 2021 to April 30, 2021. During this period, we received 91 inquiries and accepted 33. Disability continues to be the number one (1) basis for complaints followed by Race and Gender. The goal is to close more than 100 dual-filed complaints. Housing Coordinator Williams said she was pleased to share that of April staff had three consecutive months of meeting 50 percent HUD efficiency goal. Our current HUD goal stands at 40 percent. We have a significant increase in the number of benefits that were awarded during this period in comparison to last year this time. There has been a four-fold increase which is currently at \$28,627.00.

Commissioner Martin asked why the increase in conciliation benefits. She replied she thinks it is staff better in discussing conciliations with all the parties. Commissioner Martin congratulated the housing team on the good achievements.

Commissioner Martin made the motion to accept and Commissioner Arnwine seconded the motion. All Commissioners voted to accept the Housing report.

Title VI Compliance Report

Title VI Compliance Director Tanya Webster indicated her report covered the period beginning March 1, 2021 through April 30, 2021. Title VI Compliance Staff Completed final reviews on 48 State Agency Fiscal Year 2019-2020. After review there were five agencies that were non-compliant, resulting in an overall compliance rate of 89.6 percent. Compliance standards and notices were sent out to Title VI Coordinators that were complaint and since this report the final finding letters were sent to agency and department heads. We received 68 inquiries, of which 17 were determined to be jurisdictional and were assigned to State Agencies for investigation. The remaining 51 were determined non-jurisdictional. We closed 16 complaints and to date there are 82 open Title VI complaints. We received 122 requests for technical assistance in topics of technical request and most of the topics were Implementation Plan, revisions assistance, complaint processing and investigation questions.

There was no discussion or questions. Commissioner Behler made the motion to accept and Commissioner Houston seconded the motion. All Commissioners voted to accept the Title VI report.

Legal Report

General Counsel Cummings noted that the legislature adjourned on May 5, 2021. She stated that the majority of the bills the Commission were monitoring did not pass but may be pursued in 2022.

There are currently three cases that were filed for judicial review which are being handled by the Attorney General's Office. In one of these cases, there was a reasonable cause finding and both the Complainant and Respondent filed for an Election. Per the statute, Complainant and/or a Respondent have the option to have their contested case heard in Chancery Court. The Attorney General's office filed these actions on April 20, 2021. There is a hearing set in the Woods case for July 16, 2021. Three cases are in the conciliation process.

There was no discussion or questions. Commissioner Arnwine made a motion to accept and Commissioner Martin seconded the motion. All Commissioners voted to accept the Legal report.

Communications Report

Communications Director Veronica McGraw stated that for the reporting period THRC held three housing webinars. On March 23, 2021 the webinar titled, "What You Need to Know About Landlord-Tenant Issues and COVID-19" was held with 88 attendees. The speakers were Tenya Coleman with the City of Memphis Department of Housing and Community Development, Cedric Harris with Memphis Area Legal Services and Amy Schafflein with United Housing. The next webinar titled "Fair and Affordable Housing: Rights, Responsibilities and Resources for Landlord and Tenants" was held on April 7, 2021 with 150 attendees. This was the largest webinar we have held over the last 10 months. Speakers were Jeremy Heidt with the TN Housing Development Agency (THDA), Judge Rachel Bell, Davidson County General Sessions Court and Kathy Trawick with the TN Fair Housing Council. This webinar was part of the HUD partnership grand fund. She noted that on May 11, 2021, the webinar titled "Fair Housing Hot Topics: What you Need to Know" was held with 100 attendees. Speakers included Tracy McCracken with the National Community Reinvestment Coalition (NCRC), Emily O'Donnell, recently appointed Attorney for the City of Chattanooga and Executive Director Beverly Watts.

She noted there have been 5 webinars series that have been completed with HUD partnership and CARES Funding. She announces that the final CARES ACT Fair Housing and COVID 19 webinar is scheduled for May 25, 2021 with speakers from the TN Supreme Court Access to Justice Staff and United Housing and is titled, "A Year In Review: Fair Housing and the Impacts of COVID-19". The final HUD Partnership Fair Housing webinar is scheduled for June 22, 2021. More details will be available soon. THRC purchased Fair Housing and COVID-19 radio and app streaming ads with Cumulus media on three stations in the Nashville market with a total reach of 478,800 impressions. We are currently running the fair housing and COVID-19 ads on WJBE 99.7 FM in Knoxville. The next and final round for Fair Housing and COVID-19 radio ads will air on NPR Chattanooga and NPR Memphis, in late May through mid-June. she noted she was in the process of gathering data from each unit for the fiscal year 2020-2021 annual report.

There were no questions or comments. Commissioner Houston expressed her appreciation for the Communications Director McGraw's work on the advertisements.

Commissioner Hayes made the motion to accept and Commissioner Houston seconded the motion. All Commissioners voted to accept the Communications Report.

Chair Derryberry acknowledged Mr. Gooch and asked if he had any comments. Mr. Gooch indicated he didn't have any comments.

Chair Derryberry made several announcements. She said it was time for elections and she appointed Commissioner Bill Martin as Chair and Commissioners Gary Behler and Mark Hayes as members of the Nominating Committee. Their duties are to solicit nominations and submit a slate at the July meeting. She asked Executive Director Watts to contact Law and Legislation Committee Chair Julius Sloss to convene the Committee to review the proposed professional responsibility additions to the bylaws and present at the July meeting. She noted that the next commission meeting will be in person and plans are under way to hold the September meeting in person in Memphis to present the Wurzburg Award to the family on the late Commissioner White.

Executive Director Watts acknowledged and thanked Carla Johnson for doing a great job in enforcement and employment; acknowledged and thanked Veronica McGraw for her great work and challenge of producing the housing webinars. She also noted that the agency is in the process developing a reopening plan which will be combination of work from home and in office.

Commissioner Martin made the motion to adjourn and Commissioner Arnwine seconded the motion.

The next Commission meeting will be held on July 23, 2021 at 9:00 a.m. CST in person with a virtual option.