



Roll Call Number

Agenda Item Number

49

Date October 12, 2009

RECEIPT OF PERFORMANCE ASSESSMENT REVIEW OF THE DES MOINES HUMAN RIGHTS COMMISSION BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE PERIOD OF FISCAL YEAR JUNE 1, 2008 THROUGH MAY 30, 2009

WHEREAS, the Des Moines Human Rights Commission has received a performance assessment review by the U.S. Department of Housing and Urban Development (HUD) for the time period of June 1, 2008 through May 31, 2009;

WHEREAS, the review is favorable for the Des Moines Human Rights Commission and the City of Des Moines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the performance review of the Des Moines Human Rights Commission conducted by U.S. Department of Housing and Urban Development (HUD) for the time period of June 1, 2008 through May 31, 2009 be and is hereby recognized, and the document shall be received and filed by the City Clerk's Office.

APPROVED AS TO FORM:

Moved by _____ to adopt.

Douglas P. Philip, Assistant city Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Region VII
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY
Gateway Tower II, 4th Floor
400 State Avenue
Kansas City, KS 66101-2406

SEP 22 2009

Rudy Simms, Executive Director
Des Moines Human Rights Department
602 East 1st Street
Des Moines, IA 50309

Dear Mr. Simms:

Subject: Performance Assessment Review

The Performance Assessment for your agency is complete. I am pleased to provide you with a copy of the final report on your agency's performance for the period June 1, 2008 through May 30, 2009. If you have questions, you may contact Andrea M. Carson, at (913) 551-5718, weekdays, between 8 a.m. and 4:30 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Myrtle L. Wilson".

Myrtle L. Wilson
Director
Region VII Office of Fair Housing and
Equal Opportunity

Enclosure

**United State Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
Region VII**

Performance Assessment Report

DES MOINES HUMAN RIGHTS DEPARTMENT

602 East 1st Street
Des Moines, IA 50309
(515) 283-4284

Purpose: To determine whether Des Moines Human Rights Department engages in timely, comprehensive, and thorough fair housing complaint investigation, conciliation and enforcement activities, and therefore warrants continued certification as a substantially equivalent agency. This determination is based on Des Moines Human Rights Department's compliance with the performance standards and requirements set forth in regulations implementing the Fair Housing Assistance Program, at 24 C.F.R. Part 115.

Period of Performance: June 1, 2008 thru May 31, 2009

Date of On-Site Assessment: June 9, 2009

HUD Reviewer(s): Andrea M. Carson, Equal Opportunity Specialist

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I. Organizational Structure and Staffing

On June 30, 1994, HUD certified the Des Moines Human Rights Commission as substantially equivalent to the Federal Fair Housing Act. The Des Moines Human Rights Commission (DMHRC) was created by the City Council of the City of Des Moines in 1954. The Agency has jurisdiction over complaints involving discrimination in the areas of public accommodation, employment, and housing. The city code section on human rights gives the Agency jurisdiction in housing complaints and was amended on December 6, 1993. It prohibits discrimination in housing on the bases of age, race, religion, creed, color, sex, sexual orientation, national origin, ancestry, disability and familial status. The amendments made it comparable to the Federal Fair Housing Act of 1988. The city ordinance also defines the Commission's powers and duties to provide education and outreach and enforce the non-discrimination requirements.

The Agency has a staff of three full-time salaried employees, one temporary, part-time employee, two Vista volunteers and one retired attorney. The chart below reflects the Agency's personnel by name and position.

DMHRC STAFF MEMBERS

Name	Position	Hire Date
Rudolph Simms, Jr.	Executive Director	08/14/2006
Vern M. Ostrander	Sr. Human Relations Specialist	02/05/1979
Loretta L. Wells	Executive Administrative Assistant	03/19/1973
Michael P. Towey	Part-Time Human Relations Spec	05/18/2009
Jordan Homer	Vista Volunteer	11/01/2008
Mikel Johnson	Vista Volunteer	02/01/2008
Keith Harje	Retired Attorney	

II. Performance Standards

Performance Standard #1 (24 CFR § 115.206(e)(1)): Commence complaint proceedings, carry forward such proceedings, complete investigations, issue determinations, and make final administrative dispositions in a timely manner.

1. Does the processing of fair housing complaints begin within 30 days of receipt?

DMHRC received a total of nine complaints during the performance period. Three cases were reactivated by HUD due to the Respondents being recipients of federal funding. The other six cases were processed by the DMHRC. Review of these cases revealed that the Agency began the investigative process within 30 days of receipt.

2. Are notification letters sent to all the parties indicating agency's initiation of investigation?

Yes, according to the City of Des Moines, Iowa Municipal Code, Chapter 62, Section 62-3, the Agency must submit a copy of the complaint to the Respondent within ten days of its filing.

Review of the six cases submitted for closure and the one case that was in the Agency's open case inventory, revealed that the DMHRC sent notification letters to all parties indicating the Agency's initiation of the investigation.

3. Are investigative activities completed within 100 days from the date of receipt?

During this review period, DMHRC closed a total of six cases and had one case open. Review of the six closed cases and one open case revealed that the DMHRC completed the 100 day processing requirement in 70% of the six (6) cases it processed. The Agency sent notification letters to the parties in only one of the two (2) aged cases submitted for closure. The Agency's one open case was approximately 30 days old at the time of the review.

4. If impracticable to do so, were notifications sent within 110 days indicating the reason(s) for the delay?

Yes, DMHRC closed two cases that were in excess of 100 days. Review of the two closures and TEAPOTS revealed that DMHRC did not send out notifications letters to the parties. When the cases were reviewed for closure, the Agency was notified that notification must be sent to all parties if the case was in excess of 100 days.

5. Are determinations of reasonable cause, or no cause, made within 100 days?

DMHRC closed two cases with No Reasonable Cause determinations. Upon review of the two No Reasonable Cause determinations, it was determined that one case was in excess of 100 day. Of the two No Reasonable Cause determinations the Agency sent notifications to the parties in only one of the closures. The Agency met the guidelines outlined in the Criteria for Processing for a No Reasonable Cause determination and both closures were accepted by the Department for credit and closure.

6. Are final administrative dispositions of complaints made within one year from the date or receipt?

DMHRC did not submit any cases that warranted administrative disposition.

7. If it was impracticable to do so, were notifications sent, indicating the reason(s) for the delay?

N/A.

8. Are complete, final investigative reports prepared for all complaints?

Yes, the Agency completed the investigation and prepared a complete Final Investigative Report (FIR) in two of the six closed cases. Review of the FIRs submitted for closure, as well as, TEAPOTS revealed that the FIRs met the requirements for the Criteria for Processing.

9. Are final determinations prepared for all complaints?

Yes, the assessment of the six (6) cases DMHRC submitted for closure revealed that the Agency prepared Final Determinations for the two (2) cases that were issued No Reasonable Cause Determinations.

Conclusion: Performance Standard #1 was met.

Performance Standard #2 (24 CFR § 115.206(e)(2)): Administrative closures are utilized only in limited and appropriate circumstances.

- 1. Were any cases administratively closed for inappropriate reasons (appropriate reasons include: inability to locate a complainant, the failure of a complainant to cooperate with the investigation, the inability of HUD to locate a sole respondent, the independent decision of a complainant not to proceed, the loss of the right for a complainant to proceed with a case, or, where a trial on the matter has commenced)? If yes, explain.**

An assessment of the six (6) cases DMHRC closed and submitted for review revealed that two (2) cases were administratively closed. The review of the two (2) administrative closures revealed that these cases were closed because the Complainants failed to cooperate with the investigation. Both closures met the requirements of the Criteria for Processing.

Conclusion: Performance Standard #2 was met.

Performance Standard #3 (24 CFR § 115.206(e)(3)): During the period beginning with the filing of a complaint and ending with filing a charge or dismissal, the agency, to the extent feasible, attempts to conciliate the complaint. After the charge has been issued, the agency, to the extent feasible, continues to attempt settlement until a hearing or a judicial proceeding has begun.

- 1. Did the agency, to the extent feasible, attempt conciliation on all complaints? Explain.**

Yes, an analysis of DMHRC's open and closed cases revealed that DMHRC attempted to the extent feasible to conciliate all complaints received. The Agency was successful in conciliating two (2) complaints of the six (6) complaints it processed.

- 2. Were conciliation attempts made throughout the processing of all complaints (i.e., beginning with the filing of the complaint and ending with the filing of a reasonable cause finding or a charge)? Explain.**

A review of the six (6) closed cases and one open case revealed that the Agency attempted conciliation beginning with the filing of the complaint and throughout the investigative process. The Agency was successful in conciliation two (2) of the complaints it closed.

- 3. After a reasonable cause finding or charge has been issued, does the agency, to the extent feasible, attempt settlement until a hearing or a judicial proceeding has begun? Explain.**

During this review period, DMHRC did not submit any reasonable cause findings.

Conclusion: Performance Standard #3 was met.

Performance Standard #4 (24 CFR § 115.206(e)(4)): The agency conducts compliance reviews for settlements, conciliation agreements, and orders resolving discriminatory housing practices.

- 1. Were the terms and conditions of the conciliation agreements sufficient? Explain.**

Analysis of the Conciliation Agreements that DMHRC submitted for closure revealed that Conciliation Agreements met the requirements of the Criteria for Processing. The agreements were in writing, signed by all parties, the terms were set out in the agreement, and both agreements contained the public interest provision. The two cases were companion cases. The Complainants received the total amount of \$1,500.00 in relief for their complaint. The relief obtained for the Complainants was acceptable.

- 2. Were the terms and conditions of the agency orders sufficient? Explain.**

DMHRC did not issue any orders during the review period.

- 3. Describe the agency's procedures for conducting compliance reviews.**

DMHRC's procedures for conducting compliance reviews are outlined in the City of Des Moines, Iowa Municipal Code, Chapter 62, and Section 62-6. In cases where in the respondent has made a commitment in the conciliation and the commission finds that the commitments have not been kept; it may open all of its files, previous complaints, and proceedings involving the respondent for public inspection and proceed with further steps it finds appropriate including initiation of a proceeding in Polk County District Court. The Executive Director stated in order to ensure Respondents are in compliance with agreements it is their procedure for the investigator to contact the Complainant to make sure the Respondent has complied with the terms of the agreement. The Executive Director also stated they set out the terms of what is expected in the Agreement and the date in which the terms of the agreement is expected to be completed.

Conclusion: Performance Standard #4 was met.

Performance Standard #5 (24 CFR § 115.206(e)(5)): The agency must consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of discriminatory practices.

1. Summarize the agency's use of its authority to seek actual damages, as appropriate.

An analysis of DMHRC's use of its authority to seek actual damages revealed administrative and judicial procedures in place that gives them the authority to seek actual damages. DMHRC did not submit any cases that required the Agency to utilize its authority to seek actual damages.

2. Summarize the agency's use of its authority to seek and assess civil penalties and punitive damages, as appropriate.

An analysis of DMHRC's use of its authority to seek civil penalties revealed administrative and judicial procedures in place that gives them the authority to seek civil penalties and punitive damages. DMHRC did not submit any cases that warranted the Agency to utilize its authority to assess or seek civil penalties or punitive damages.

3. Provide an assessment of the types of the relief sought by the agency with consideration for the inclusion of affirmative provisions designed to protect the public interest.

During this review period, DMHRC sought a variety of relief for Complainants. Conciliation Agreements reflected relief which included affirmative action, monetary, housing, structural modifications, and fair housing training for Respondents. DMHRC conciliated two cases during the review period. Each agreement was submitted in writing, stated specifically that the case would be closed; included terms for relief and contained a public interest provision.

4. Summarize all the types of relief that were obtained.

DMHRC successfully conciliated two cases. The two cases were companion cases. Review of the Conciliation Agreement revealed that the Complainants received monetary relief in the amount of \$1,500.00 total for their complaint. The agreement stated that the Respondents would refrain from any discriminatory acts; provide housing; and agreed to the terms of the agreement. The Conciliation agreement was submitted in writing, included the terms for relief, as well as contained the public interest provision.

5. Assess the adequacy of the relief sought and obtained in light of the issues raised by the complaints.

A review of the two Conciliation Agreements submitted by DMHRC revealed that the Agency adequately addressed all allegations, issues, and bases in the complaint; provided Public Interest Provisions and obtained relief that was appropriate based on the allegations cited by the complainants.

6. Identify the number of complaints closed with relief and the number closed without relief.

DMHRC closed a total of six cases that were accepted for payment by HUD. Two complaints were closed with Conciliation Agreements. Two complaints were closed as No Probable Cause and two were administratively closed.

7. Identify the number of complaints that proceeded to an administrative hearing and the results.

DMHRC did not submit any cases that proceeded to administrative hearing.

8. Identify the number of complaints that proceeded to judicial proceedings and the results.

DMHRC did not submit any cases that proceeded to judicial proceedings.

Conclusion: Performance #5 Standard was met.

Performance Standard #6 (24 CFR § 115.206(e)(6)): The agency must consistently and affirmatively seek to eliminate all prohibited practices under its fair housing law.

1. Identify and describe the fair housing education and outreach efforts of the agency.

During the review period, DMHRC conducted a total of 10 fair housing activities. The Agency continues to reach out to the community by conducting educational activities. DMHRC participated in several events with other organization such as the Iowa Civil Rights Commission as well as other communication organizations. DMHRC also sponsored Fair Housing events. The Agency takes pride in its efforts to educate the community on fair housing laws. DMHRC is to be commended for its' continued efforts at educating the community. Below is a list of some events and activities the Agency participated.

Date	Description	Location	Notes
07-19-2009	Cheatom Park Annual Birthday Celebration	Des Moines, IA Cheatum Park	Administered Fair Housing Quiz
08-10-2008	Iowa State Fair	Des Moines, IA	Distributed Fair Housing materials
09-09-2008	Drake University Race & Ethnicity	Des Moines, IA	Displayed Fair Housing materials
12-10-2008	3 rd Annual International Human Rights Day	Des Moines, IA	Distributed Fair Housing materials
12-22-2008	Annual Symposium on Fair Housing	Des Moines, IA	Guest Speakers, Stella Adams & Myrtle Wilson

01-15-2009	City Hall – Channel 7 Studio	Des Moines, IA	Displayed Fair Housing Public Service Announcements throughout the City of Des Moines
01-31-2009	I'll Make Me a World Annual Celebration	Des Moines, IA Polk County	Distributed Fair Housing materials
02-11-2009 thru 03-18-2009	Channel 8 (CBS) TV Station	Des Moines, IA	Fair Housing commercial publicizing the 23 rd Annual Symposium on Human Rights
02-11-2009	Grandview College	Des Moines, IA	Distributed Fair Housing materials
03-18-2009	23 rd Annual Symposium on Civil & Human Rights: Weathering the Storm	Des Moines, IA	Distributed Fair Housing materials

Conclusion: Performance Standard #6 was met.

Performance Standard #7 (24 CFR § 115.206(e)(7)): The agency must demonstrate that it receives and processes a reasonable number of complaints cognizable under both the Fair Housing Act and the agency's fair housing statute or ordinance.

1. Does the agency receive and process a reasonable number of complaints cognizable under the Fair Housing Act? Explain.

The City of Des Moines covers approximately 80 square miles. The total population for the City is 193,187. The Iowa Civil Rights Commission also has jurisdiction over complaints located in the City of Des Moines to carry out fair housing activities. During the review period, DMHRC received a total of nine complaints and processed a total of six (6). Three (3) cases were waived back to the Department due to the Respondents receiving federal funding. The Agency continues to perform as a Substantially Equivalent Agency and is to be commended for the increase in the number of complaints it received and processed from the previous year.

Conclusion: Performance Standard #7 was met.

Performance Standard #8 (24 CFR § 115.206(e)(8)): The agency must report to HUD on the final status of all dual-filed complaints where a determination of reasonable cause was made.

1. Has the agency reported to HUD on the final status of dual-filed reasonable cause complaints via TEAPOTS?

During this review period, DMHRC did not submit any Reasonable Cause Determinations for closure.

Conclusion: Performance Standard #8 was not accessed.

Performance Standard #9 (24 CFR § 115.206(e)(9)): The agency must conform its performance to the provisions of any written agreements executed by the agency and HUD related to substantial equivalence certification, including but not limited to the interim agreement or MOU.

DMHRC has met the performance provisions of all written agreements executed by the Agency and the Department related to Substantial Equivalent Certification, including the MOU between the Agency and the Department.

1. Does the agency conform to the provisions of all written agreements with HUD, related to substantial equivalence interim certification or certification? Explain.

DMHRC has met the performance provisions of all written agreements executed by the Agency and the Department related to Substantial Equivalent Certification, including the MOU between the Agency and the Department.

Conclusion: Performance Standard #9 was met.

III. Budget and Finance Requirements

A. Did the agency provide annual certifications to HUD, confirming that the agency spends at least 20% of its total operating budget (not including FHAP funds) on fair housing activities as required at 24 CFR § 115.307(5)? Explain.

Yes, DMHRC provided the Department with a copy of its Financial Management Budget listing all expenditures. Review of the Agency's financial budget showed that DMHRC spends at least 20% of its total operating budget on fair housing activities.

FHAP funds must be segregated from the agency's and the state or local government's other funds, and must be used for the purpose that HUD provided the funds as required at 24 CFR § 115.307(6).

B. Did the agency commingle FHAP funds with other funds? Explain.

No, DMHRC has a general account fund that is coded to reflect the expenditures for each Department. The report distinguishes HUD funds received from the Agency's general budget.

C. Are FHAP funds used for the purpose that HUD provided the funds? Explain.

Yes, The DMHRC used HUD funds to conduct investigations, purchase office equipment, Education and Outreach activities, attend HUD sponsored and other Fair Housing training, as well as to maintain day-to-day administrative needs.

D. Did the agency unilaterally reduce the level of financial resources committed to fair housing activities as prohibited at 24 CFR § 115.307(7)? Explain.

No, According to the Executive Director, the agency did not reduce the level of financial resources that were committed to Fair Housing. The Director stated they have not reduced the level of financial resources and that fair housing activities have not been compromised in any form. Review of the Agency's budget information revealed that the Agency has remained consistent in the last three (3) years.

E. Does the agency draw down its funds in a timely manner as required at 24 CFR 115.307(9)?

Yes, DMHRC made withdrawals during the review period in a timely manner.

Audit Report

A. Was the agency audited and does the agency have a copy of the audit report (24 CFR § 115.307(10))? If yes, identify any relevant findings in the audit report and obtain a copy of the audit report for FHEO files.

An audit of the Des Moines Human Rights Commission was conducted by McGladrey and Pullen Certified Public Accountants for the year ending June 30, 2008. The report did not reveal any significant findings.

Conclusion: Performance Standard was met.

IV. Reporting and Record Keeping Requirements

A. Does the agency maintain records demonstrating its financial administration of FHAP funds (24 CFR § 115.308(a)(1))?

Yes, DMHRC's financial records are maintained by the City's Finance Department. The Agency utilizes a database system called Financial Management to maintain its' financial records.

B. Does the agency maintain records of its performance under FHAP, including all past performance assessment reports, performance improvement plans and other documents relative to the agency's performance in the FHAP (24 CFR §115.308(a)(2))?

Yes, the Agency maintains all relevant records of its performance under FHAP, including all past Performance Assessment Reports, Performance Improvement Plans, Quarterly Reports, Education and Outreach activities, training schedules/completions and other documents relative to the Agency's performance in the FHAP.

C. Does the agency permit reasonable public access to its records as required at 24 CFR § 115.308(c) (i.e. are the records made available at the agency's office during normal working hours for public review)?

Yes, According to the Executive Director, the Agency permits public access to its records as required and is made available at the Agency's office during normal working hours for review. The Agency did not receive any requests during the review period.

D. Do the Secretary of HUD, Inspector General of HUD, and Comptroller General of the United States, and any of their authorized representatives, have access to all the pertinent books, accounts, reports, files and other payments for surveys, audits, examinations, excerpts and transcripts as they relate to the agency's participation in FHAP (24 CFR § 115.308(d))?

DMHRC permits review and access to all pertinent books, accounts, reports, files, and other payments, audits, examinations, excerpts and transcripts as they relate to the Agency's participation in the FHAP program in accordance with the established guidelines of HUD.

E. Are all files kept in such a fashion as to permit the audits under applicable Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies (24 CFR § 115.308(e))?

DMHRC retains all relevant files that are used for audits performed under the Office of Management and Budget circulars, procurement regulations and guidelines, and the Single Audit requirements for state and local agencies.

Conclusion: Performance Standard was met.

V. Testing Requirements

Is testing done in accordance with the HUD approved testing methodology as required at 24 CFR § 115.311(a)?

The Des Moines Human Rights Commission does not perform testing.

Conclusion: Performance Standard not assessed.

VI. Additional Requirements

Training Requirement (24 CFR § 115.306(b)): Each agency must send staff to mandatory FHAP training sponsored by HUD, including, but not necessarily limited to, the National Fair Housing Training Academy (NFHTA) and the National Fair Housing Policy Conference.

A. Does the agency send its staff to the NFHTA in accordance with the FHAP guidance?

DMHRC have two staff members involved in the investigation of fair housing complaints. One staff member has completed weeks one and two. The Agency has a temporary part-time employee that will also attend NFHTA training. The Executive Director has completed all training requirements and has received Certification. It is the Agency's intent to have all employees involved in fair housing complete all training requirements. The chart below reflects the progression of the Agency's attendance at NFHTA training this far.

NFHTA TRAINING			
Name/Title	Date	Week Completed	Location
Rudolph Simms, Jr./Executive Director	05-01-2009	5 Weeks	Washington, DC
Vern Ostrander/Investigator	03-25-2007	2 Weeks	Washington, DC

B. Have all staff directly involved in fair housing investigations completed the NFHTA core curriculum? If not, explain.

No. At this time, one member directly involved in fair housing investigations has not completed the core curriculum. This staff member has had medical problems for the last year and has been unable to attend the required courses. The Agency also has one part time employee that it plans to send to NFHTA training. The Executive Director stated it was his intent to have both employees complete all training requirements.

C. Did the agency send all appropriate staff to HUD conferences, and HUD-approved and HUD-sponsored training? If not, explain.

Yes. DMHRC had three staff members and one former Commissioner attend the 2008 Policy Conference.

OTHER TRAINING/INCLUDING HUD APPROVED			
Name/Title	Date	Location	Comments
Rudolph Simms, Jr./Executive Director	08-22-2008	Omaha, NE	RECCR Conference
Bridget Fischels/AmeriCorp Vista	08-22-2008	Omaha, NE	RECCR Conference
Mikel Johnson/AmeriCorp Vista	08-22-2008	Omaha, NE	RECCR Conference
Gloria Cano/Former Commissioner	08-22-2008	Omaha, NE	RECCR Conference

Conclusion: Performance Standard was met.

Data Support Systems Requirement (24 CFR § 115.307(a)(3)): The agency must use the Department's official complaint data information system and must input all relevant data and information into the system in a timely manner.

A. Does the agency use the Department's official complaint data information system (TEAPOTS)?

DMHRC utilizes the Department's official complaint data information system (TEAPOTS). The Agency enters all inquiries into TEAPOTS. The Agency inputs all relevant data and information into TEAPOTS in a timely manner. DMHRC did not require any technical assistance from the Department with regards to inputting data into TEAPOTS.

B. Does the agency input all relevant data and information into TEAPOTS in a timely manner, including but not limited to reasonable/probable cause dates?

All relevant data and information was inputted into TEAPOTS in a timely manner. All documents are listed and described, interviews are complete and concise, and the case chronologies were documented.

Conclusion: Performance Standard was met.

Changes Limiting Effectiveness of Agency's Law (24 CFR § 115.211): If a state or local fair housing law that HUD deemed substantially equivalent to the Act is amended; or rules or procedures concerning the fair housing law are adopted; judicial or other authoritative interpretations off the fair housing law are issued, the interim certified or certified agency must inform the Assistant Secretary of such amendment, adoption or interpretation within 60 days of its discovery.

A. Have there been any changes to the law such as amendments, adoptions or interpretations of the agency's fair housing law that have not been reported to HUD within 60 days? Explain

There were no changes, amendments, rules or procedures adopted, judicial or other authoritative interpretations made during the period of performance that would limit the effectiveness of DMHRC's law.

Conclusion: Performance Standard was not assessed.

Civil Rights Requirements

Is the agency in compliance with all relevant federal civil rights laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968?

DMHRC is in compliance with all relevant Federal Civil Right Laws.

Conclusion: Performance Standard was met.

Subcontracting Requirement (24 CFR § 115.309):

1. **If the agency subcontracts to a public or private organization any activity for which it receives FHAP funds, does it ensure in writing that the organization is complying with all relevant civil rights laws, including but not limited to Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 508 of the Rehabilitation Act, and the standards of Section 3 of the Housing and Urban Development Act of 1968?**

DMHRC does not contract any FHAP related activities to public or private organizations.

2. **If the agency subcontracts to a public or private organization any activity for which it receives FHAP funds, does it ensure in writing that the organization is affirmatively furthering fair housing?**

DMHRC does not contract any FHAP related activities to public or private organizations.

3. **If the agency subcontracts to a public or private organization any activity for which it receives FHAP funds, does it ensure that the organization is not debarred, suspended, or in any way excluded from covered transactions by any federal debarment or agency?**

DMHRC does not contract any FHAP related activities to public or private organizations.

Conclusion: Performance Standard was not assessed.

FHAP and the First Amendment

1. **Does the agency use funding made available under FHAP to investigate or prosecute any activity that may be protected by the First Amendment of the United States Constitution as prohibited at 24 CFR § 115.310?**

DMHRC did not request dual-filing or investigate any cases protected by the First Amendment of the United States Constitution.

Conclusion: Performance Standard was met.

Community Contacts:

The Des Moines Human Rights Commission promotes fair housing choices throughout the City of Des Moines, IA. It works closely with community leaders, non-profits and other community organizations. Community leaders are aware of DMHRC's role and services in the community and supports and promotes the department in whole. Below are community leaders' comments regarding the DMHRC.

Organization: Des Moines Public Schools K-12
Point of Contact: Mary Lynnen Jones

I have participated in Fair Housing Education Symposiums at the annual Symposium on Civil Rights held last March at Des Moines University. We have placed Fair Housing Brochures at various school activities. In addition, as President of Delta Sigma Theta Sorority, Inc. which is a public service women's organization, we have volunteered at the Commission Fair Housing booths. At other venues in the Greater Community, Mr. Simms and his staff have been highly visible. The outreach to the community has improved significantly. At the Ft. Des Moines Museum and at various supermarkets in the Des Moines community, I have seen Fair Housing materials and brochures.

Organization: City of Urbandale
Point of Contact: John Konior
Telephone: 515-331-6703

Comments: My interaction with the Des Moines Human Rights Commission has been as a member of the Greater Des Moines Friends of Human Rights. Over the time period listed, my evaluation of the Commission and staff is one of dedication and professionalism. Mr. Simms also serves on the Greater Des Moines Friends of Human Rights, as does Commission staff, and the 5013 meets at their office. In addition, as the staff liaison to the Urbandale Civil Rights Commission, the Urbandale Commission has partnered as a sponsor with the Des Moines Commission on the annual Fair Housing Symposium and International Human Rights Day.

Organization: NAACP
Point of Contact: Linda Carter Lewis
Telephone: 515-283-1271

Comments: Linda Carter-Lewis of the NAACP was contacted, however, did not respond for comment.

VII. Conclusion and Any Corrective Actions

The U.S. Department of Housing and Urban Development conducts an annual Performance Assessment Review (PAR) of Substantially Equivalent agencies to determine compliance with the nine performance standards, as reflected in 24 CFR Part 115 and the other performance requirements as listed in the Performance Assessment Review. An on-site review of the Des Moines Human Rights Commission (DMHRC) was conducted on June 9, 2009. The assessment revealed that the DMHRC met all standards where an assessment could be made. Of the nine standards, Performance Standard number 8 was not assessed because the Agency did not carry out any activities under this standard.

This review determined that DMHRC effectively investigates Housing Discrimination Complaints in accordance to established HUD procedures and requirements. The Agency received a total of nine complaints during the review period. Three cases were reactivated by HUD due to the recipients receiving federal funds. DMHRC successfully processed and closed a

total of six cases. Two cases were closed as No Reasonable Cause, two were successfully conciliated, and two were administratively closed. This is a 66% increase from the previous number of complaints received and processed during last year's performance assessment. DMHRC had one open case at the time of this review. This case was in the process of be conciliated and had not aged at the time of this review. The Agency met all of the requirements of the Criteria for Processing. The quality of the work product met HUD's processing requirements. DMHRC complied with all required guidelines for conciliation complaints received. The Agency was successful in conciliating two of the six cases it closed. DMHRC conducts successful education and outreach activities. The Agency has sponsored, as well as, co-sponsored several community activities and stressed its plans to continue to educate the community in an effort to increase its complaints.

HUD staff has been and will continue to remain available to provide technical assistance as required to FHAP Agencies and their staff. DMHRC is encouraged to contact the FHAP monitor regarding all FHAP related issues.

Based on DMHRC's Performance Assessment Review for this period, it has been determined that the Agency has demonstrated that it continues to perform in a satisfactory manner as a Substantially Equivalent Agency under the Fair Housing Act. It is therefore, recommended that the Agency continue its certification as a Substantially Equivalent Agency.

VIII. Exhibits

- | | |
|-------------------------------------------------------------------|-----------|
| A. Des Moines Human Rights Commission Current Staff | Exhibit 1 |
| B. Des Moines Human Rights Commission Organization Chart | Exhibit 2 |
| C. McGladrey & Pullen Independent Auditor's Report | Exhibit 3 |
| D. City of Des Moines Budget History | Exhibit 4 |
| E. City of Des Moines Scheduled of Expenditures of Federal Awards | Exhibit 5 |

IX.

FHAP AGENCY NAME
Performance Assessment Review DATE June 9, 2009

Signature Page

Andrea M Carson

FHEO Government Technical Monitor

9-17-2009

Date

Nana Williams

for
FHEO Region Director

9-17-2009

Date

DES MOINES HUMAN RIGHTS COMMISSION

*CURRENT STAFF

FULL TIME – SALARIED EMPLOYEES

(1) Rudolph Simms, Jr. Human Rights Director

Race: Black/African American Sex: Male Hired: 08/14/2006

(2) Vern M. Ostrander Senior Human Relations Specialist

Race: Caucasian Sex: Male Hired: 02/05/1979

(3) Loretta L. Wells Executive Administrative Assistant

Race: Black/African American Sex: Female Hired: 03/19/1973

TEMPORARY, PART-TIME – SALARIED EMPLOYEE

(1) Michael P. Towey Human Relations Specialist

Race: Caucasian Sex: Male Hired: 05/18/2009

***VOLUNTEERS - AmeriCorps/VISTA Associates**

12 Month Service

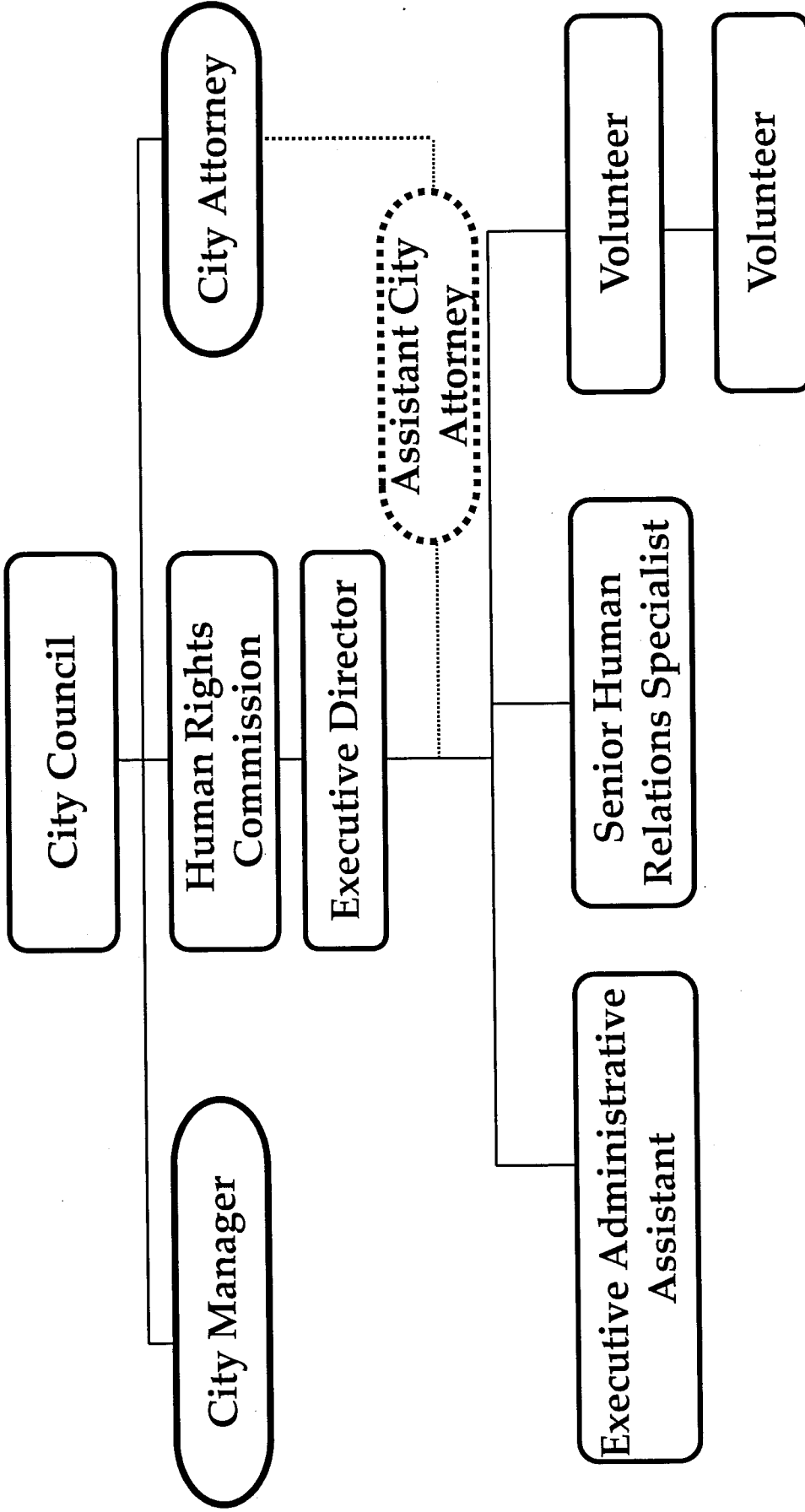
(1) Jordan Homer Northern European Female November 2008 – November 2009

(2) Mikel Johnson American Indian/Northern European Female
February 2009 February 2010
February 2008 February 2009

RETIRED ATTORNEY – Keith Hartje Caucasian Male

Mr. Hartje volunteers to handle mediation of cases on file with the Des Moines Human Rights Commission

Des Moines Human Rights Commission Organizational Chart



In FY 2007, DMHR Commission promoted the one Human Relations Specialist to Senior Human Relations Specialist, leaving no Human Relations Specialist.

McGladrey & Pullen

Certified Public Accountants

Independent Auditor's Report

To the Honorable Mayor and
Members of the City Council
City of Des Moines, Iowa
Des Moines, Iowa

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Des Moines, Iowa, as of and for the year ended June 30, 2008, which collectively comprise the City's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the City of Des Moines, Iowa's management. Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of the Des Moines Public Library Foundation which represents all of the assets and revenues of the discretely presented component unit of the City of Des Moines, Iowa. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for the Des Moines Public Library Foundation, is based on the report of the other auditors.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. The financial statements of the Des Moines Public Library Foundation were not audited in accordance with *Government Auditing Standards*. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Des Moines, Iowa, as of June 30, 2008, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

As explained in Note 14 to the basic financial statements, the City changed its method of accounting for other postemployment benefits.

In accordance with *Government Auditing Standards*, we have also issued our report dated November 14, 2008 on our consideration of the City of Des Moines, Iowa's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The management's discussion and analysis and budgetary comparison information on pages 3 through 18 and 89 through 91 and the schedule of funding progress on page 92 are not a required part of the basic financial statements but are supplementary information required by the accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Des Moines, Iowa's basic financial statements. The combining and individual nonmajor fund financial statements and other schedules, listed in the table of contents as supplementary information, are presented for purposes of additional analysis and are not a required part of the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the U. S. Office of Management and Budget Circular A-133, *Audit of States, Local Governments and Nonprofit Organizations*, and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

The accompanying introductory and statistical sections, as listed in the table of contents, are presented for purposes of additional analysis and are not a required part of the basic financial statements. This information has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on them.

McGladrey & Pullen, LLP

Davenport, Iowa
November 14, 2008

CITY OF DES MOINES
DEPARTMENT OF HUMAN RIGHTS - BUDGET HISTORY

	2006	2007	2008	2009 Thru June 8
REVENUES				
460130 Sale Of Miscellaneous Copies	228	-	-	-
482450 Miscellaneous	4,120	-	-	-
484000 Donations and Contributions	140	3,025	-	-
484005 Sponsorship	-	-	1,200	800
486050 Cash Over Or Short	1	0	-	-
489170 Reimbursement For Services	-	-	-	400
* 490500 Hud - Federal Revenue	64,530	66,928	18,540	22,620
General Fund Subsidy	226,261	197,517	262,861	243,204
	<u>295,280</u>	<u>267,470</u>	<u>282,601</u>	<u>267,024</u>
EXPENDITURES				
511010 Salaries Of Regular Employees	190,744	172,910	192,996	181,900
511030 Longevity	8,466	5,774	6,181	5,940
511070 Ipers - City'S Share	11,602	10,297	12,060	11,926
511080 Fica - City'S Share	13,088	11,134	12,421	11,811
511090 FICA MEDICARE-CITY'S SHARE	3,310	2,604	2,905	2,762
511120 Deferred Compensation - City'S	4,042	-	-	-
511140 Health And Dental Insurance	32,505	20,780	20,719	21,207
511170 Flexible Spending Account-City	574	987	964	882
511175 PEHP-City's Share	842	1,297	1,531	1,930
511310 Wages Of Permanent Part Time E	-	-	-	773
511800 Automobile Allowance	1,909	-	-	-
511801 Cell Phone Allowance	-	-	27	216
521020 Consultants And Professional S	1,500	2,000	-	-
521220 City Staff Charges On CIP Proj	-	-	-	2,000
522010 Contract Carriers	61	62	11	105
522020 Local Transportation	67	79	18	109
522100 Interview Reimb/Moving Exp	1,594	1,139	-	-
523010 Advertising	1,973	9,059	6,863	8,062
523020 Photocopy And Reproduction Exp	168	(389)	-	-
523030 Printing Services Contracts	-	525	144	521
523070 Photographic	-	-	-	-
523090 Cost Per Copy Fee	7	721	1,624	661
525145 Cell Phone-Employee Allowance	-	-	-	81
526060 R&M-Office Equipment	374	-	-	-
527070 Rental Expense	-	-	100	-
527140 Copy Equipment Rental And Expe	-	-	-	-
527520 Dues And Membership	400	300	300	400
527600 Restaurant And Other Foods	3,273	-	69	138
528501 IS Fund Prior Year Adjustment	-	-	659	-

CITY OF DES MOINES
DEPARTMENT OF HUMAN RIGHTS - BUDGET HISTORY

	2006	2007	2008	2009 Thru June 8
528515 Print Shop	151	-	29	-
528525 Telephone-Basic Line Service	4,911	6,480	6,310	-
528530 Telephone-Service Calls & Oper	6	-	-	-
528535 Telephone-Direct Dial Long Dis	3	-	-	-
528540 Telephone-Discounted Long Dist	35	-	-	-
528585 Courier - Internal Service	1,350	1,359	1,259	1,000
528590 Postage-Internal Service	2,691	1,836	906	920
529690 Miscellaneous	-	3,025	-	-
529810 Workers' Compensation Payments	5,076	5,440	5,973	4,953
529830 Chapter 411 Medical Payments	-	-	-	-
531010 General Office	691	676	174	245
531020 Magazines, Maps, Reference Boo	138	80	80	-
531060 Print Shop Office Supplies Int	108	153	107	256
531070 Miscellaneous Office Supplies	-	349	-	-
532080 Food	-	120	-	15
532120 License,Plates, Badges, Tags,	572	-	-	-
562040 Travel	3,049	8,212	7,920	-
562050 Training	-	460	250	8,209
Grand Total	<u>295,280</u>	<u>267,470</u>	<u>282,601</u>	<u>267,024</u>

**CITY OF DES MOINES, IOWA
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
For the Year Ended June 30, 2008**

FEDERAL GRANTOR, PROGRAM TITLE, PROJECT/GRANT NUMBER, AND PROGRAM YEAR	FEDERAL PROGRAM NUMBER	TOTAL EXPENDITURES (7/1/07 - 6/30/08)
U.S. Department of Health and Human Services		
Community Services Block Grant:		
(Passed through the Iowa Department of Human Rights)		
Program Year: 2007		
Contract Number: CSBG-07-07-CJ		
October 1, 2006 - September 30, 2007	93.569	\$ 384,011
Program Year: 2008		
Contract Number: CSBG-08-07-CJ		
October 1, 2007 - September 30, 2008	93.569	170,085
Low-income Home Energy Assistance Block Grant:		
(Passed through the Iowa Department of Human Rights)		
Program Year: 2007		
Contract Number: 2207-07J		
October 1, 2006 - September 30, 2007	93.568	59,889
Program Year: 2008		
Contract Number: 2206-08J		
October 1, 2007 - September 30, 2008	93.568	<u>2,758,501</u>
Total U.S. Department of Health and Human Services		\$ <u>3,372,486</u>
U.S. Department of Housing and Urban Development		
Community Development Block Grant Program Entitlement:		
Entitlement Years: 2007 - 2008	14.218	\$ 4,626,278
Fair Housing Assistance Program		
Cooperative Agreement	14.401	18,540
Agrimergent Technology Park		
B-03-SP-IA-0197	14.246	75,590
Riverpoint West Phase 1		
B-01-BD-190019	14.246	225,669
Section 108 Loan		
Riverpoint West	14.248	8,499,930
Supportive Housing Program:		
Lighthouse Host Home #IA26B702010	14.235	95,298
March 1, 2008 - February 28, 2009		
Primary Health Care Enhancement #IA26B702002		
July 1, 2008 - June 30, 2009	14.235	1,088
YMCA Transitional Housing Program #IA26B502006		
September 1, 2006 - August 31, 2007	14.235	29,527
West Des Moines Human Services #IA26B502007		
August 1, 2006 - July 31, 2007	14.235	968
Buchanan Transitional Living Center #IA26B302003		
December 1, 2004 - November 30, 2007	14.235	40,509
HMIS #IA26B602002		
November 1, 2007 - October 31, 2008	14.235	69,793
Primary Health Care Street Outreach #IA26B602008		
July 1, 2007 - June 30, 2008	14.235	83,738
West Des Moines Human Services #IA26B602010		
August 1, 2007 - July 31, 2008	14.235	71,448
Primary Health Care Enhancement #IA26B602009		
July 1, 2007 - June 30, 2008	14.235	248,281
Buchanan Transitional Living Center #IA26B602007		
December 1, 2007 - November 30, 2008	14.235	57,511