UNEDITED

U.S. COMMISSION ON CIVIL RIGHTS

BUSINESS MEETING

FRIDAY, JUNE 24, 2022

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 KLANDNEY, Commissioner
MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director
DAVID GANZ, General Counsel
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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CHAIRMAN CANTU: Welcome to the business meeting for the U.S. Commission on Civil Rights. The meeting comes to order at noon Eastern Standard Time on Friday, June 24th, 2022.

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

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

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

Commissioner Adams?

COMMISSIONER ADAMS: Present.

CHAIRMAN CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Present.

CHAIRMAN CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Present.

CHAIRMAN CANTU: Commissioner Heriot?
COMMISSIONER HERIOT: I'm here.
CHAIRMAN CANTU: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: Her.
CHAIRMAN CANTU: Commissioner Kladney?
COMMISSIONER KLADEY: Here.
CHAIRMAN CANTU: Commissioner Yaki?
COMMISSIONER YAKI: Present.
CHAIRMAN CANTU: Based on the response we have a quorum.

Is the court reporter present?
COURT REPORTER: Yes, I am.
CHAIRMAN CANTU: Thank you.

Is the staff director present?
MR. MORALES: I am present.
CHAIRMAN CANTU: Thank you.

The meeting will now come to order.
Our first item, our first matter to deal with is our agenda.

I. APPROVAL OF AGENDA

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

COMMISSIONER GILCHRIST: Madam Chair,

Gilchrist seconds.

CHAIRMAN CANTU: Thank you, Commissioner. We will vote on this amendment first and then hear Commissioners who have other suggestions for amendments for today's agenda.

Is there discussion on the motion to add that item today on the next year's schedule? Hearing no discussion, let's go to a vote to add that item.

Commissioner Adams?

COMMISSIONER ADAMS: Aye.

CHAIRMAN CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIRMAN CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Aye.

CHAIRMAN CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CANTU: Commissioner Kladney?

COMMISSIONER Kladney: Yes.

CHAIRMAN CANTU: Yaki?

COMMISSIONER YAKI: Aye.
CHAIRMAN CANTU: And I vote aye. That item is added to today's agenda.

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

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

(Chorus of aye.)

CHAIRMAN CANTU: Any opposed?

(No audible response.)

CHAIRMAN CANTU: Any abstain?

(No audible response.)

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

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

II. BUSINESS MEETING

A. PRESENTATIONS BY STATE ADVISORY COMMITTEE CHAIRS ON RELEASED REPORTS AND MEMORANDUMS

CHAIRMAN CANTU: Today's first presentation will be by the New York State Advisory Committee member, Ms. Athena Mutua. On the committee's advisory report on the racial discrimination and eviction policies and enforcement
Ms. Mutua, you're going to have 10 minutes for your presentation. And after that Commissioners will be able to ask you questions. So you have the floor.

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

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

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

So the report focuses on the disproportionate impact of evictions on people of color, including in the administration of justice.
And it focuses on three cities: Albany, Buffalo, and New York. However, eviction is a national problem. It cuts across regions, across race, gender, and other protected classes, and it's increasingly kind of capturing a wide range of individuals.

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

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

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

In 2015, not a single U.S. county in the
United States had enough rental housing for low-income residents. As of 2020, little has changed. The affordable housing shortage is, in part, a function of decades of stagnate wages for most middle and low-income wages. There is a paucity rental housing for higher income families. This long-term stagnation has occurred in the context of increasing economic inequality.

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

So, again, considering the way in which half of the renters are rent cost-burdened, it's unsurprising that the majority of court filings for eviction are for non-payment of rent. However, studies demonstrate that Black and Hispanic households are more likely to face eviction filings and executed
warrants of eviction; that is, be actually evicted from their household.

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

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

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

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

We also control for hundreds of variables that related to evictions, but every single time statistically the models point out that the percentage of Black people in a population is the highest predicted variable for eviction. This makes this a
Female renters of all races also have higher evictions; 15.9 percent higher. Black women have the highest risk of eviction and are more likely to have eviction filings, have someone file them in court, that are later dismissed. In fact, when we look at serial filings, White households are more likely to be evicted when you see serial filings against them. By contrast, Black women-headed households are much more likely to receive serial eviction filings, but have them dismissed in the long run.

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

Evictions have long-term consequences. It's the leading cause of homelessness, not simply after eviction, but for years afterwards. People who are evicted from their homes had an increased chance of subsequent physical and mental health issues, and evictions can interfere with child development.

There's a lot more of that in the report. Let me just
skip down. I see I have three minutes left.

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

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

So when you come to our recommendations, I think there are kind of four patterns that you see in
the committee's recommendations. One is -- one of the
top recommendations is to engage and kind of having
the municipalities, et cetera, state engaging racial
equity studies to pursue policies that decrease
segregation and direct resources to those areas where
we see the highest amount of evictions.

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

The third recommendation that you see is
that when these -- after prevention when these things
go to court that there should be a right to counsel.
And we saw significant numbers. New York City has a
right to counsel law. It's been in place since 2017.
We have seen significant decreases in default
judgments and 84 percent of those tenants with counsel
stayed in their homes.

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

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

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

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

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

COMMISSIONER GILCHRIST: Madam Chair, this
is Commissioner Gilchrist.

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

COMMISSIONER GILCHRIST: Thank you, Madam Chair.

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

The response to help the landlords has seemed to be somewhat slow and assisting some of those business owners in particular, entrepreneurs, back to a place of wholeness, at least for those that may still be in operation. Now it seems that we have a situation where the small entrepreneurial landlords have very little space to operate due to the large investment types that are buying up houses all across the country. And we're now seeing how it's driving up
costs to include rent, as you mentioned, and quite frankly I believe can have a devastating impact on housing access.

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

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

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

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

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

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

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

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

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

Thank you, Madam Chair.

CHAIRMAN CANTU: Thank you, Commissioner. Does someone else wish to ask any questions?

COMMISSIONER ADEGBILE: Madam Chair, Commissioner Adegbile.

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

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

I thank you very much for the important report. And one of the things that I wanted to ask
about is whether in examining this eviction issue there was any context of the interrelationship between the issues that many people are talking about in New York with respect to people who are unhoused and unsheltered and the consequences of these evictions.

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

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

What we did talk about quite a bit, as you might imagine, though, is how eviction contributes to homelessness. And it's a significant contributor. And some statistics suggest that a third -- as much as a third of evictions end in homelessness. And that this is not just immediately after folks have been evicted, but the effects of that eviction in terms of
leading the homelessness is ongoing. And so that's about as much as we did with regard to the unsheltered and homeless.

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

COMMISSIONER ADEGBILE: No worries.

Madam Chair, one more question, if I may?

CHAIRMAN CANTU: Yes, please.

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

MS. MUTUA: Okay. Yes, so we did touch on that in a couple of different ways. So in terms of
studies the most definitive studies on causes of eviction have to do with children. Landlords do discriminate against families with children. That much is really clear and was uncontroversial. There are a couple of uncontroversial things.

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

In terms of the consequences, let me look at some of my notes on those that I didn't go through. What we've seen is that -- so studies have linked eviction to increased -- that the studies, I'm sorry, have shown that eviction can interfere with child development. They have linked eviction to increased incidence of adverse birth outcomes, including low birth weight, prematurity, and infant mortality.

Studies have also showed that children exposed to eviction have a higher prevalence of food
insecurity. That should not be surprising. And they have worse educational outcomes than other low-income children living in rental housing. And then we have some more data on adults, including higher suicide rights and that sort of stuff.

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

COMMISSIONER ADEGBILE: Thank you. Thank you very much.

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

Do we have other questions from the other Commissioners?

COMMISSIONER GILCHRIST: Madam Chair?

CHAIRMAN CANTU: Yes.

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

MS. MUTUA: No.

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

(Laughter.)

MS. MUTUA: I will.

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

MS. MUTUA: Yes.

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

MS. MUTUA: It only came up in terms of the kind of increased financial cost of housing. And there we were really looking at this study which suggested that a lot of policymakers were encouraging
investment firms, these equity funds, to invest in these opportunity zones as a way of saving additional affordable housing.

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

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

I think that one person you might want to look at who has done a lot of work in this area, though, is a legal scholar by the name of Audrey McFarlane. And she's at the University of Baltimore. She's done a lot of work on looking kind at the Baltimore region enterprise zones, all sorts of things. She's done quite a bit of work on that and you might want to look at her. I think she's far more
critical of some of that and so she could help at least to locate the pitfalls of that idea.

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

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

(Simultaneous speaking.)

COMMISSIONER GILCHRIST: I'm sorry I didn't
mean to cut you off.

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

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

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

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

Thank you, Madam Chair.

CHAIRMAN CANTU: Thank you, Commissioner Gilchrist.

Questions from the other Commissioners?

(No audible response.)

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

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

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

MS. MUTUA: Thank you.

CHAIRMAN CANTU: -- like many of us who
have a full schedule and you leave, we will -- you may leave with our gratitude. So thank you.

MS. MUTUA: Thank you, Madam Chair.

CHAIRMAN CANTU: Great. Thank you. Thank you.

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

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

Welcome, Ms. Buys.

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

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

The United States has a long and sorry
history with respect to discrimination and segregation in housing. Although we have eliminated unfair discrimination on a de jure basis, past and ongoing practices in the housing and lending markets continue to produce significant disparities in equal access to quality housing and home ownership between minority and non-minority populations.

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

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

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

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

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

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

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

The committee heard testimony that because a disproportionate number of African Americans have been subjected to arrests and convictions this type of discrimination impacts Blacks more than other groups. Landlords often do criminal background checks, but they do not have the expertise to understand the results and they may wrongly deny rentals to prospective tenants.

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

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

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

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

Thank you again for your attention and thank you to the Illinois Committee and the Commission staff for their work on this excellent report.
CHAIRMAN CANTU: Thank you. Very much succinct but also very deep in information.

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

(No audible response.)

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

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

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

CHAIRMAN CANTU: And I think that is the norm, that people do plan according to the numbers they have about today, but I'm reminded of -- and I can't remember which Texas senator said it, but it was a state senator who said y'all have to think like the
football player: he throws the ball to where his colleague on the team is going to be, not where he is right now. And not being an athlete myself I almost understood that quote. But I think its relevance is we have a gap to close and the gap keeps growing instead of shrinking. Do you agree that it could become worse?

MS. BUYS: Yes, and as we're talking I'm remembering a portion of the testimony and report that had to do with the kind of housing that is being constructed; and this is relevant to those who have Section 8 vouchers, that we're seeing housing being constructed that is often for smaller families, for example. And for those who have -- living with extended families -- certain nationalities and cultures have much larger families that live together. And those reasons combined mean that we have this growing shortage of affordable housing that is available for families who need to live with more people to maybe make it affordable or who do so as a result of sort of cultural norms in their community. And so we did look at some of the types of housing that were being built and where it was being built and it was not being built in affordable neighborhoods.

CHAIRMAN CANTU: Thank you. That's really
useful to understand.

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

COMMISSIONER GILCHRIST: Madam Chair, Gilchrist.

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

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

MS. BUYS: It's a good question. And one of the things that we're seeing is that the categories of people affected by the civil rights law perhaps are a little bit more subtle. And I've had this discussion with my committee in more than one context, not just housing, that we have laws now that say you
can't discriminate on race, but the previous report on evictions and I think my report on housing are both talking about disproportionate impacts on certain communities in practice even though on the face of the law we may have outlawed discrimination based on race.

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

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

COMMISSIONER GILCHRIST: Sure. No, I thank you for that. And I'll certainly look forward examining and exploring that more, so thank you so much for your perspective and the committee's work on
Thank you, Madam Chair. That's all I have.

CHAIRMAN CANTU: Thank you.

Any other questions, Commissioners?

(No audible response.)

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

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

MS. BUYS: Thank you very much.

CHAIRMAN CANTU: Oh, thank you. Thank you.

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

B. DISCUSSION AND VOTE ON ADVISORY COMMITTEE APPOINTMENTS

CHAIRMAN CANTU: So as you know, the Commission depends on advice from highly-qualified persons who serve in each of our 50 states plus the District of Columbia, and most recently the U.S.
Virgin Islands, Puerto Rico, the Northern Mariana Islands, Guam, and American Samoa. Today we will appoint one advisory committee, Northern Mariana Islands.

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

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

(No audible response.)

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

COMMISSIONER ADAMS: Adams, yes, second.

CHAIRMAN CANTU: Thank you, Commissioner
Any discussion? I'll open the floor to that.

(No audible response.)

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

Oh, is someone trying to say something?

(No audible response.)

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

Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: Yes.

CHAIRMAN CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIRMAN CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Aye.

CHAIRMAN CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: I vote yes.

CHAIRMAN CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CANTU: Commissioner Kladney?

COMMISSIONER KLADENEY: Yes.

CHAIRMAN CANTU: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRMAN CANTU: And I vote yes. The
motion is unanimous to adopt the inaugural members of
the Northern Mariana Islands Commission.

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

**C. DISCUSSION AND VOTE ON THE 2022 STATUTORY
   ENFORCEMENT REPORT ON FEMA**

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

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

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

I'm also proud of this report that you
will hear from because the topic of natural disasters
has affected millions of Americans, but it's also
personal. My family went through the eye Hurricane Beulah in South Texas in 1967. My dad let the kids outside and we saw what the eye of a hurricane looks like and then we ran back because the other wall was coming.

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

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

Please proceed, Commissioner.

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

CHAIRMAN CANTU: Thank you.
Do I hear a second?

COMMISSIONER KLADNEY: Kladney seconds.

CHAIRMAN CANTU: Thank you, Commissioner Kladney.

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

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

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

I'd like to begin by thanking our staff, and particularly Dr. Merrit Xavier Bryer, Dr. Julia Greggo, Dr. Gerald Lofton, Dr. Nicole Hewitt, Dr. Patricia Fletcher, Nicholas Thayer, and other special assistant, and a special thanks to my special assistant Irena Vidulovic in particular, as well as the other members of our staff who pitched in throughout the process including the development of this -- in the period of the development of this project, the planning that was required for what was
unusual for us for three separate briefings, one in D.C., one Houston-focused, and then one on the ground in Puerto Rico, assisting with the research and refinement of the draft. All of their efforts bring us to this point today where we are prepared to consider this important report.

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

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

Our inquiry also includes a comparison of federal responses to the two disasters and our report will be ultimately available to the President and
Congress so that we can strengthen already existing civil rights laws and improve upon where the government has gaps or areas that can be strengthened following natural disasters.

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

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

I'd like to just hit some highlights from the report so that folks understand the scope and range of some of the things we touched upon. And as
an initial matter the disaster and relief response efforts to the storms differed on many fronts as the report shows.

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

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

Following both Harvey and Maria the application and appeals process for FEMA funds proved to be formidable. A substantial amount of aid applications in Puerto Rico were denied due to issues, as we learned, in providing evidence of home ownership.
despite nothing in the territories's laws or regulations requiring home owners to register their properties.

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

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

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

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

One of the substantial issues that we saw touched upon language access and after Maria many survivors evacuated the island and it made it difficult to schedule or follow through with required
property inspections to get assistance. And for residents who were able to meet with inspectors many reported that FEMA inspectors were not bilingual and did not speak Spanish and so could not conduct a thorough inspection and thus residents' claims were denied.

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

During public forums FEMA officials admitted that they were not properly prepared and lacked the staffing capacity and Spanish-speaking staff necessary to properly support displaced families as they arrived on the mainland and transitioned into the community. Witnesses and panelists consistently testified that Spanish-speaking Puerto Ricans received
disproportionately lower amounts of assistance for
Maria recovery than English-speaking folks on the
mainland received.

Puerto Rico's official languages include
Spanish and many Puerto Ricans speak limited English.
Testimony showed that FEMA's lower levels of
assistance to Maria survivors failed to comply with
principles underlying parts of Title 6 which prohibit
disparate treatment on the basis of race, national
origin, and linguistic characteristics in violation of
federal court precedent.

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

Additionally, the Commission received public
comment from a disability right attorney stating that
FEMA had denied individuals with disabilities
meaningful access to FEMA programs through an absence
of public-facing reasonable accommodations as well as knowledgeable staff to assist in navigating the accommodation process.

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

Flood insurance also proved to be a vexing issue. The requirement to carry flood insurance to receive assistance raises several concerns for survivors. Flood insurance can be prohibitively expensive for many low-income home owners and due to flood plain maps many residents would not qualify to get a flood policy since their homes reside in those flood plain areas, even if they could afford it. Therefore, the policy requiring flood protection
The Commission received testimony indicating that, quote, FEMA's published rules are so vague that hundreds of employees and inspectors who apply those rules fail to do so consistently resulting in the inequitable distribution of critical funds to disaster survivors, close quote.

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

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

FEMA's failure to collect demographic data creates various opportunities for the agency's funds and resources to be discriminatorily and disproportionately administered and disbursed, especially at the local level. And while the Stafford Act provides strong civil rights language protections, FEMA has wide discretion in allocating disaster aid making it difficult to prove discrimination has occurred.
governmental bodies to include local counties and non-profit organizations for resource sharing across communities to combat post-disaster shortages, and that this type of public engagement with stakeholders should begin with emergency planning and response and continue through the close-out of the recovery and mitigation programs.

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

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

FEMA can collect and make public data on
race, gender, disability, age and other demographic information for relief recipients to develop and complete a profile of who benefits from recovery.

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

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

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

And special thanks to the staff for the logistical efforts that were required.
And again to the extraordinary efforts of Irena Vidulovic, my special assistant.

Thank you, Madam Chair.

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

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

Commissioner Yaki, the mic is yours.

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

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

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

And it became clear to me then, and it is unfortunately apparent to me still now, that this is an entity and an agency that spans Democratic and Republican, conservative, progressive. It doesn't matter. This is an agency that is -- whose sole responsibility is to respond to people of our country who are in need. And to this day there are severe deficiencies in what that response is. And this report shed light on how those deficiencies affect people of color, people of language, people of disabilities and what that means to be better and how they need to be better in the future to ensure that they do respond adequately and forthrightly and sensitively and compassionately to the people of our country who need the help most when these types of disasters occur.
And we know that unfortunately they will occur and they will continue to occur and that this report I hope will contribute to ensuring that a modicum of improvement in how they respond to all the communities that are affected, rich and poor, Black and White, Brown, Native American. Whatever it is, whoever they are they need assistance, they need help, they need the ability to get it -- to receive it with dignity. They should not be left to die for want of medical treatment because someone didn't send in supplies in enough time. They shouldn't be left to die in a home left un-repaired because no one thought to bring in the right kind of equipment. These are the things that this report addresses.

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

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

CHAIRMAN CANTU: That's very eloquent and factual. Thanks do go to everyone who participated on
I heard from the two Commissioners and we've had a motion and a second. We can now open the floor for further discussion. Do any of the other Commissioners wish to comment on the motion to adopt the final draft?

(No audible response.)

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

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

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

COMMISSIONER ADAMS: No.

CHAIRMAN CANTU: Thank you.

Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.
CHAIRMAN CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Madam Chair, I will be abstaining.

CHAIRMAN CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: I abstain.

CHAIRMAN CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CANTU: Commissioner Kladney?

COMMISSIONER KLANDNEY: Yes.

CHAIRMAN CANTU: Commissioner Yaki?

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

Sorry, Alec.

And my vote is a resounding yes.

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

MS. ANNA: That's right.

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

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

MR. MORALES: Madam Chair, Adams.

CHAIRMAN CANTU: Help me out. Help me
out, please.

MR. MORALES: Madam Chairman, Adams.

CHAIRMAN CANTU: Yes.

MR. MORALES: You only need four abstentions.

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

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

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

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

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

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

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

CHAIRMAN CANTU: Mr. Morales, we'll hear
from you in the monthly staff director's report.

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

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

D. DISCUSSION AND VOTE ON THE COMMISSION'S 2023 MONTHLY BUSINESS MEETING SCHEDULE

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

Will there be discussion on this motion?

(No audible response.)

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

Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: Yes.

CHAIRMAN CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Abstain.

CHAIRMAN CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Aye.
CHAIRMAN CANTU: Commissioner Heriot?
COMMISSIONER HERIOT: Yes.
CHAIRMAN CANTU: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: Yes.
CHAIRMAN CANTU: Commissioner Kladney?
COMMISSIONER KLADNEY: Abstain.
CHAIRMAN CANTU: Commissioner Yaki.
COMMISSIONER YAKI: Abstain.
CHAIRMAN CANTU: And I vote yes. And so we have one, two, three, four, five yeses and three abstentions. The motion carries.
So now we will turn to the staff director's report.

E. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR'S REPORT

CHAIRMAN CANTU: Mr. Morales?

(No audible response.)

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

(No audible response.)

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

CHAIRMAN CANTU: Yes, we are calling for -- whether you want to deliver a verbal staff director's report.
MR. MORALES: Thank you, Madam Chair. I have nothing further to add that was already contained in the report. If any Commissioner has a question about any item contained in the report, I'm more than happy to discuss it with them at their convenience. Thank you, Madam Chair.

CHAIRMAN CANTU: Thank you, staff director.

III. ADJOURN MEETING

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

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