

**UNEDITED**

U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, JUNE 24, 2022

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The Commission convened via  
Videoconference at 12:00 p.m. EDT, Norma V. Cantu,  
Chair, presiding.

PRESENT:

NORMA V. CANTU, Chair

DEBO P. ADEGBILE, Commissioner

STEPHEN GILCHRIST, Commissioner

J. CHRISTIAN ADAMS, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

DAVID GANZ, General Counsel

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## STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD

TINALOUISE MARTIN, Director, Office of Management

DAVID MUSSATT, Director, Regional Programs  
Coordination Unit

JULIAN NELSON, ASCD Pathways Intern

ESSENCE PERRY, ASCD Pathways Intern

MICHELE RAMEY-YORKMAN, Deputy Chief Information  
Officer

## ALSO PRESENT:

CINDY BUYS, Illinois Advisory Committee

ATHENA MUTUA, New York Advisory Committee

## COMMISSIONER ASSISTANTS PRESENT:

JOSHUA DANSBY

ALEC DUELL

JOHN MASHBURN

CARISSA MULDER

JUANA SILVERIO

THOMAS SIMUEL

IRENA VIDULOVIC

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1 P-R-O-C-E-E-D-I-N-G-S

2 12:00 p.m.

3 CHAIRMAN CANTU: Welcome to the business  
4 meeting for the U.S. Commission on Civil Rights. The  
5 meeting comes to order at noon Eastern Standard Time  
6 on Friday, June 24th, 2022.

7 I am Chair Norma V. Cantu. We thank the  
8 staff who completed the public notice needed for this  
9 meeting and arranged for the public telephonic  
10 meeting. We thank the general public for their  
11 interest in attending.

12 Due to respect for health and safety  
13 during the ongoing COVID-19 pandemic the Commissioners  
14 are talking via conference call and we are hosting the  
15 general public by phone conference.

16 I would like to confirm that Commissioners  
17 are present, so I will go ahead and take a roll call.  
18 Please say present or aye when I say your name.

19 Commissioner Adams?

20 COMMISSIONER ADAMS: Present.

21 CHAIRMAN CANTU: Commissioner Adegbile?

22 COMMISSIONER ADEGBILE: Present.

23 CHAIRMAN CANTU: Commissioner Gilchrist?

24 COMMISSIONER GILCHRIST: Present.

25 CHAIRMAN CANTU: Commissioner Heriot?

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1 COMMISSIONER HERIOT: I'm here.

2 CHAIRMAN CANTU: Commissioner Kirsanow?

3 COMMISSIONER KIRSANOW: Her.

4 CHAIRMAN CANTU: Commissioner Kladney?

5 COMMISSIONER KLADNEY: Here.

6 CHAIRMAN CANTU: Commissioner Yaki?

7 COMMISSIONER YAKI: Present.

8 CHAIRMAN CANTU: Based on the response we  
9 have a quorum.

10 Is the court reporter present?

11 COURT REPORTER: Yes, I am.

12 CHAIRMAN CANTU: Thank you.

13 Is the staff director present?

14 MR. MORALES: I am present.

15 CHAIRMAN CANTU: Thank you.

16 The meeting will now come to order.

17 Our first item, our first matter to deal  
18 with is our agenda.

19 **I. APPROVAL OF AGENDA**

20 CHAIRMAN CANTU: And as a point of  
21 privilege I'd like to amend the agenda to include a  
22 discussion and vote on the Commission's monthly  
23 business meetings for the next calendar year. That is  
24 for 2023. And so could I please have a Commissioner  
25 second this motion so that we can approve the agenda

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1 to discuss next year's meeting schedule?

2 COMMISSIONER GILCHRIST: Madam Chair,  
3 Gilchrist seconds.

4 CHAIRMAN CANTU: Thank you, Commissioner.

5 We will vote on this amendment first and  
6 then hear Commissioners who have other suggestions for  
7 amendments for today's agenda.

8 Is there discussion on the motion to add  
9 that item today on the next year's schedule?

10 Hearing no discussion, let's go to a vote  
11 to add that item.

12 Commissioner Adams?

13 COMMISSIONER ADAMS: Aye.

14 CHAIRMAN CANTU: Commissioner Adegbile?

15 COMMISSIONER ADEGBILE: Aye.

16 CHAIRMAN CANTU: Commissioner Gilchrist?

17 COMMISSIONER GILCHRIST: Aye.

18 CHAIRMAN CANTU: Commissioner Heriot?

19 COMMISSIONER HERIOT: Yes.

20 CHAIRMAN CANTU: Commissioner Kirsanow?

21 COMMISSIONER KIRSANOW: Yes.

22 CHAIRMAN CANTU: Commissioner Kladney?

23 COMMISSIONER KLADNEY: Yes.

24 CHAIRMAN CANTU: Yaki?

25 COMMISSIONER YAKI: Aye.

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1 CHAIRMAN CANTU: And I vote aye. That  
2 item is added to today's agenda.

3 Are there other suggestions, other  
4 amendments to today's agenda?

5 Hearing no other amendment, we're going to  
6 vote to approve the agenda as amended. All those in  
7 favor, say aye.

8 (Chorus of aye.)

9 CHAIRMAN CANTU: Any opposed?

10 (No audible response.)

11 CHAIRMAN CANTU: Any abstain?

12 (No audible response.)

13 CHAIRMAN CANTU: The motion passes. So we  
14 now proceed to our amended agenda.

15 For our first order of business we're  
16 going to turn to presentations from our advisory  
17 committees.

## 18 II. BUSINESS MEETING

### 19 A. PRESENTATIONS BY STATE ADVISORY COMMITTEE CHAIRS

#### 20 ON RELEASED REPORTS AND MEMORANDUMS

21 CHAIRMAN CANTU: Today's first  
22 presentation will be by the New York State Advisory  
23 Committee member, Ms. Athena Mutua. On the  
24 committee's advisory report on the racial  
25 discrimination and eviction policies and enforcement

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1 in New York.

2 Ms. Mutua, you're going to have 10 minutes  
3 for your presentation. And after that Commissioners  
4 will be able to ask you questions. So you have the  
5 floor.

6 MS. MUTUA: Okay. Thank you so much. And  
7 I'm going to turn on my clock. I haven't exactly  
8 timed this, so I'm going to skip where appropriate.

9 So, good afternoon, Commissioners. My  
10 name is Athena Mutua and I am the Vice Chair for the  
11 New York State Advisory Committee to the Commission.  
12 I'd like to thank you all for providing me this  
13 opportunity to present the advisory committee's report  
14 on racial discrimination and eviction policies and  
15 enforcement in New York.

16 As of 2020, some 30 to 40 million  
17 Americans were at risk of eviction from their homes.  
18 Evictions disproportionately impact persons of color  
19 and is evidenced by wide and significant racial  
20 disparities. Women and families with children are  
21 particularly vulnerable to evictions, but Black women,  
22 half of whom are mothers, are most at risk.

23 So the report focuses on the  
24 disproportionate impact of evictions on people of  
25 color, including in the administration of justice.

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1 And it focuses on three cities: Albany, Buffalo, and  
2 New York. However, eviction is a national problem.  
3 It cuts across regions, across race, gender, and other  
4 protected classes, and it's increasingly kind of  
5 capturing a wide range of individuals.

6 In fact, almost half of all renter  
7 households across the nation pay more than 30 percent  
8 of their income on housing, rendering them what we  
9 call rent cost-burdened. A quarter of renters are  
10 severely rent cost-burdened paying more than 50  
11 percent of their income on rent alone.

12 What this means is that almost half of all  
13 renter households in the U.S. struggle and could  
14 possibly face eviction when they suffer a financial  
15 emergency such as job loss, medical problems, or other  
16 unexpected expenses ,including the landlord raising  
17 the rent. Thus, it's unsurprising that the most  
18 common reason for eviction is that renters fall behind  
19 on paying their rent.

20 The deeper problem lies at the  
21 intersection of a national shortage of affordable  
22 housing, stagnant wages for most workers, and rising  
23 housing rent, which is expected to become worse with  
24 inflationary pressure.

25 In 2015, not a single U.S. county in the

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1 United States had enough rental housing for low-income  
2 residents. As of 2020, little has changed. The  
3 affordable housing shortage is, in part, a function of  
4 decades of stagnate wages for most middle and low-  
5 income wages. There is a paucity rental housing for  
6 higher income families. This long-term stagnation has  
7 occurred in the context of increasing economic  
8 inequality.

9 In the state of New York, the state of New  
10 York has one of the highest rental rates in the  
11 country. Almost half of New York residents are  
12 renters and 47 percent of those are rent-burdened. In  
13 mid-size New York cities, including Albany, Buffalo,  
14 Rochester, Syracuse, and Yonkers, a full third of  
15 household renters are not simply rent cost-burdened,  
16 but severely rent cost-burdened, rendering them  
17 vulnerable to eviction and homelessness. And as you  
18 know New York City is a particularly high-cost area  
19 where over two-thirds of its residents are renters.

20 So, again, considering the way in which  
21 half of the renters are rent cost-burdened, it's  
22 unsurprising that the majority of court filings for  
23 eviction are for non-payment of rent. However,  
24 studies demonstrate that Black and Hispanic households  
25 are more likely to face eviction filings and executed

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1 warrants of eviction; that is, be actually evicted  
2 from their household.

3 This too should not be surprising. The  
4 pool of renters is constituted by a higher percentage  
5 of Black and Hispanic renters. That is more Whites  
6 tend to own homes.

7 So in Buffalo, for instance, White home  
8 ownership is at 73.4 percent while Black home  
9 ownership is at 28.9 percent. So the renter pool is  
10 already disproportionately skewed.

11 In addition, Black and Hispanic households  
12 tend to be poorer; however, Black and Hispanic  
13 households are more likely to face eviction filings  
14 and eviction than White households even controlling  
15 for income. Studies show that poverty is second to  
16 race in predicting eviction risk.

17 Tim Thomas' research -- he's the director  
18 of the UC Berkeley's Urban Displacement Center --  
19 notes that in all of the research that we see race is  
20 always the number one variable that predicts eviction.

21 We also control for hundreds of variables that  
22 related to evictions, but every single time  
23 statistically the models point out that the percentage  
24 of Black people in a population is the highest  
25 predicted variable for eviction. This makes this a

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1 civil rights issue.

2 Female renters of all races also have  
3 higher evictions; 15.9 percent higher. Black women  
4 have the highest risk of eviction and are more likely  
5 to have eviction filings, have someone file them in  
6 court, that are later dismissed. In fact, when we  
7 look at serial filings, White households are more  
8 likely to be evicted when you see serial filings  
9 against them. By contrast, Black women-headed  
10 households are much more likely to receive serial  
11 eviction filings, but have them dismissed in the long  
12 run.

13 In all three cities that we looked at, and  
14 across the nation, more eviction filings and evictions  
15 occur where the highest population of people are  
16 people of color. And we find that this corresponds to  
17 segregation. Those areas that are segregated tend to  
18 have higher eviction filings and higher evictions.

19 Evictions have long-term consequences.  
20 It's the leading cause of homelessness, not simply  
21 after eviction, but for years afterwards. People who  
22 are evicted from their homes had an increased chance  
23 of subsequent physical and mental health issues, and  
24 evictions can interfere with child development.  
25 There's a lot more of that in the report. Let me just

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1 skip down. I see I have three minutes left.

2 And so when we think about the disparities  
3 in evictions the significant disparities, one of the  
4 things that we find is that the factors that are  
5 influencing this are kind of a long history of  
6 redlining and -- which continues and a history that  
7 has suppressed home ownership in these communities.  
8 Segregation becomes a significant factor in  
9 determining and affecting these disparities. Lack of  
10 affordable housing, stagnant wages, voting policies,  
11 wealth gaps, et cetera. These are the factors that  
12 are affecting and shaping this eviction crisis.

13 There are also particular other policies.

14 So eviction as a policy has these huge disparities  
15 that are affected by these factors. But then there  
16 are other policies that in fact increase -- seem to  
17 increase the disparities and they include policies  
18 like crime-free ordinances, eviction records, source  
19 of income discrimination, housing security, and sub-  
20 standard housing. And a third policy is really  
21 viewing housing as an investment rather than housing  
22 as a home. And we talk about that in terms of our  
23 findings and recommendations.

24 So when you come to our recommendations, I  
25 think there are kind of four patterns that you see in

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1 the committee's recommendations. One is -- one of the  
2 top recommendations is to engage and kind of having  
3 the municipalities, et cetera, state engaging racial  
4 equity studies to pursue policies that decrease  
5 segregation and direct resources to those areas where  
6 we see the highest amount of evictions.

7 The second pattern that you see kind of in  
8 all of our recommendations is a focus on prevention.  
9 That is to set up programs that divert landlord and  
10 tenant conflicts from the court to programs where you  
11 can kind of mediate the problems. And so we have  
12 evidence from the New York Commission on Human Rights  
13 that has a whole mediation education program. They  
14 had hundreds -- they have 1,500, one thousand five  
15 hundred complaints in 2020 and after their processes  
16 less than 70 cases proceeding to litigation. So  
17 prevention seems to be a really important part and  
18 that comes through I think in our recommendations.

19 The third recommendation that you see is  
20 that when these -- after prevention when these things  
21 go to court that there should be a right to counsel.  
22 And we saw significant numbers. New York City has a  
23 right to counsel law. It's been in place since 2017.

24 We have seen significant decreases in default  
25 judgments and 84 percent of those tenants with counsel

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1 stayed in their homes.

2 And then you see kind of projections  
3 around administration of justice. A lot of evidence  
4 that there's disparate treatment in our housing court  
5 system. I'm sorry. That is my computer telling me  
6 it's time.

7 And so the recommendations are to have --  
8 kind of an eliminating the summary proceedings, having  
9 more time for discovery, a lot of recommendations  
10 about eliminating hallway adjudications, cleaning up  
11 the space, et cetera, et cetera. And this idea of  
12 enforcing the law. Enforce the anti-discrimination  
13 laws. Also enforce codes. But in terms of enforcing  
14 codes there's also this provision to try to help mom  
15 and pop landlords in particular who were particularly  
16 hurt by moratoriums during COVID, et cetera.

17 So that's the end of my presentation. I'm  
18 open for questions. I thank you very much again for  
19 allowing me to present our report.

20 CHAIRMAN CANTU: Thank you, Ms. Mutua.  
21 That was an excellent report.

22 We're going to turn now for questions from  
23 our Commissioners. Would someone like to ask a  
24 question?

25 COMMISSIONER GILCHRIST: Madam Chair, this

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1 is Commissioner Gilchrist.

2 CHAIRMAN CANTU: Yes, I recognize you.  
3 You've got the floor, Commissioner.

4 COMMISSIONER GILCHRIST: Thank you, Madam  
5 Chair.

6 Madam Vice Chair, let me thank you very  
7 much for your excellent presentation. You raised a  
8 point at the end of your presentation that I wanted to  
9 ask a little bit about today. And I read in your  
10 examination that you included some of the challenges  
11 that mom and pop landlords are currently facing. I  
12 know personally for example landlords where the COVID  
13 moratorium literally wiped them out. And of course  
14 many of the tenant lost their jobs and some just quite  
15 frankly did the math and stopped paying because the  
16 courts said that they could.

17 The response to help the landlords has  
18 seemed to be somewhat slow and assisting some of those  
19 business owners in particular, entrepreneurs, back to  
20 a place of wholeness, at least for those that may  
21 still be in operation. Now it seems that we have a  
22 situation where the small entrepreneurial landlords  
23 have very little space to operate due to the large  
24 investment types that are buying up houses all across  
25 the country. And we're now seeing how it's driving up

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1 costs to include rent, as you mentioned, and quite  
2 frankly I believe can have a devastating impact on  
3 housing access.

4 Just curious to know, how is New York  
5 looking to address the landlord issue through policy  
6 actions? I'm searching for states across the country  
7 that particularly might be in engaged in policy  
8 initiatives that may be impacting that so I was just  
9 curious to know if you guys came across anything that  
10 might be of use.

11 MS. MUTUA: We unfortunately haven't. One  
12 of the things -- we found the same sort of thing, that  
13 when we were looking at mom and pop landlords, they  
14 were having significant problems particularly during  
15 COVID. And again, as you say, they are being kind of  
16 bought out by large investment companies. And that is  
17 particularly disturbing because it is -- it's running  
18 up the cost of housing. So young people can't buy  
19 housing and renters are having a hard time.  
20 Especially those who are low-income and are already  
21 rent-cost burdened are having a hard time staying in  
22 those places. So this is a problem. And we  
23 thought about looking at that. Instead of moving onto  
24 another topic we did debate whether we should look at  
25 the financial-ization of housing, but decided

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1 ultimately against it.

2 I am not aware of any particular policies  
3 that are set in place to try to remedy any harm that  
4 has been done to landlords particularly during COVID.

5 What we saw by the time we finished our study was  
6 that a lot of the federal money that had been  
7 designated for rent support, which would have directly  
8 helped small landlord owners, or small landlords had  
9 not been distributed.

10 And so there's a lot of emphasis I think  
11 in our report about putting efforts behind  
12 distributing the money that's already in place. And  
13 so that's as far as we went. Try to distribute the  
14 money. This would help. But nothing more remedial.

15 And then I think in our recommendations we  
16 thought a lot about code enforcement and what that  
17 means for the mom and pop landlords. A lot of times  
18 they need some support.

19 So in Buffalo for example, we can talk  
20 about those areas where you have eviction filings.  
21 Those are -- also tend to be segregated areas. That's  
22 kind of the east side of Buffalo. And that's very old  
23 housing stock. Very old housing stock. And so in  
24 terms of enforcing the code those mom and pop  
25 landlords tend to need more support. And so we

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1 thought about that as kind of a looking forward.

2 But unfortunately that doesn't address the  
3 problem I think that you raised, which is what do we  
4 do for those people who have actually lost or sold  
5 their homes that they rented during COVID? We offer  
6 nothing there. I'm sorry.

7 COMMISSIONER GILCHRIST: No, thank you for  
8 that explanation. And again I may have a couple of  
9 follow-up questions, but I'll give my fellow  
10 Commissioners and opportunity to weigh in. But I  
11 certainly want to thank you for presenting this to us  
12 today.

13 Thank you, Madam Chair.

14 CHAIRMAN CANTU: Thank you, Commissioner.

15 Does someone else wish to ask any  
16 questions?

17 COMMISSIONER ADEGBILE: Madam Chair,  
18 Commissioner Adegbile.

19 CHAIRMAN CANTU: Yes, Commissioner, you  
20 have the floor.

21 COMMISSIONER ADEGBILE: With apologies  
22 about the background noise which are the sounds of New  
23 York tuning into our meeting.

24 I thank you very much for the important  
25 report. And one of the things that I wanted to ask

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1 about is whether in examining this eviction issue  
2 there was any context of the interrelationship between  
3 the issues that many people are talking about in New  
4 York with respect to people who are unhoused and  
5 unsheltered and the consequences of these evictions.

6 And then more broadly some of the  
7 innovations that I understand cities like Houston and  
8 perhaps to some degree Atlanta have been exploring in  
9 addressing the needs of the unsheltered and having  
10 some pretty impressive results in changing the  
11 dynamics of people who have been without housing.

12 MS. MUTUA: Thank you for the question.  
13 Again, I'm going to have to disappoint you. No, we  
14 did not look at that. We pretty much had our hands  
15 full, I think, on getting our minds around the extent  
16 of the eviction crisis and the factors that influenced  
17 it, and then thinking about how we might come up with  
18 recommendations that might address those.

19 What we did talk about quite a bit, as you  
20 might imagine, though, is how eviction contributes to  
21 homelessness. And it's a significant contributor.  
22 And some statistics suggest that a third -- as much as  
23 a third of evictions end in homelessness. And that  
24 this is not just immediately after folks have been  
25 evicted, but the effects of that eviction in terms of

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1 leading the homelessness is ongoing. And so that's  
2 about as much as we did with regard to the unsheltered  
3 and homeless.

4 I think our goals were to try to keep  
5 people in homes, right? I think that was our central  
6 goal: how to deal with the issue of an eviction, how  
7 to try to keep people in their homes so that we do --  
8 because of the consequences, homelessness has been on  
9 of the central consequences of evictions, how to try  
10 to keep them in the home so that we avoid the  
11 homelessness and unsheltered problem altogether with  
12 those that are -- that at least have shelter now. It  
13 doesn't do anything for those who are unsheltered.  
14 And so we did not look at that more. I'm sorry.

15 COMMISSIONER ADEGBILE: No worries.

16 Madam Chair, one more question, if I may?

17 CHAIRMAN CANTU: Yes, please.

18 COMMISSIONER ADEGBILE: The other thing I  
19 wanted to ask is whether your examination of evictions  
20 took any special focus or considered the impact on  
21 children specifically and to what extent the broader  
22 statistics that you're mentioning are having carry-on  
23 effects on young people.

24 MS. MUTUA: Okay. Yes, so we did touch on  
25 that in a couple of different ways. So in terms of

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1 studies the most definitive studies on causes of  
2 eviction have to do with children. Landlords do  
3 discriminate against families with children. That  
4 much is really clear and was uncontroversial. There  
5 are a couple of uncontroversial things.

6 In terms of housing access there's  
7 widespread discrimination. That was clear. Eviction  
8 of course represents the back end and that was more  
9 muddy. But in terms of other sorts of data around  
10 children it's very clear that landlords discriminate  
11 against people, families with children and we  
12 particularly see that -- women with children, women as  
13 heads of households, Black women in particular with  
14 children really face a great deal of discrimination.  
15 So really pretty uncontroversial.

16 In terms of the consequences, let me look  
17 at some of my notes on those that I didn't go through.

18 What we've seen is that -- so studies have linked  
19 eviction to increased -- that the studies, I'm sorry,  
20 have shown that eviction can interfere with child  
21 development. They have linked eviction to increased  
22 incidence of adverse birth outcomes, including low  
23 birth weight, prematurity, and infant mortality.

24 Studies have also showed that children  
25 exposed to eviction have a higher prevalence of food

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1 insecurity. That should not be surprising. And they  
2 have worse educational outcomes than other low-income  
3 children living in rental housing. And then we have  
4 some more data on adults, including higher suicide  
5 rights and that sort of stuff.

6 So there is somewhat -- it's pretty  
7 definitive around the negative impact of eviction on  
8 children as well as the pretty definitive findings  
9 that families with children face increased  
10 discrimination. I don't know if that's helpful, but  
11 --

12 COMMISSIONER ADEGBILE: Thank you. Thank  
13 you very much.

14 CHAIRMAN CANTU: Thank you. Those were  
15 terrific questions, Commissioner, and terrific  
16 answers, Ms. Mutua.

17 Do we have other questions from the other  
18 Commissioners?

19 COMMISSIONER GILCHRIST: Madam Chair?

20 CHAIRMAN CANTU: Yes.

21 COMMISSIONER GILCHRIST: This is Gilchrist  
22 again just to add one additional quick question for  
23 the Vice Chair. Do you remember the gentleman in New  
24 York that led a movement called "The Rent Is Too Damn  
25 High in New York," Jimmy McMillan?

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1 (Laughter.)

2 MS. MUTUA: No.

3 COMMISSIONER GILCHRIST: You don't  
4 remember that? Well, he was an interesting character.  
5 Back in 2010, I believe it was, he actually ran for  
6 governor in the state of New York, and he ran on the  
7 Rent is Too Damn High Party. You might want to look  
8 that up. I found that to be interesting.

9 (Laughter.)

10 MS. MUTUA: I will.

11 COMMISSIONER GILCHRIST: But my question  
12 to you though, are you familiar with opportunity  
13 zones?

14 MS. MUTUA: Yes.

15 COMMISSIONER GILCHRIST: Okay. Many  
16 people in the country see opportunity zones as a way  
17 of really bringing back investments into low wealth  
18 communities across the country. Just curious to know,  
19 in your examinations, if this was a subject that may  
20 have come up, particularly as it relates to trying to  
21 identify more affordable housing options in New York.

22 MS. MUTUA: It only came up in terms of  
23 the kind of increased financial cost of housing. And  
24 there we were really looking at this study which  
25 suggested that a lot of policymakers were encouraging

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1 investment firms, these equity funds, to invest in  
2 these opportunity zones as a way of saving additional  
3 affordable housing.

4 And the study suggested that this was  
5 problematic because the business model of the funds  
6 really is to -- not necessarily to build housing, but  
7 to buy housing. And part of their business is kind of  
8 this routine eviction part. Eviction is very much a  
9 part of kind of what they routinely do. They tend to  
10 file eviction notices with the court. They tend to  
11 file for lower amounts of money and much more  
12 regularly.

13 And so the study suggested that this might  
14 have contradictory impacts on evictions; that is, this  
15 promotion of equity buying houses and in opportunity  
16 zones. So that's kind of how the opportunity zones  
17 came up.

18 I think that one person you might want to  
19 look at who has done a lot of work in this area,  
20 though, is a legal scholar by the name of Audrey  
21 McFarlane. And she's at the University of Baltimore.

22 She's done a lot of work on looking kind at the  
23 Baltimore region enterprise zones, all sorts of  
24 things. She's done quite a bit of work on that and  
25 you might want to look at her. I think she's far more

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1 critical of some of that and so she could help at  
2 least to locate the pitfalls of that idea.

3 The second thing I would say in response  
4 to your rent is too damn high comments is that one of  
5 our recommendations and from a lot of the advocates on  
6 the ground was to particularly in public housing, but  
7 in terms of additional affordable housing might be  
8 built that it be keyed to the median income of the  
9 area, all right, so that it's keyed to what people  
10 could actually afford to pay.

11 So that in a lot of these areas -- so  
12 there's one example where -- I think it's in Albany,  
13 where half the folks could only afford to pay \$625 in  
14 rent, but only 18 percent of that area had rents at  
15 that level. And so there is a lot -- there were a  
16 number of suggestions that we really need to peg rents  
17 to what people can actually afford to pay, which is  
18 kind of an interesting concept and difficult kind of  
19 in a market economy. So I mean that just goes to your  
20 idea of kind of the rent was too damn high. It was  
21 too damn high for people to actually -- low-income  
22 people to actually afford to pay it. They couldn't  
23 afford --

24 (Simultaneous speaking.)

25 COMMISSIONER GILCHRIST: I'm sorry I didn't

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1 mean to cut you off.

2 MS. MUTUA: I'm done. Thank you.

3 COMMISSIONER GILCHRIST: Okay. No, I  
4 appreciate that and thanks for the comments, you know,  
5 regarding the opportunity zone I certainly would  
6 encourage you to take a look at that as an opportunity  
7 to really look at some ways that we could be creative  
8 about affordable housing. There's some data that's  
9 come out on that and I'd be happy to share that with  
10 you; I know Audrey very well, where this information  
11 could potentially be very impactful as we figured out  
12 -- coming off the issue of COVID what housing will  
13 look like for the future. And so anyway, I'd be happy  
14 to share that with you.

15 MS. MUTUA: Oh, I'd love it.

16 COMMISSIONER GILCHRIST: And then finally,  
17 yes, look up -- Jimmy McMillan was the inspiration for  
18 me back in 2010 regarding the housing situation in New  
19 York. Was one of the inspirations that really got my  
20 attention about affordable housing and what could  
21 potentially be done. And so I would encourage you to  
22 look him up. He was an interesting character out of  
23 the New York area, but I thought he brought a lot of  
24 national attention to what he was describing way back  
25 them. So anyway, thank you so much for your report

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1 and I look forward to following up.

2 Thank you, Madam Chair.

3 CHAIRMAN CANTU: Thank you, Commissioner  
4 Gilchrist.

5 Questions from the other Commissioners?

6 (No audible response.)

7 CHAIRMAN CANTU: I have no further  
8 questions. I just want to give a remark and -- just  
9 to express my appreciation for how hopeful your report  
10 is, the fact that it is hard to write a well-  
11 structured report and you did that. It is even harder  
12 to write one that has positive doable recommendations  
13 and that extra effort that you placed into your report  
14 showed through in your presentation today. Excellent  
15 job, vice chair.

16 So with no further questions we're going  
17 to move onto our next item. And I thank Vice Chair  
18 Mutua for her service and leadership on the New York  
19 State Advisory Committee and for taking the time to  
20 speak with us today.

21 Madam Vice Chair, if you'd like to stay on  
22 and listen to other presentations, you are of course  
23 welcome, but if you --

24 MS. MUTUA: Thank you.

25 CHAIRMAN CANTU: -- like many of us who

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1 have a full schedule and you leave, we will -- you may  
2 leave with our gratitude. So thank you.

3 MS. MUTUA: Thank you, Madam Chair.

4 CHAIRMAN CANTU: Great. Thank you. Thank  
5 you.

6 Okay. All right. Our next presentation  
7 will be by Illinois State Advisory Committee member  
8 Ms. Cindy Buys and she will be presenting on the  
9 committee's fair housing policy brief changing housing  
10 -- oh, sorry. Fair housing policy brief. Pause.  
11 Changing housing policy to protect civil rights.

12 CHAIRMAN CANTU: Ms. Buys is going  
13 to speak with us for 10 minutes and afterwards you may  
14 all ask questions as Commissioners.

15 Welcome, Ms. Buys.

16 MS. BUYS: Thank you. Good afternoon, or  
17 morning depending on your location. I very much  
18 appreciate this opportunity to present the report of  
19 the Illinois Advisory Committee on Civil Rights and  
20 Fair Housing in Illinois.

21 As was said, my name is Cindy Buys. I am  
22 a law professor at Southern Illinois University School  
23 of Law and I'm currently serving as the vice chair of  
24 our Illinois Advisory Committee.

25 The United States has a long and sorry

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1 history with respect to discrimination and segregation  
2 in housing. Although we have eliminated unfair  
3 discrimination on a de jure basis, past and ongoing  
4 practices in the housing and lending markets continue  
5 to produce significant disparities in equal access to  
6 quality housing and home ownership between minority  
7 and non-minority populations.

8 Here in Illinois our committee chose to  
9 investigate housing practices in part because of news  
10 coverage regarding horrific conditions in public  
11 housing in our state especially at public housing  
12 facilities in Carol, Illinois and East St. Louis in  
13 Southern Illinois, as well as reports of  
14 discriminatory practices and segregation in housing in  
15 the Chicago area.

16 Testimony at our hearings referred to  
17 Chicago as one of the most segregated cities in the  
18 nation. Lending practices such as redlining, the  
19 misuse of HUD funds, racial steering, and restricted  
20 covenants continue to exact a hold on equitable access  
21 to desirable and affordable housing.

22 Our investigation led to several findings  
23 and recommendations, but I will only highlight three  
24 of them here.

25 First, the committee heard concerning

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1 testimony regarding a decrease in financial support  
2 and staffing at HUD and related agencies that are  
3 needed to properly enforce the fair housing laws both  
4 at the federal and state level. Illinois has an  
5 Affordable Housing and Appeals Act which requires  
6 local communities to create plans to increase the  
7 availability of affordable housing, however, many  
8 communities are exempt from the act either because  
9 they are below the threshold size or because of their  
10 local housing status.

11 Even those that are covered by the act  
12 often lack necessary resources to implement it  
13 properly. And although federal law provides for  
14 complaint and investigation processes for allegations  
15 of unlawful discrimination in housing, HUD and other  
16 responsible government agencies have received  
17 inadequate funding to properly enforce these laws  
18 significantly hindering their ability to do their job.

19 Based on this testimony the Illinois  
20 Committee recommends that the U.S. Commission on Civil  
21 Rights make a recommendation that the U.S. Housing and  
22 Urban Development and other federal and state agencies  
23 responsible for investigating and enforcing fair  
24 housing laws and practices be adequately funded and  
25 staffed to allow for the proper enforcement of these

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1 fair housing laws.

2 Second, past criminal history often stands  
3 as a barrier with regard to access to housing.  
4 Testimony revealed that local crime-free and nuisance-  
5 free ordinances are sometimes used to target persons  
6 of color in some communities and lock individuals with  
7 certain criminal background out of housing in those  
8 communities.

9 The committee heard testimony that because  
10 a disproportionate number of African Americans have  
11 been subjected to arrests and convictions this type of  
12 discrimination impacts Blacks more than other groups.

13 Landlords often do criminal background checks, but  
14 they do not have the expertise to understand the  
15 results and they may wrongly deny rentals to  
16 prospective tenants.

17 Partly as a result of this problem,  
18 persons with criminal records end up homeless at much  
19 higher rates. Accordingly, the Illinois Committee  
20 recommends that the U.S. Civil Rights Commission work  
21 with the U.S. Congress to amend the fair housing laws  
22 to prevent unfair discrimination based on criminal  
23 history.

24 Third, the committee found that  
25 significant discrimination exists with respect to the

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1 source of funding for housing. Persons with Section 8  
2 or Housing Choice Vouchers are other public housing  
3 assistance often have significant difficulty accessing  
4 decent housing. Testimony revealed that high-cost  
5 neighborhoods in Chicago are 60 percent White while  
6 low-cost neighborhoods are 80 percent African  
7 American. And when we suffered the housing crisis of  
8 2008 it negatively affected those low-cost  
9 neighborhoods to a much greater degree and their  
10 recovery since that housing crisis has been much  
11 weaker, thus this problem has fallen more heavily on  
12 persons of color.

13 Accordingly, the Illinois Committee  
14 recommends the U.S. Civil Rights Commission work with  
15 the U.S. Congress and the Illinois legislature to  
16 amend the fair housing laws to prevent unfair  
17 discrimination based on source of income such as the  
18 HUD Section 8 and other Housing Choice Voucher.

19 As I said at the beginning there are  
20 certainly more findings and recommendations in the  
21 report, but I will stop here and leave my additional  
22 time for questioning.

23 Thank you again for your attention and  
24 thank you to the Illinois Committee and the Commission  
25 staff for their work on this excellent report.

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1                   CHAIRMAN CANTU: Thank you. Very much  
2 succinct but also very deep in information.

3                   Commissioners, would you like to ask  
4 questions of Vice Chair Buys?

5                   (No audible response.)

6                   CHAIRMAN CANTU: I'm not hearing  
7 questions. Let me pose one for you.

8                   As a professor you're probably really  
9 engaged in planning and prevention and looking toward  
10 the future. Was your committee able to have access to  
11 government reports or to scholarly reports with  
12 projections in terms of what housing needs would be?

13                   MS. BUYS: We did -- we primarily were  
14 focusing on the current state of housing and what has  
15 been the history here in Illinois. Certainly the  
16 projections about homelessness, for example, among  
17 those with past criminal history were that that would  
18 continue to be an ongoing problem. So there were  
19 some projections, but I think we were really looking  
20 at the current state of affairs for the most part.

21                   CHAIRMAN CANTU: And I think that is the  
22 norm, that people do plan according to the numbers  
23 they have about today, but I'm reminded of -- and I  
24 can't remember which Texas senator said it, but it was  
25 a state senator who said y'all have to think like the

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1 football player: he throws the ball to where his  
2 colleague on the team is going to be, not where he is  
3 right now. And not being an athlete myself I almost  
4 understood that quote. But I think its relevance is  
5 we have a gap to close and the gap keeps growing  
6 instead of shrinking. Do you agree that it could  
7 become worse?

8 MS. BUYS: Yes, and as we're talking I'm  
9 remembering a portion of the testimony and report that  
10 had to do with the kind of housing that is being  
11 constructed; and this is relevant to those who have  
12 Section 8 vouchers, that we're seeing housing being  
13 constructed that is often for smaller families, for  
14 example. And for those who have -- living with  
15 extended families -- certain nationalities and  
16 cultures have much larger families that live together.

17 And those reasons combined mean that we have this  
18 growing shortage of affordable housing that is  
19 available for families who need to live with more  
20 people to maybe make it affordable or who do so as a  
21 result of sort of cultural norms in their community.  
22 And so we did look at some of the types of housing  
23 that were being built and where it was being built and  
24 it was not being built in affordable neighborhoods.

25 CHAIRMAN CANTU: Thank you. That's really

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1 useful to understand.

2 Do any of the other Commissioners have any  
3 questions of Vice Chair Buys?

4 COMMISSIONER GILCHRIST: Madam Chair,  
5 Gilchrist.

6 CHAIRMAN CANTU: Yes, Commissioner, you  
7 have the floor.

8 COMMISSIONER GILCHRIST: Thank you so much  
9 for your presentation, Madam Vice Chair. This issue  
10 always brings up an interesting question for me  
11 regarding the Fair Housing Act. And the question is  
12 -- consistently for me is whether or not the Fair  
13 Housing Act in 2022 is still fair. I was interested  
14 to see that one of the proposals or suggestions you  
15 make is to amend the Fair Housing Act, but I'm just  
16 curious to know from you as you all thought about  
17 that, the committee, if in fact that was indeed part  
18 of the discussion whether or not -- in 2022 is the  
19 Fair Housing Act still fair?

20 MS. BUYS: It's a good question. And one  
21 of the things that we're seeing is that the categories  
22 of people affected by the civil rights law perhaps are  
23 a little bit more subtle. And I've had this  
24 discussion with my committee in more than one context,  
25 not just housing, that we have laws now that say you

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1 can't discriminate on race, but the previous report on  
2 evictions and I think my report on housing are both  
3 talking about disproportionate impacts on certain  
4 communities in practice even though on the face of the  
5 law we may have outlawed discrimination based on race.

6 And so when we look at the Fair Housing  
7 Act and other civil rights legislation we're starting  
8 to think that perhaps we need to take another look at  
9 the categories of persons that are included, that it's  
10 sometimes socioeconomic background where the  
11 discrimination occurs that is not directly correlated  
12 with race, but which can disproportionately fall on  
13 certain racial groups.

14 We've also looked at veterans. Sometimes  
15 there are issues of access by veterans. There are  
16 issues of access by homeless persons, which again can  
17 relate to that socioeconomic background. And so there  
18 are other categories of persons that are being  
19 disproportionately affected that are not specifically  
20 mentioned in the statutes, but that maybe are sort of  
21 the 2022 version of what's happening in the '70s.

22 COMMISSIONER GILCHRIST: Sure. No, I  
23 thank you for that. And I'll certainly look forward  
24 examining and exploring that more, so thank you so  
25 much for your perspective and the committee's work on

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1 that.

2 Thank you, Madam Chair. That's all I  
3 have.

4 CHAIRMAN CANTU: Thank you.

5 Any other questions, Commissioners?

6 (No audible response.)

7 CHAIRMAN CANTU: If there are no further  
8 questions, we're going to move onto the next topic on  
9 our agenda.

10 Thank you, Vice Chair Buys, for your  
11 service and leadership on the Illinois State Advisory  
12 Committee and taking the time to speak with us on this  
13 important topic today.

14 MS. BUYS: Thank you very much.

15 CHAIRMAN CANTU: Oh, thank you. Thank  
16 you.

17 Our second item on today's agenda,  
18 discussion and vote on state and territory advisory  
19 committee appointments.

20 **B. DISCUSSION AND VOTE ON ADVISORY COMMITTEE**

21 **APPOINTMENTS**

22 CHAIRMAN CANTU: So as you know, the  
23 Commission depends on advice from highly-qualified  
24 persons who serve in each of our 50 states plus the  
25 District of Columbia, and most recently the U.S.

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1 Virgin Islands, Puerto Rico, the Northern Mariana  
2 Islands, Guam, and American Samoa. Today we  
3 will appoint one advisory committee, Northern Mariana  
4 Islands.

5 I move to appoint the following persons to  
6 serve as advisory committee members in the Northern  
7 Mariana Islands based on the recommendations of the  
8 staff director. Because it's a new advisory  
9 committee, all are new appointees. I'm going to read  
10 the names. They are: Kimberly Bunts-Anderson,  
11 nominated as chair; Gregory Borja, Catherine Cachero,  
12 Galvin Deleon Guerrero, Michael Dotts, Melvin Faisao,  
13 William Fife III, Joseph Horey, Barbara Hunter,  
14 Jacqueline Nicolas, Beylul Solomon, Elsie Tlipao-  
15 Rebuenog.

16 All of these individuals will serve as  
17 uncompensated government employees. If the motion  
18 passes, the Commission will authorize the staff  
19 director to execute the appropriate paperwork. Do I  
20 have a second for this motion?

21 (No audible response.)

22 CHAIRMAN CANTU: Commissioners, that's  
23 your prompt for a second, please?

24 COMMISSIONER ADAMS: Adams, yes, second.

25 CHAIRMAN CANTU: Thank you, Commissioner

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1 Adams.

2 Any discussion? I'll open the floor to  
3 that.

4 (No audible response.)

5 CHAIRMAN CANTU: Thank you. Without  
6 further discussion I'm going to call the question.

7 Oh, is someone trying to say something?

8 (No audible response.)

9 CHAIRMAN CANTU: Okay. So here's the roll  
10 call vote.

11 Commissioner Adams, how do you vote?

12 COMMISSIONER ADAMS: Yes.

13 CHAIRMAN CANTU: Commissioner Adegbile?

14 COMMISSIONER ADEGBILE: Aye.

15 CHAIRMAN CANTU: Commissioner Gilchrist?

16 COMMISSIONER GILCHRIST: Aye.

17 CHAIRMAN CANTU: Commissioner Heriot?

18 COMMISSIONER HERIOT: I vote yes.

19 CHAIRMAN CANTU: Commissioner Kirsanow?

20 COMMISSIONER KIRSANOW: Yes.

21 CHAIRMAN CANTU: Commissioner Kladney?

22 COMMISSIONER KLADNEY: Yes.

23 CHAIRMAN CANTU: Commissioner Yaki?

24 COMMISSIONER YAKI: Aye.

25 CHAIRMAN CANTU: And I vote yes. The

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1 motion is unanimous to adopt the inaugural members of  
2 the Northern Mariana Islands Commission.

3 We're now going to turn to the third item  
4 on our agenda, and that's a discussion and vote on the  
5 2022 Statutory Enforcement Report.

6 **C. DISCUSSION AND VOTE ON THE 2022 STATUTORY**

7 **ENFORCEMENT REPORT ON FEMA**

8 CHAIRMAN CANTU: This is on civil rights  
9 and protections during the federal response to  
10 Hurricanes Harvey and Maria.

11 This topic was chosen before I joined the  
12 Commission, but I would happily showcase this report  
13 as a model for the work of the USCCR. I'm extremely  
14 proud of the work of all of the Commissioners  
15 especially Commissioner Adegbile and Commissioner  
16 Yaki. They showed exceptional leadership and were  
17 very diligent in leading this report to completion.

18 The OCRE Office, our research staff, the  
19 special assistants to the Commission, legal and  
20 everyone else all worked diligently and with great  
21 energy to amass an enormous amount of data and bring  
22 together an extraordinarily strong report.

23 I'm also proud of this report that you  
24 will hear from because the topic of natural disasters  
25 has affected millions of Americans, but it's also

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1 personal. My family went through the eye Hurricane  
2 Beulah in South Texas in 1967. My dad let the kids  
3 outside and we saw what the eye of a hurricane looks  
4 like and then we ran back because the other wall was  
5 coming.

6 What that human disaster does is it's not  
7 just a hurricane with rain. It is a hurricane that  
8 spurs out hurricanes -- I mean tornadoes. Beulah set  
9 a record for 115 tornadoes that accompanied that  
10 storm. And this topic reaches all of our basic needs  
11 and the way this report was prepared covered health,  
12 safety, economic impact, shelter, communications,  
13 access to technology, and so many other basic needs  
14 that we take for granted until that natural disaster  
15 strikes.

16 So I'm going to turn the floor to  
17 Commissioner Adegbile who will make a presentation  
18 regarding the report.

19 Please proceed, Commissioner.

20 COMMISSIONER ADEGBILE: Madam Chair, I'd  
21 like to move to approve the report of the Civil Rights  
22 Protections during the federal response to Hurricanes  
23 Harvey and Maria as shared by my special assistant  
24 Irena Vidulovic on Tuesday, June 21st.

25 CHAIRMAN CANTU: Thank you.

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1 Do I hear a second?

2 COMMISSIONER KLADNEY: Kladney seconds.

3 CHAIRMAN CANTU: Thank you, Commissioner  
4 Kladney.

5 We are now able to discuss it. Would you  
6 like to lead the discussion, Commission Adegbile?

7 COMMISSIONER ADEGBILE: I would, Madam  
8 Chair, and thank you very much.

9 As you have framed for us, this was a very  
10 important review and assessment by the Civil Rights  
11 Commission on a topic that has not been one of the  
12 most frequent topics that we have looked to, but  
13 nevertheless presents important considerations of  
14 civil rights and the impact of people's well-being  
15 after these unexpected natural disasters.

16 I'd like to begin by thanking our staff,  
17 and particularly Dr. Merrit Xavier Bryer, Dr. Julia  
18 Greggo, Dr. Gerald Lofton, Dr. Nicole Hewitt, Dr.  
19 Patricia Fletcher, Nicholas Thayer, and other special  
20 assistant, and a special thanks to my special  
21 assistant Irena Vidulovic in particular, as well as  
22 the other members of our staff who pitched in  
23 throughout the process including the development of  
24 this -- in the period of the development of this  
25 project, the planning that was required for what was

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1 unusual for us for three separate briefings, one in  
2 D.C., one Houston-focused, and then one on the ground  
3 in Puerto Rico, assisting with the research and  
4 refinement of the draft. All of their efforts bring  
5 us to this point today where we are prepared to  
6 consider this important report.

7           Additionally, I'd like to thank the Texas  
8 State Advisory Committee for its work in conducting a  
9 series of briefings on the government response to  
10 hurricane disaster in Texas and for issuing what we  
11 call an advisory memo on this topic. It helped to  
12 inform our work. And our state advisory committees  
13 more broadly made vital contributions to the work of  
14 the U.S. Civil Rights Commission and we're grateful  
15 for their efforts in this area.

16           The purpose of this statutory enforcement  
17 report mandated by Congress is to broadly look at the  
18 work of an agency and its civil rights implications.  
19 And this year as we know we've trained our sights on  
20 FEMA's compliance with federal civil rights laws in  
21 connection with the responses in Texas and Puerto Rico  
22 following the Hurricanes Harvey and Maria.

23           Our inquiry also includes a comparison of  
24 federal responses to the two disasters and our report  
25 will be ultimately available to the President and

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1 Congress so that we can strengthen already existing  
2 civil rights laws and improve upon where the  
3 government has gaps or areas that can be strengthened  
4 following natural disasters.

5 During our June virtual briefing last year  
6 we heard from, among others, key federal officials  
7 responsible for disaster response. And in our October  
8 2021 virtual briefing we focused on the government  
9 response to Hurricane Harvey in Houston, Texas. And  
10 there we heard from state and local governments as  
11 well as impacted members of the community and local  
12 advocates.

13 Finally, in December of 2021 the  
14 Commission continued its 65-year-long tradition of  
15 going out into the field to learn about how civil  
16 rights issues are playing out on the ground. Thus we  
17 traveled to San Juan, Puerto Rico to hear from state  
18 and local government officials, non-governmental  
19 organizations, community organizations, as well as  
20 those impacted -- in impacted communities by  
21 conducting two site visits, one at Cano Martin Pena,  
22 the other at Loiza, Puerto Rico.

23 I'd like to just hit some highlights from  
24 the report so that folks understand the scope and  
25 range of some of the things we touched upon. And as

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1 an initial matter the disaster and relief response  
2 efforts to the storms differed on many fronts as the  
3 report shows.

4 From landfall through six months after the  
5 disaster response in -- to Harvey in Texas occurred on  
6 a larger scale and what appeared to be faster than the  
7 response to Maria in Puerto Rico. For instance, nine  
8 days after the respective storms FEMA had approved 100  
9 and almost 142 million for individual assistance to  
10 Harvey victims. In contrast, approved 6.2 million for  
11 victims of Maria at that point. Survivors of Harvey  
12 received 1.28 billion in aid within two months after  
13 landfall while Maria survivors waited four months  
14 before they received 1 billion in aid.

15 Natural disasters are often thought of as  
16 leveling agents that affect all individuals equally,  
17 however the research also shows that disasters can  
18 exacerbate existing disparities and have more lasting  
19 impact on communities that were disadvantaged prior to  
20 the disaster.

21 Following both Harvey and Maria the  
22 application and appeals process for FEMA funds proved  
23 to be formidable. A substantial amount of aid  
24 applications in Puerto Rico were denied due to issues,  
25 as we learned, in providing evidence of home ownership

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1 despite nothing in the territories's laws or  
2 regulations requiring home owners to register their  
3 properties.

4 Following the work of many community  
5 advocates in September 2021 FEMA amended its policies  
6 to make it easier for disaster survivors to prove  
7 ownership, however; and this was concerning, FEMA did  
8 not notify survivors of this policy shift and informed  
9 them that they could reapply or appeal their previous  
10 denial. And as of this writing and as of this meeting  
11 the agency has taken no action of which we are aware  
12 to compensate the thousands of Puerto Ricans who were  
13 denied relief on this basis.

14 Individuals living in rural areas were  
15 often far from disaster recovery centers and without  
16 public transportation available many were unable to  
17 make it to a location to begin and request aid. The  
18 Commission heard testimony from countless families  
19 denied benefits due to clerical errors and  
20 additionally a denied applicant must submit a form  
21 explaining their dispute and providing supporting  
22 documentation. But as we learned the FEMA denial  
23 letters provide vague reasons for the initial denial  
24 of assistance making a determination of what  
25 documentation to submit in connection with an appeal

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1 particularly challenging.

2 A panelist described that in the standard  
3 FEMA denial letter it often does not indicate why the  
4 damage to the house doesn't qualify for aid. The  
5 letters often don't include facts about what the  
6 inspector viewed or deemed to be disaster-related  
7 damage leaving applicants unsure as to what made them  
8 ineligible. And this lack of clarity makes it more  
9 difficult for legal organizations and advocates to  
10 inform and assist low-income survivors after a  
11 disaster resulting in appeals taking longer and being  
12 more costly or for many survivors to give up on the  
13 appeals process altogether with the obvious resulting  
14 effects.

15 We also learned that the aid application  
16 process was complicated by the absence of electricity  
17 which perhaps is foreseeable, but also with the  
18 resulting absence of internet access. This was  
19 particularly true in Puerto Rico where rolling power  
20 outages affect significant portions of the island over  
21 four years later.

22 One of the substantial issues that we saw  
23 touched upon language access and after Maria many  
24 survivors evacuated the island and it made it  
25 difficult to schedule or follow through with required

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1 property inspections to get assistance. And for  
2 residents who were able to meet with inspectors many  
3 reported that FEMA inspectors were not bilingual and  
4 did not speak Spanish and so could not conduct a  
5 thorough inspection and thus residents' claims were  
6 denied.

7 Language access was also a significant to  
8 survivors of both storms. After Harvey there were  
9 many instances of information about shelter locations  
10 being provided only in English. In Puerto Rico FEMA  
11 did not have enough Spanish-speaking employees to  
12 accommodate the island leading to delays in aid  
13 assistance. And even after documents had been  
14 translated into Spanish they were often inaccurate or  
15 confusing. Additionally, as we learned, sign  
16 linguists dispatched to Puerto Rico often only knew  
17 ASL English rather than the Spanish variant generally  
18 used on the island.

19 During public forums FEMA officials  
20 admitted that they were not properly prepared and  
21 lacked the staffing capacity and Spanish-speaking  
22 staff necessary to properly support displaced families  
23 as they arrived on the mainland and transitioned into  
24 the community. Witnesses and panelists consistently  
25 testified that Spanish-speaking Puerto Ricans received

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1 disproportionately lower amounts of assistance for  
2 Maria recovery than English-speaking folks on the  
3 mainland received.

4 Puerto Rico's official languages include  
5 Spanish and many Puerto Ricans speak limited English.

6 Testimony showed that FEMA's lower levels of  
7 assistance to Maria survivors failed to comply with  
8 principles underlying parts of Title 6 which prohibit  
9 disparate treatment on the basis of race, national  
10 origin, and linguistic characteristics in violation of  
11 federal court precedent.

12 One other issue that people may not think  
13 about at the outset but that we learned about in some  
14 detail was that during Harvey researchers found that  
15 neighborhoods with higher proportion of residents with  
16 disabilities were more likely to experience Harvey-  
17 induced flooding and several assisted living  
18 facilities were flooded. The Commission received  
19 testimony indicating that the Texas Department of  
20 Emergency Management did not allocate staff to target  
21 disability-related issues during Harvey.

22 Additionally, the Commission received public  
23 comment from a disability right attorney stating that  
24 FEMA had denied individuals with disabilities  
25 meaningful access to FEMA programs through an absence

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1 of public-facing reasonable accommodations as well as  
2 knowledgeable staff to assist in navigating the  
3 accommodation process.

4 Another issue that arose for people with  
5 disabilities involved the use of institutional  
6 settings. The National Council of Independent Living  
7 reported that during the recovery efforts post-  
8 disaster there is, quote, a trend of persons with  
9 disabilities who had lived in the community being  
10 transferred to institutional settings either due to  
11 lack of post-shelter housing options or because of  
12 difficulties of navigating disaster recovery, close  
13 quote. In the aftermath of Harvey even when  
14 individuals with disabilities could access shelters,  
15 that did not necessarily mean they could access  
16 accommodations.

17 Flood insurance also proved to be a vexing  
18 issue. The requirement to carry flood insurance to  
19 receive assistance raises several concerns for  
20 survivors. Flood insurance can be prohibitively  
21 expensive for many low-income home owners and due to  
22 flood plain maps many residents would not qualify to  
23 get a flood policy since their homes reside in those  
24 flood plain areas, even if they could afford it.  
25 Therefore, the policy requiring flood protection

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1 standards may lead to widespread displacement among  
2 low-income and mostly marginalized communities.

3 FEMA's failure to collect demographic data  
4 creates various opportunities for the agency's funds  
5 and resources to be discriminatorily and  
6 disproportionately administered and disbursed,  
7 especially at the local level. And while the Stafford  
8 Act provides strong civil rights language protections,  
9 FEMA has wide discretion in allocating disaster aid  
10 making it difficult to prove discrimination has  
11 occurred.

12 The Commission received testimony  
13 indicating that, quote, FEMA's published rules are so  
14 vague that hundreds of employees and inspectors who  
15 apply those rules fail to do so consistently resulting  
16 in the inequitable distribution of critical funds to  
17 disaster survivors, close quote.

18 Ultimately we heard from people who  
19 recommended during our various hearings that disaster  
20 should hire and train enough staff fluent in the  
21 languages spoke in disaster areas and should ensure  
22 information and applications for all assistance  
23 programs are available in necessary languages and can  
24 be submitted accordingly, that FEMA increase  
25 collaboration with other community organizations and

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1 governmental bodies to include local counties and non-  
2 profit organizations for resource sharing across  
3 communities to combat post-disaster shortages, and  
4 that this type of public engagement with stakeholders  
5 should begin with emergency planning and response and  
6 continue through the close-out of the recovery and  
7 mitigation programs.

8 We also heard that FEMA should provide  
9 disability training to all of its shelter personnel  
10 including registration, medical, and security works,  
11 and FEMA needs to work with state and local partners  
12 again to find and locate persons with disabilities who  
13 have travel evacuating shelters. It should also  
14 ensure that such shelters have electricity for  
15 electric-dependent -- electricity-dependent persons,  
16 those who rely on ventilators for example or similar  
17 medical equipment, but also those in need of  
18 refrigeration such as persons with diabetes.

19 FEMA can improve communication  
20 accessibility by including ASL, American Sign Language  
21 translations in all of its videos and work with  
22 government and media organizations to ensure that all  
23 broadcasts containing disaster information include ASL  
24 translations.

25 FEMA can collect and make public data on

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1 race, gender, disability, age and other demographic  
2 information for relief recipients to develop and  
3 complete a profile of who benefits from recovery.

4 And following changes FEMA made to its  
5 occupancy verification standards in 2021 Puerto Rico  
6 disaster survivors previously denied assistance should  
7 be provided the opportunity to reopen their cases.  
8 This type of transparency and communication seems  
9 important and consistent with fundamental fairness.

10 When evaluating habitability of a home for  
11 aid purposes we heard that FEMA's process assumes that  
12 all applicants can live in the same type of  
13 environment without risk of injury and FEMA should  
14 adapt its habitability standards to take into account  
15 those with disabilities and underlying health  
16 conditions.

17 One again there was an extraordinary  
18 amount of work over many months. This is a report  
19 that was affected by the pandemic but on which the  
20 Commission remains steadfast to examine the issue that  
21 we set out to. I am again grateful to Commissioner  
22 Yaki as a co-sponsor of this report and I'm sure he  
23 may wish to offer some comments.

24 And special thanks to the staff for the  
25 logistical efforts that were required.

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1                   And again to the extraordinary efforts of  
2 Irena Vidulovic, my special assistant.

3                   Thank you, Madam Chair.

4                   CHAIRMAN CANTU: Thank you. That was an  
5 excellent summary of the statutory report.

6                   I now turn the microphone to Commissioner  
7 Yaki who has himself a depth of experience dealing  
8 with issues responding to constituents who had  
9 experienced problems with natural disasters.

10                  Commissioner Yaki, the mic is yours.

11                  COMMISSIONER YAKI: Thank you. Thank you,  
12 Madam Chair.

13                  I want to thank Commissioner Adegbile, the  
14 special assistants for the great work they have done  
15 on this project, but I really also want to commend the  
16 staff for staying through this. This was I think one  
17 of the -- our most -- more challenging and yet I think  
18 in the end more rewarding project that we have done  
19 lately. And I think that the reward came for all of  
20 us when we were able to leave the confines of our  
21 offices and our homes and travel and meet the great  
22 people of the Commonwealth of Puerto Rico and  
23 understand what they went through and listen to their  
24 stories and hear their pain, but also their -- see  
25 their resilience and strength as they recovered from

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1 Hurricane Maria.

2 I think that -- I think -- I know that  
3 Commissioner Adegbile has given a masterful summary of  
4 this report and I'm not going to restate it in whole  
5 or in part. I just want to say that my first  
6 experience with FEMA, as the Chair alluded to, began  
7 in 1989 when an earthquake hit San Francisco. And as  
8 a young congressional staffer at the time it sort of  
9 fell on me to sort of figure out how to deal with it.

10 And it became clear to me then, and it is  
11 unfortunately apparent to me still now, that this is  
12 an entity and an agency that spans Democratic and  
13 Republican, conservative, progressive. It doesn't  
14 matter. This is an agency that is -- whose sole  
15 responsibility is to respond to people of our country  
16 who are in need. And to this day there are severe  
17 deficiencies in what that response is. And this  
18 report shed light on how those deficiencies affect  
19 people of color, people of language, people of  
20 disabilities and what that means to be better and how  
21 they need to be better in the future to ensure that  
22 they do respond adequately and forthrightly and  
23 sensitively and compassionately to the people of our  
24 country who need the help most when these types of  
25 disasters occur.

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1           And we know that unfortunately they will  
2 occur and they will continue to occur and that this  
3 report I hope will contribute to ensuring that a  
4 modicum of improvement in how they respond to all the  
5 communities that are affected, rich and poor, Black  
6 and White, Brown, Native American. Whatever it is,  
7 whoever they are they need assistance, they need help,  
8 they need the ability to get it -- to receive it with  
9 dignity. They should not be left to die for want of  
10 medical treatment because someone didn't send in  
11 supplies in enough time. They shouldn't be left to  
12 die in a home left un-repaired because no one thought  
13 to bring in the right kind of equipment. These are  
14 the things that this report addresses.

15           And again the resilience of the people of  
16 Puerto Rico was an inspiration, but also the  
17 resilience of -- and I commend the resilience of the  
18 staff and this Commission. All of you who went to  
19 Puerto Rico, who have attended the hearing, virtual  
20 and in real, I thank all of you for your support and  
21 your interest in this topic.

22           And, Madam Chair, that's all I want to  
23 say.

24           CHAIRMAN CANTU: That's very eloquent and  
25 factual. Thanks do go to everyone who participated on

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1 this report.

2 I heard from the two Commissioners and  
3 we've had a motion and a second. We can now open the  
4 floor for further discussion. Do any of the other  
5 Commissioners wish to comment on the motion to adopt  
6 the final draft?

7 (No audible response.)

8 CHAIRMAN CANTU: I hear no requests to  
9 take the floor, so I thank the other Commissioners.  
10 This was truly a unified experience that we went  
11 through to compare the federal responses to Hurricanes  
12 Harvey and Maria.

13 So hearing no further discussion, I'll  
14 call the question. We're going to be taking a roll  
15 call vote to adopt the final draft of the 2022  
16 Statutory Enforcement Report called Civil Rights and  
17 Protections During the Federal Responses to Hurricanes  
18 Harvey and Maria. This enforcement report will be  
19 forwarded to the President and to Congress.

20 So on the roll call vote I am calling  
21 first on Commissioner Adams. How do you vote?

22 COMMISSIONER ADAMS: No.

23 CHAIRMAN CANTU: Thank you.

24 Commissioner Adegbile?

25 COMMISSIONER ADEGBILE: Aye.

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1 CHAIRMAN CANTU: Commissioner Gilchrist?

2 COMMISSIONER GILCHRIST: Madam Chair, I  
3 will be abstaining.

4 CHAIRMAN CANTU: Commissioner Heriot?

5 COMMISSIONER HERIOT: I abstain.

6 CHAIRMAN CANTU: Commissioner Kirsanow?

7 COMMISSIONER KIRSANOW: No.

8 CHAIRMAN CANTU: Commissioner Kladney?

9 COMMISSIONER KLADNEY: Yes.

10 CHAIRMAN CANTU: Commissioner Yaki?

11 COMMISSIONER YAKI: Sorry, couldn't hit  
12 the mute button. The answer -- before I give my  
13 answer I just wanted to say that I forgot to thank my  
14 own special assistant Alec Duell.

15 Sorry, Alec.

16 And my vote is a resounding yes.

17 CHAIRMAN CANTU: And I vote yes. So help  
18 me out folks. I've got four yeses, two noes, and two  
19 abstains.

20 MS. ANNA: That's right.

21 CHAIRMAN CANTU: Thank you. We need five  
22 yeses for a majority vote, so --

23 MS. ANNA: No, you got it. You got it.

24 MR. MORALES: Madam Chair, Adams.

25 CHAIRMAN CANTU: Help me out. Help me

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1 out, please.

2 MR. MORALES: Madam Chairman, Adams.

3 CHAIRMAN CANTU: Yes.

4 MR. MORALES: You only need four  
5 abstentions.

6 CHAIRMAN CANTU: I encountered the  
7 situation before and I apologize. So with the  
8 abstentions then it is a majority vote.

9 MS. ANNA: Yes, you're fine. You got a  
10 majority.

11 MR. MORALES: Correct. Correct, you got a  
12 majority.

13 CHAIRMAN CANTU: I need to hear that from  
14 people who've been longer than I. You all are so  
15 wonderful to support me on this.

16 Yes, the abstentions do make it possible  
17 for the motion to carry so the report will be adopted  
18 by the U.S. Commission on Civil Rights and will be  
19 forwarded to the President and to Congress.

20 So congratulations to all the hard work of  
21 the Commissioners and the staff and to everyone who's  
22 helped me through this new spot for me.

23 Now we're going to turn to the staff  
24 director report.

25 CHAIRMAN CANTU: Mr. Morales, we'll hear

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1 from you in the monthly staff director's report.

2 MR. MORALES: Madam Chair, I think you  
3 still have one issue pending which is the 2023  
4 business meeting calendar.

5 CHAIRMAN CANTU: I thought we voted that  
6 -- oh, we voted to add it to the agenda. And now we  
7 do have to vote on that. Thank you for catching that.

8 **D. DISCUSSION AND VOTE ON THE COMMISSION'S 2023**

9 **MONTHLY BUSINESS MEETING SCHEDULE**

10 CHAIRMAN CANTU: The item that we had  
11 voted to add to the agenda is to approve the schedule  
12 for 2023 for the Commission's monthly business  
13 meeting. And this was shared with all the  
14 Commissioners and their special assistants. And it  
15 does reflect the feedback from all of you.

16 Will there be discussion on this motion?

17 (No audible response.)

18 CHAIRMAN CANTU: Hearing no discussion,  
19 then I'll call a roll call vote.

20 Commissioner Adams, how do you vote?

21 COMMISSIONER ADAMS: Yes.

22 CHAIRMAN CANTU: Commissioner Adegbile?

23 COMMISSIONER ADEGBILE: Abstain.

24 CHAIRMAN CANTU: Commissioner Gilchrist?

25 COMMISSIONER GILCHRIST: Aye.

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1 CHAIRMAN CANTU: Commissioner Heriot?

2 COMMISSIONER HERIOT: Yes.

3 CHAIRMAN CANTU: Commissioner Kirsanow?

4 COMMISSIONER KIRSANOW: Yes.

5 CHAIRMAN CANTU: Commissioner Kladney?

6 COMMISSIONER KLADNEY: Abstain.

7 CHAIRMAN CANTU: Commissioner Yaki.

8 COMMISSIONER YAKI: Abstain.

9 CHAIRMAN CANTU: And I vote yes. And so  
10 we have one, two, three, four, five yeses and three  
11 abstentions. The motion carries.

12 So now we will turn to the staff  
13 director's report.

14 **E. MANAGEMENT AND OPERATIONS**

15 **STAFF DIRECTOR'S REPORT**

16 CHAIRMAN CANTU: Mr. Morales?

17 (No audible response.)

18 CHAIRMAN CANTU: I think you need to take it off mute.

19 (No audible response.)

20 MR. MORALES: Madam Chair, I'm sorry. I  
21 inadvertently cut myself off, if you were asking me a  
22 question.

23 CHAIRMAN CANTU: Yes, we are calling for  
24 -- whether you want to deliver a verbal staff  
25 director's report.

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1                   MR. MORALES: Thank you, Madam Chair. I  
2 have nothing further to add that was already contained  
3 in the report. If any Commissioner has a question  
4 about any item contained in the report, I'm more than  
5 happy to discuss it with them at their convenience.  
6 Thank you, Madam Chair.

7                   CHAIRMAN CANTU: Thank you, staff  
8 director.

9                   **III. ADJOURN MEETING**

10                   That concludes the business on the agenda  
11 for today's business meeting. If there is nothing  
12 further, I hereby adjourn the meeting at 1:20 Eastern  
13 Time.

14                   (Whereupon, the above-entitled matter went  
15 off the record at 1:20 p.m.)

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