

**Civil Rights Department**

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CIVIL RIGHTS COUNCIL

Minutes from Council Meeting on April 3, 2023, 12:00 p.m.

Remote Meeting

Members of the public joined with the below information:

<https://us02web.zoom.us/j/86905615920>

and/or 1-699-444-9171 and Meeting ID 869 0561 5920

Councilmembers Present

Gabriel Sandoval, Chairperson

Hellen Hong, Councilmember

Adetunji O. Olude, Councilmember

Julie Wilensky, Councilmember

Civil Rights Department Staff Present

Kevin Kish, CRD Director and Ex Officio Member

Adam Romero, CRD Deputy Director of Executive Programs

Rishi Khalsa, CRD Deputy Director of Communications

Rachael Langston, CRD Senior Legislative and Regulatory Counsel

Marisel Block, CRD Senior Legislative and Regulatory Counsel

Others Present

An estimated 81 members of the public participated either in person or virtually.

I. Call to Order and Roll Call

Chair Gabriel Sandoval

Chair Sandoval welcomed guests to the Civil Rights Council's 51st meeting and called it to order. He then turned the meeting over to CRD Legislative and Regulatory Counsel, Marisel Block, who conducted roll call.

II. Welcome

Chair Gabriel Sandoval

Chair Sandoval welcomed members of the public and announced that the Council meeting would be livestreamed via Zoom. Members of the public were also able to access the meeting agenda and attachments on the Council's website. Chair Sandoval then acknowledged the CRD staff in attendance.

III. Review of the Agenda

Chair Gabriel Sandoval

Chair Sandoval reviewed the agenda for the meeting.

IV. Approval of the Minutes

Chair Gabriel Sandoval and Councilmembers

Chair Sandoval reviewed the minutes of the February 21, 2023 meeting and asked for edits, amendments, and public comments on the minutes and received none. The Council unanimously voted to approve the minutes.

V. **Councilmembers' Reports**

Chair Gabriel Sandoval and Councilmembers

Chair Sandoval recognized and expressed deep appreciation for the work done by former Councilmembers Schur, Iglesias, and Brodsky, whose terms on the Council recently ended.

VI. **Civil Rights Department Report**

Director Kevin Kish

Director Kish introduced Rishi Khalsa as the new CRD Deputy Director of Communications. Mr. Khalsa, who joins CRD after being a Press Secretary at the California Department of Justice, introduced himself. Director Kish also acknowledged and thanked former Councilmembers Schur, Brodsky, and Iglesias for their work on the Council.

VII. **Consideration of Further Modified Text of Proposed Modifications to Employment Regulations Regarding Criminal History**

Chair Gabriel Sandoval and Councilmember Julie Wilensky

A. Discussion by the Council

Councilmember Wilensky explained that the Subcommittee is seeking approval to start a new comment period and highlighted the two proposed changes at this time.

B. Public Comment

No public comment.

C. Action by Council

Councilmember Hong moved to approve the modified text and the commencement of another 15-day comment period. Councilmember Olude seconded. The Council unanimously approved the motion.

VIII. **Public Hearing: Proposed Fair Employment and Housing Act Housing Regulations**

Chair Sandoval

A. Discussion by the Council

Chair Sandoval provided an overview of the protocol governing the public hearing and further provided background information regarding the proposed modifications to the Fair Employment and Housing Act housing regulations.

No additional comments from Councilmembers.

B. Public Comment

No public comments.

C. Action by Council

Chair Sandoval adjourned the public hearing at 12:21pm.

IX. **Public Hearing: Proposed Regulations Regarding Government Code Section 11135 et seq.**

Chair Sandoval

A. Discussion by the Council

Chair Sandoval provided an overview of the the protocol governing the public hearing and further provided background information regarding the proposed modifications to Government Code Section 11135.

Councilmember Wilensky acknowledged the Subcommittee members who worked on this package thus far, former Councilmembers Brodsky and Schur, and suggested possible amendments to the draft regulations for future consideration.

B. Public Comment

Richard Grow: Grow urged the Council to move quickly on these regulations and their implementation. He also alerted the Council to the fact that the Council would most likely be hearing from environmental justice agencies regarding these regulations. He also hopes that the Council will leverage and work with the federal initiatives, and also make use of the existing interagency arrangements.

Kendra Muller, Attorney, Disability Rights California: Muller stated the proposed regulations contain necessary guidance and clarifications to combat discrimination. She stated the regulations provide a concrete action to protect the civil rights of marginalized groups. Muller emphasized the discussions of cross-sectional discrimination basis within the regulations and applauded the liberating wording within the regulations so that it will apply to all Californians.

Pui-Yee Yu, Attorney, Legal Aid Foundation of Los Angeles: Yu encouraged the Council to consider their civil rights coalition's recommended amendments. She emphasized the need for equitable language access.

Claudia Center, Legal Director, Disability Rights, Education & Defense Fund: Center stated her strong support for the draft regulations. She suggested following federal standards regarding coverage issues. She endorsed the detailed definitions within the proposed regulations but strongly recommended that the Council look closely at the suggested additional definitions and clarifications in the comment letter she submitted.

Ashley Werner, Directing Attorney, Leadership Council for Justice and Accountability: Werner explained the disparities faced by the community members served by her organization. She then highlighted two revisions contained in the civil rights coalition comment letter submitted to the Council.

Cynthia Martinez, Program Coordinator, California Rural Legal Assistance Inc: Martinez highlighted suggestions from the comment letter submitted by California Rural Legal Assistance Inc. (CRLA) regarding ad hoc interpreters and machine translations.

Andrew Menor, Asian Resources Inc.: Menor highlighted suggestions regarding language access in the public comment letter submitted to the Council. He urged the Council to adopt the regulations as soon as possible.

Thomas Coleman, Legal Director, Spectrum Institute: Coleman stated that a public comment letter had been submitted and highlighted suggestions contained in the letter, in particular the impact on the judicial branch. Coleman highlighted the lack of courts' accommodations for litigants with mental and developmental disabilities.

Kel O'Hara, Attorney, Equal Rights Advocates: O'Hara highlighted suggestions contained in their public comment letter regarding the definitions of sex and gender. Specifically, O'Hara stated that the regulations should guard against increasing legal attacks against transgender Americans.

Nisha Vyas, Senior Attorney, Western Center on Law and Poverty: Vyas highlighted the public comment letter submitted by a coalition of civil rights organizations. She verbally supported the verbal comments that had already been made by her colleagues.

Gladys Limon, Environmental Justice and Civil Rights Attorney: Limon highlighted the importance of these regulations for communities disproportionately affected by environmental harms. She emphasized revisions to the language to provide more clarity and ensure that the state protections are as strong as the federal protections. She referenced the civil rights coalition's public comment letter submitted to the Council.

Diane Chi Liang, Senior Housing Attorney, Bay Area Legal Aid: Liang highlighted the civil rights coalition's public comment letter and emphasized the recommendations regarding qualified interpreters and how they should be utilized.

Fausto Sanchez, Community Worker, CRLA: Sanchez highlighted issues regarding alternative communication services for individuals speaking indigenous languages. Sanchez described language access challenges for people who speak indigenous languages.

Archie Roundtree Jr., Registered Legal Service Attorney, Justice in Aging: Roundtree voiced support for the proposed regulations and stated that the regulations will help to address age discrimination.

Kevin Baker: Baker expressed appreciation for the work done by former Councilmembers Brodsky and Schur. He praised the proposed regulations and expressed hope that they will be passed soon.

C. Action by the Council

Chair Sandoval adjourned the public hearing at 1:24pm.

X. Update from the Reasonable Accommodations for Associational Disabilities Subcommittee

Councilmember Adetunji Olude

A. Discussion by the Council

No updates.

B. Public Comment

No public comment.

XI. Update from the Criminal History & Employment Regulations Subcommittee

Chair Gabriel Sandoval and Councilmember Julie Wilensky

A. Discussion by the Council

No further updates.

B. Public Comment

No public comment.

XII. Update from the Hate Violence Subcommittee

Chair Gabriel Sandoval

A. Discussion by the Council

No updates.

B. Public Comment

No public comment.

XIII. **Update from the Algorithms and Bias Hearing Subcommittee**

Councilmember Hellen Hong

A. Discussion by the Council

No updates.

B. Public Comment

No public comment.

XIV. **Update from the Unruh Act Subcommittee**

Councilmembers Adetunji Olude and Julie Wilensky

A. Discussion by the Council

No updates.

B. Public Comment

No public comment.

XV. **Update from the Community Education and Outreach Subcommittee**

Chair Gabriel Sandoval and Councilmember Hellen Hong

A. Discussion by the Council

No updates.

B. Public Comment

No public comment.

XVI. **Update from the Religious Creed Discrimination and Accommodation Subcommittee**

Councilmember Julie Wilensky

A. Discussion by the Council

No updates other than those raised in the discussion regarding additional or modified subcommittee assignments.

B. Public Comment

No public comment.

XVII. **Discussion Regarding Additional or Modified Subcommittee Assignments**

Chair Gabriel Sandoval and Councilmembers

A. Discussion by the Council

The Council discussed that several Subcommittees had one member or no members, following the end of three Councilmembers' terms. The Council discussed the status of various subcommittees in order to assess staffing of subcommittees.

Councilmember Wilensky provided an update on the Religious Creed Discrimination and Accommodation Subcommittee's regulatory package. Early this year, the Council voted to move the draft regulations into formal rulemaking, but the Council and CRD staff have not yet submitted the Initial Statement of Reasons and rulemaking notice documents to the Office of Administrative law. She recommended that the Council wait to submit the rulemaking package to OAL until new councilmembers have been appointed so as to ensure adequate staffing for in-progress regulatory practices.

Councilmembers Wilensky and Hong also raised the importance of having at least two councilmembers on each subcommittee due to the fact that councilmembers are only permitted to discuss draft language and revisions with other members of the subcommittee.

In order to prioritize ongoing rulemakings and other priorities of the Council, the Council agreed to the following:

Councilmember Hong will join the Fair Housing Regulations Subcommittee.

Councilmembers Olude and Wilensky will join the Government Code section 11135 Regulations Subcommittee.

The Criminal History and Employment Regulations Subcommittee will continue with Chair Sandoval and Councilmember Wilensky.

The Council combined the Hate Violence and Community Education Subcommittees with Chair Sandoval and Councilmember Hong.

The Council will move forward with the Algorithms and Bias Hearing Subcommittee, comprised only of Councilmember Hong at this time.

The Council paused the work of the Unruh Act Subcommittee, Reasonable Accommodations for Associational Disabilities Subcommittee, and the Religious Creed Discrimination and Accommodation Subcommittee until after additional Councilmembers are appointed and onboarded.

Councilmember Hong will join Chair Sandoval in the Strategic Planning Subcommittee.

B. Public Comment

No public comment.

C. Action by Council

Councilmember Wilensky moved to adopt the adjusted subcommittee assignments. Councilmember Olude seconded. The Council unanimously voted to approve the motion.

XVIII. Further Public Comment

No further public comments.

XIX. Adjournment

Chair Sandoval adjourned the meeting at approximately 2:02 PM.

Date: May 24, 2023

GABRIEL SANDOVAL
Chair

TAYLOR WHITLEY
CRD Outreach and Education Office Technician
