

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

Minutes of Public Meeting  
January 21, 2014

**Board Members Present**

Jeff Lavender  
Janet Bain  
Beverly Dupree  
Daisy Flores  
Juan Ciscomani

**Board Members Absent**

Robert Garcia

**Staff Members Present**

Sandra Kane, Executive Director  
Jennifer Larson, Legal Counsel

**I. Call to Order**

Chairperson Jeff Lavender called the meeting to order at 1:08 p.m., with the following Board Members present: Jeff Lavender, Daisy Flores and Juan Ciscomani. Beverly Dupree and Janet Bain joined the meeting telephonically. The meeting took place at the Arizona Attorney General's Office, Capital Center Building, Basement Floor Conference Room B.

**II. Approval of Minutes of November 15, 2013**

Upon motion by Daisy Flores, which was seconded by Juan Ciscomani, the Board unanimously approved the meeting minutes for November 15, 2013.

**III. Elections for Chairperson and Vice-Chairperson**

Sandra Kane informed the Board members of the resignation of Wendy Freeman and that the Board was now down to 6 members. Beverly Dupree had a question regarding the election process for Chairperson and Vice-chairperson. Sandra Kane explained the bylaws and that elections need to be held yearly for each position.

Beverly Dupree nominated Jeff Lavender for the position of Chairperson. The motion was seconded by Daisy Flores. The Board unanimously elected Jeff Lavender to the Chairperson position. Beverly Dupree nominated Daisy Flores for the position of Vice-Chairperson. The nomination was declined by Daisy Flores. Daisy Flores nominated Juan Ciscomani for the position of Vice-chairperson. The motion was seconded by Beverly Dupree. The Board unanimously elected Juan Ciscomani as the new Vice-Chairperson.

**IV. Continued Discussion of actions to be taken in response to public forums and survey to law enforcement on SB 1070.**

**(a) Building a dialogue between the community and law enforcement.**

Sandra Kane gave a summary of a December 10, 2013 community forum sponsored by several community organizations including the ACLU that she and Jennifer Larson attended. There were representatives from Maricopa County, the Phoenix Police Department, the Phoenix City Council and the Mexican consulate. The forum was similar to the forums the Board had in Phoenix and Tucson in that members of the public recounted stories about being stopped by the police. A professor spoke about a study regarding the perception by Latinos of the police in this area after SB 1070. This study had previously been circulated among the Board Members. The consensus from the panel at that meeting was that change could be accomplished only if the people vote for change. They did not offer any legislative proposals. Local identification cards were mentioned but the panel of representatives did not think that was a good idea because it might indicate that the people needing identification cards were not eligible for regular ID cards and would be singled out even more. Gerald Richards, from the Phoenix Police Department, brought two people from the Phoenix PD who are specifically assigned to take complaints from the public about "bad cops" who were stopping people for no reason. Other police departments might be interested in assigning people to take these types of complaints. The Phoenix Police Department is offering this to the public in response to complaints.

Additionally, Sandra Kane reported that since the last meeting Jennifer Larson and Sandra Kane spoke with Captain McCraw from DPS to ask for recommendations to the Board on how to increase the dialogue with law enforcement. He mentioned creating citizen police academies to educate members of the community about law enforcement, but only a limited number of people can attend. He stated that the DPS is collecting data on traffic stops and that it is very expensive. He explained that the DPS has to engage services from a university in Cincinnati to interpret the data for them. So, not only do you need the equipment to collect the data but you also need to have somebody to review the data. He did indicate that some of the information was pretty interesting. The data has shown to the DPS that there are some shortcomings in the DPS record keeping, such as why there were more repair orders for Native Americans than for other people and more requests for searches on Latinos than any other group. Language barriers seem to raise suspicion. In regard to the cost of data collection, he said they had errors made in completing the forms that led to more errors and limited effectiveness. Captain McCraw also said that legislation was a concern in regard to data collection. He mentioned a group called Commission on Accreditation for Law Enforcement Agencies (CALEA), which certifies law enforcement agencies nationally and has its own standards in regard to data collection.

Jennifer Larson introduced a representative from the group Somos America, who has had success in having law enforcement show up for their community forums.

Daniel Rodriguez is the President of Somos America. He outlined some of the problems with building dialogue between law enforcement and the immigrant community. One of the biggest problems is lack of identification for the Latino immigrant community. He explained that before SB 1070, undocumented individuals would be issued a consulate ID card, but after SB 1070 there has been some confusion about whether the consulate ID cards are official identification. He also mentioned local ID cards, but noted that this effort was not seriously pushed. The second problem is persecution and harassment by both public and government officials. One of the consequences of harsh enforcement policies is that it creates an atmosphere of fear. His group works on rebuilding trust through community

forums, being actively engaged in communication with police departments, and working with “on-the-ground” community organizations that deal with the families and the issues that arise out of harsh enforcement policies on immigration. Somos America does continuous “Know Your Rights” forums to teach individuals about their rights under the U.S. Constitution even if they are undocumented. These forums help these individuals know that while they may be fearful to report a crime, that there are protections in place to make sure they are not deported. Mr. Rodriguez explained that Somos America also teaches them the process of how to report crimes and file grievances. In terms of data collection, Somos America used to have a hotline called the Respect Hotline. People would call in and tell their stories of witnessing a crime or being a victim of a crime and would report feeling as though they could not call the police because they were undocumented individuals. The people taking these calls on the hotline would assist some of these individuals with reporting crimes by either going with them to the police station or instructing them on how to report the crimes.

Mr. Rodriguez discussed the *Melendres* case and that Somos America is a plaintiff in the case. They helped gather data about what was happening in the immigrant community. Mr. Rodriguez discussed how ACRAB could help Somos America and other organizations by working with “on-the-ground” organizations in helping to formalize efforts and rebuild trust between the law enforcement agencies and the immigrant community. He suggested that ACRAB could possibly help by creating literature on how to rebuild this trust, and working with law enforcement agencies to make sure they have strict procedures on immigration policy and follow them. He discussed having an official pamphlet from the state to say that efforts are being made, that the community’s stories are being heard and that the police departments are taking steps to rebuild trust.

Brenda Aguirre from Somos America explained how they would like to continue to hear from people about their interactions with law enforcement, specifically the Maricopa County Sheriff’s Department. They want to know that the changes that are supposed to be implemented are being implemented. In continuing to hear these stories, Somos America and ACRAB can hopefully learn how interactions with police officers escalate to an ICE hold being placed on an individual. She suggested that ACRAB can help by working with organizations such as Somos America, creating literature on rebuilding trust and working to promote a process for grievances. She believes that a lot of individuals have been affected by abuse of discretion by an individual, police agent or departments, and they don’t know what to do when this happens. She said that one thing to keep in mind when creating community forums is to work with community groups and reach out to the community you want to speak with. Ms. Aguirre stated that as a result of the *Melendres* law suit, the Maricopa County Sheriff’s Department is required to hold community forums and the first one was held in December last year. Two things came out of this forum: 1. You have to hold the forums where the people are. Anybody that is serious about rebuilding trust between state agencies, police departments and the community needs to go where the people are; 2. The Sheriff’s department cannot agree to a community forum to discuss community issues and then have 5 armed sheriffs outside the door greeting the community members. We need to work with community members in making them feel comfortable sharing their stories in hopes of rebuilding trust.

Beverly Dupree asked Mr. Rodriguez and Ms. Aguirre about working with the issue of the illegal status of the individuals. Mr. Rodriguez discussed the “Know Your Rights” information and how they work with families when a member is deported. They also work with the community to provide power of attorneys and provide legal services. Ms. Aguirre also emphasized the importance of the undocumented individual’s involvement in the community in reducing crime by being able to report crimes and keep the community safe. Beverly Dupree asked whether their group is doing anything with regard to proposing legislation. Mr. Rodriguez stated that because of the political climate in Arizona, there has not been much effort in terms of legislation. He mentioned the California Trust Act and the possibility of modeling legislation after that. He also mentioned legislation with regards to police stops and the time spent detaining an undocumented individual. Juan Ciscomani asked about “Know Your Rights” literature, police procedures, and education of the immigrant community about these procedures. Ms. Aguirre responded and discussed the animated versions of the literature to address potential literacy issues. The Board expressed interest in seeing the “Know Your Rights” literature, and the California Trust Act before making final recommendations.

**(b) Recommendations re data collection.**

Sandra Kane stated that she, Daisy Flores and Jennifer Larson had a dialogue in regard to data collection. Daisy Flores stated that she had looked at the DPS website, but it doesn’t show the form for data collection or how DPS is tracking their current statistics. It has summaries of the information collected. There is no legislation currently in Arizona in regard to data collection on racial profiling issues. There are several states that do have this type of legislation. Nebraska has a very interesting legislative approach to data collection, which has been implemented over several years. The most recent implementation required each agency to provide their policies to this state entity and to show what their current policies are in regard to racial profiling. Ms. Flores recommended legislation similar to Nebraska’s legislation for data collection for racial profiling. Ms. Kane asked the representatives from Somos America if there have been any legislative efforts in data collection by them or anyone else. Ms. Aguirre stated that not much effort has been put forth into legislation. Daniel Rodriguez said that a local organization called Fuente has advocated for something like the Trust Act here in Arizona. Ms. Dupree asked about documented individuals being profiled and victimized much like undocumented individuals and if there is statistical information on those individuals. Ms. Aguirre answered that part of the decision from the *Melendres* case is collecting that type of information. Daisy Flores expressed concern that without legislation, there would not be much voluntary action by law enforcement agencies for data collection. However, there are also issues about having a repository for the information and who would sort through the information collected. Ms. Flores stated that if legislation is not an option, then recommending that state agencies collect this data is an avenue. Juan Ciscomani agreed that recommending that state agencies collect data is a good idea. He suggested sending out letters from ACRAB recommending that these efforts be done to help address racial profiling. The Board discussed possibly sending these letters to City council or police departments.

**V. Continued discussion of Planning to commemorate for 50<sup>th</sup> Anniversary of The Civil Rights Act.**

Kathleen Winn, Director of AGO Community Outreach, who previously offered her assistance and leadership in pursuing these efforts, was to be in attendance today but has gone home ill. She did tell Sandra Kane that the office would still like to plan something and

that it would happen in June and not on July 4<sup>th</sup>. She will be at the next meeting to give an update.

#### **VI. Discussion of civil rights issues for upcoming year**

Janet Bain stated that a few people have called her in regard to SB 1062. Ms. Kane explained that this bill may cross over constitutional lines but that she hadn't read the actual bill. She said that Ann Hobart, Chief Counsel of Litigation in the Civil Rights Division, would be attending the meeting and would have a legislative update.

#### **VII. Legislative Update.**

Ann Hobart, Chief Counsel for Litigation in the Civil Rights, discussed SB 1062 with Janet Bain. If passed, SB 1062 would allow people to use their religious beliefs to exclude others from their businesses. It directly affects the Arizona Civil Rights Act for public accommodation. Janet Bain will provide more literature and information on this legislation.

#### **VIII. Division Report.**

Ann Hobart discussed some high profile developments in the Civil Rights Division. The City of Tempe filed a declaratory judgment action against the ACRD in Maricopa County Superior Court. In December, the Court ruled in the ACRD's favor and granted the ACRD its attorney's fees. Ms. Hobart also discussed State v. ASARCO, a sexual discrimination case, and gave an update on the appeal. Ms. Hobart noted that the Division will be commencing a two-month trial in a housing discrimination case against the Town of Colorado City and others next week.

#### **IX. Call to Public.**

A gentleman requested some assistance in obtaining information about his police report. Jeff Lavender suggested that he speak with Sandra Kane after the meeting is over.

#### **X. Announcements and Current Events.**

Jeff Lavender suggested the Board Members reach out to Ms. Freeman and send her best wishes for recovery. The Board agreed to hold its next meeting on Thursday, April 10, 2014, at 1:00 PM.

#### **XI. Adjournment.**

Upon motion by Janet Bain, which was seconded by Daisy Flores, the Board voted to adjourn the meeting at 3:17 p.m.

## **ARIZONA CIVIL RIGHTS ADVISORY BOARD**

Minutes of Public Meeting

September 12, 2014

### **Board Members Present**

Juan Ciscomani (Vice Chairperson)  
Janet Bain  
Beverly Dupree  
Daisy Flores  
Robert Garcia  
Howard Meyers

### **Board Members Absent**

Jeff Lavender (Chairperson)

### **Staff Members Present**

Sandra Kane, Executive Director  
Jennifer Larson, Legal Counsel

#### **I. Call to Order**

Juan Ciscomani called the meeting to order at 1:10 p.m., with the following Board Members present: Daisy Flores, Janet Bain, Robert Garcia and Howard Meyers. Beverly Dupree joined the meeting telephonically. The meeting took place at the Arizona Attorney General's Office, Capital Center Building, Basement Floor Conference Room B.

#### **II. Introduction of Board Members**

The newest Board member, Howard Meyers, was introduced, and each of the Board Members introduced themselves and gave a brief description of who they are and what they do.

#### **III. Approval of Minutes of January 21, 2014 Meeting**

Upon motion by Janet Bain, which was seconded by Daisy Flores, the Board unanimously approved the meeting minutes for January 21, 2014.

#### **IV. Call to Public**

Sandra Kane stated that the Board has invited speakers to attend and speak to the Board during the Call to the Public part of the meeting. She reminded the Board that under the open meeting law, the Board cannot have a dialogue with people who speak during the call to the public. If the Board has ideas or issues they would like to incorporate, they can discuss those ideas in the planning part of the meeting later.

Darrel Christenson with Arizona Bridge to Independent Living (ABIL) spoke to the Board about inclusive home design and about the inclusive home design act, which was introduced at the federal level by a representative from Illinois. The act would require that newly constructed single family homes have at least one entrance built at zero grade level, rather than a 4 inch step at the front door, have an accessible route throughout the floor plan so that there would be wider doorways, and have, at least, a half bath on the first floor. Mr. Christienson further explained that in 2002, Pima County passed a similar inclusive design ordinance. Since then, 21,000 homes have been constructed with these types of features. Per the ordinance, builders added adjustable heights to the electrical devices, ranging from

15 – 40 inches. Normally, outlets are placed 9 inches off the ground. If the height is raised to 15 inches, there is no cost differential, but it makes a huge difference for accessibility. Installing lever style hardware as opposed to round doorknobs used to be considered an upgrade. It is now becoming a standard. Also, installing a grab bar is cost efficient and easy to do. It is only \$100 extra to add during construction. Installing a ramp is only \$600 more; this is the equivalent to the cost of a bay window. These construction efforts make for more reasonable costs of an accessible home and it reduces the high cost of retrofit. They create a safer environment and save money doing so. Sixty percent of all houses will have a person with a disability or altered construction due to a person with a disability in the lifetime of a house. Mr. Christenson expressed an interest in working with the Board to make this a statewide effort.

Dr. Paul Eppinger, Executive Director of the Arizona Interfaith Movement, addressed the Board regarding his organization and upcoming events. He explained his organization is comprised of 25 different faith groups and meets every month. He invited the Board to attend the Arizona Interfaith Movement Dinner on October 30, 2014, as well as the Golden Rule Banquet on April 16, 2015.

## **V. Training**

### **(a) Civil Rights Division**

Sandra Kane summarized the functions of the Arizona Civil Rights Division (ACRD or Division) and the Arizona Civil Rights Advisory Board (ACRAB). She gave an overview of some issues ACRAB has been a part of in the past. She explained that ACRAB, per the Arizona Civil Rights Act, is a part of the ACRD, and that Board members are members of the public appointed by the Governor. This purpose of ACRAB is to further civil rights in Arizona.

Some of ACRAB's functions include doing surveys of the existence and effect of discrimination because of race, color, religion, sex, age, disability, or national origin in the enjoyment of civil rights by any person within the state; fostering through community effort in cooperation with public and private groups in the state the elimination of discrimination; issuing publications of the results of studies, investigations and research that in the judgment of the Board and Division will promote goodwill and eliminate discrimination; and making recommendations.

ACRAB has done a number of things over the years. ACRAB looked into legislation that could be enacted to address school bullying. ACRAB held public forums regarding the crime free lease addendum. ACRAB also conducted a survey of police departments regarding racial profiling.

### **(b) Powers of Arizona Civil Rights Advisory Board.**

Sandra Kane reminded the Board members that because ACRAB is an advisory board, it cannot require that any particular action be taken.

The role of the secretary of the Board is handled by the Division. ACRAB does not have a budget. Jennifer Larson and Sandra Kane are both employed full-time by the Arizona Attorney General's Office as Assistant Attorney Generals. The Division's secretary, Donna Chrisjohn, also assists the Board.

## **VI. Division Report.**

### **(a) Status of Cooke litigation and requested injunctive relief.**

Ann Hobart gave an update on the Cooke litigation, in which a jury trial recently occurred. The jury came back after a day of deliberation in favor of all three of the State's claims which included: discrimination based on religion, harassment, and pattern or practice of discrimination. The jury returned a verdict in the amount of \$5.2 million for the Cookes. In regard to the pattern or practice claim, which only pertains to the State, the jury found the Defendants to have liability. The State requested injunctive relief for this claim, including policy changes with regard to the way housing services are administered and the elimination of policies that had been applied to keep people who are not of the FLDS faith from being able to live comfortably in the Colorado City and Hildale communities. The State also sought civil penalties under the Arizona Fair Housing Act under its pattern or practice claim. The Division also sought attorney's fees. The Court awarded the State \$50,000 in civil penalties from each of the five defendants and the State's attorneys' fees. The Court also gave the State a very broad ten year permanent injunction against discrimination, retaliation, harassment, and coercion because the jury had found that the communities had engaged in these practices. The judgment, however, did not pinpoint the specific policies that the communities were using to discriminate and harass. The judgment is still subject to review. Right now the Division is working on its application for attorney's fees.

### **(b) Other Division activities and related civil rights concerns.**

The Division is also involved in some other cases that are at a more critical phase right now. The Division is involved in a matter with the City of Tempe regarding an alleged violation of the Arizona Fair Housing Act and Tempe's administration of their Section 8 Housing Choice Voucher program. Section 8 is a federal housing program to assist low income families. This program has very stringent requirements. As a matter of law, the City of Tempe lost their case in Superior Court and has now appealed it. We submitted our answer to their appeal.

The Division is also set to go forward on a trial in March of 2015 in *State v. Amorita Holdings*. This case arises under the Arizona Fair Housing Act and involves a crime free lease addendum.

## **VII. Old Business. Continued discussion of actions to be taken in response to public forums and survey to law enforcement post SB 1070 and related recent developments.**

### **(a) Ruling in Arizona Dream Act Coalition v. Brewer on July 7, 2014.**

Jennifer Larson updated the Board regarding the recent Ninth Circuit panel ruling in the *Arizona Dream Act Coalition v. Brewer* case. The panel held that Arizona's policy of not accepting Employment Authorization Documents (EADs) from Deferred Action for Childhood Arrivals (DACA) recipients as support for drivers licenses likely violated the Equal Protection Clause. The Ninth Circuit remanded the case to District Court to enter a preliminary injunction prohibiting the State from enforcing any policy by which ADOT refuses to accept EADs from DACA recipients as proof that they are authorized to be present in the United States. Defendants have filed a petition for rehearing before all the Ninth Circuit judges, and the Plaintiffs have moved for an injunction while the court considers the Defendants' petition. A ruling on the petition and injunction are pending.

**(b) Possible interest re legislation similar to California's "Trust Act" or data collection similar to legislation in Nebraska and Rhode Island, or other recommendations.**

The Board discussed their interest in legislation similar to California's "Trust Act" or data collection legislation similar to legislation in Nebraska and Rhode Island. Daisy Flores suggested that depending on the outcome of the governor election, the Board should consider recommending in January 2015 that the new Governor appoint a task force to look into requiring data collection by law enforcement agencies based on what the MCSO and DPS have been doing, as well as the information received from the public forums. Beverly Dupree stated that the City of Phoenix is holding a meeting about establishing relations between the police and the community and that she would attend and report back to the Board on the City of Phoenix initiatives. Daisy Flores then moved for the Board to recommend in January 2015 depending on the outcome of the governor election that the new Governor appoint a taskforce to look into data collection by law enforcement agencies. The taskforce could look at other states' data collection statutes, develop recommendations for implementation in Arizona, and assign a body to review and analyze the data and to make recommendations. Robert Garcia seconded the motion. The motion passed. Janet Bain discussed the possibility of requesting that funds be set aside to train police and the community to improve community relations. Howard Meyers suggested that the taskforce could measure through surveys how the public perceives the police and recommend actions based on the results.

**(c) Letter recommendations.**

Daisy Flores volunteered to help draft the letter to the Governor in January. The Board decided to mention in a letter a recommendation regarding public perception of the police.

**VIII. Human Trafficking and Child Prostitution Legislation.**

Kathleen Winn reported to the Board about the Attorney General's efforts to pass a bill regarding human trafficking, and that last year, the bill passed. She mentioned that the AG has two films regarding the issue of human trafficking. Beverly Dupree requested that the Board view one of the films.

**IX. Planning re: New Civil Rights Topics to Address.**

Daisy Flores discussed the housing issues raised by Mr. Christenson. Sandra Kane suggested a meeting in Pima County to hear from people about the Inclusive Design Ordinance and to see if the Board is interested in making a recommendation with respect to expanding the ordinance beyond Pima County. Howard Meyers suggested that it could be useful to go on a tour of a home that has been built under the standards of the Inclusive Design Ordinance.

Howard Meyers suggested talking to Dr. Eppinger to request if ACRAB could speak at one of their monthly meetings about the ACRD and ACRAB to show that the AG's office is interested in promoting religious tolerance and to explain the other things the Division does.

Janet Bain suggested looking into the issues faced by older people in the workplace, and requested that someone speak to the Board about this issue. Beverly Dupree suggested inviting Robbin Coulon from the Area Agency on Aging to speak at a Board meeting.

Howard Meyers suggested looking into the issue of mental health and how the police interact with individuals with mental illness. He also mentioned the issue of homeless

individuals with mental illness and concerns about veterans with PTSD. He indicated that he could put the Board in touch with some mental health groups. He believes mental illness is a civil rights issue due to the prejudice surrounding mental illness. It is also hard to get mental healthcare, especially when there is a crisis.

Juan Ciscomani suggested having a telephonic meeting to further discuss and plan for these civil rights topics for the upcoming year.

**X. Announcements and Current Events.**

There were no further announcements.

**XI. Adjournment.**

Upon motion by Beverly Dupree, which was seconded by Janet Bain, the Board voted to adjourn the meeting at 4:03 p.m.

## **ARIZONA CIVIL RIGHTS ADVISORY BOARD**

### Minutes of Public Meeting

December 12, 2014

#### Board Members Present

Jeff Lavender  
Janet Bain  
Daisy Flores  
Howard Meyers

#### Board Members Absent

Robert Garcia  
Juan Ciscomani  
Beverly Dupree

#### Staff Members Present

Sandra Kane, Executive Director  
Jennifer Larson, Legal Counsel

### **I. Call to Order**

Board President Jeff Lavender called the meeting to order at 1:10 p.m., with the following additional Board Members present: Janet Bain, Daisy Flores and Howard Meyers. The meeting took place at the Pima County Housing Center conference room at 801 W. Congress St., Tucson, AZ 85745.

### **II. Approval of Minutes of Meetings of September 12, 2014**

Upon motion by Daisy Flores, which was seconded by Howard Meyers, the Board unanimously approved the meeting minutes for September 12, 2014.

### **III. Public Forum re: Pros and Cons of Inclusive Design Ordinance, and Possible Extension beyond Pima County.**

#### **(a) Call to Public for experiences and recommendations regarding inclusive design for single family homes.**

Pima County Supervisor Richard Elias stated that he's been in office for twelve years and was in office when the ordinance in Pima County was finalized. This ordinance made a huge difference in peoples' lives. The builders opposed this ordinance at the time it was passed. They were told that people would not want to buy homes, and that the costs were going to be astronomical and impossible. They were told that the Ordinance would bankrupt the smaller builders. Advocates for inclusive home design were tenacious and hard-working and able to transcend the negativity and predetermined ideas about the disabled and mobility impaired. The political environment has changed since the Ordinance passed. When city of Tucson passed it, the same issues came up. It has been a healthy change for the county. There are no more derisive comments made about the ordinance. This ordinance taught the City of Tucson and Pima County a huge lesson about mobility.

Betty Villegas stated that she is the Housing Program Manager for Pima County, and she represented the private sector on the bond advisory committee in 1997. One of the committee members was in a wheelchair and was an advocate for inclusive design. The committee was developing an RFP for bond funds for housing. Ms. Villegas discussed her

personal experience with accessible housing. Her father came home from the Korean War and was in a wheelchair. The VA built a new home for them that was accessible. Before moving into the accessible home, she remembers her father having difficulty in the previous home that was not accessible. She feels it doesn't make sense to not have inclusive design homes for our veterans who come home. No one should have to go through a big expense to live in their home.

Yves Khawam is the Building Official for Pima County. He gave a PowerPoint presentation explaining the substance of Pima County's Inclusive Home Design Ordinance. The Ordinance stems from the American National Standard Accessible and Usable Buildings and Facilities Code (ANSI A117.1), which is the accessibility standard that is adopted throughout the country. The Ordinance was adopted in 2002 and applies only to new construction. The Pima County Inclusive Design Ordinance does not require full accessibility, but it does require a significant amount of accessibility. In passing the Ordinance, the proponents of the Ordinance negotiated with the home builders to include a provision that if any element cost over \$200.00, it could be waived. The Ordinance requires at least one accessible entrance into the unit. The accessible entrance consists of a landing which is at least 36" x 36" and the threshold is no higher than  $\frac{3}{4}$  of an inch. The accessible route then takes you into the accessible levels of the house, which is basically on the A grade floor. In a two story house, only the first level of that house is required to be accessible. There are exceptions to that, for example if there is a sunken or raised portion of a living room. The only glitch in the Ordinance is that the home builders wanted to strike the requirements for ramps to be installed within the dwelling itself. In effect, under the Ordinance, whenever there is a change in level greater than a half inch, it may be stepped, which detracts from the accessibility. The City of Tucson, in its adoption of the same ordinance, maintained the ramp requirement more throughout the entire house. The Ordinance requires that electrical switches and thermostats all need to be accessible, which means that they need to be within 15 inches (with few exceptions) of the floor and 48 inches of the floor. The Ordinance does not contain any accessibility requirements for the kitchen counters, which can be at the normal height. Door hardware, this is an important one. Lever hardware is standard for all doors on the accessible route instead of door knobs, which require twisting. The Ordinance requires blocking behind the walls in bathrooms for grab bar reinforcement. With the blocking already in place in the walls, if someone becomes disabled and requires grab bars, they can be easily installed and bolted on with no modifications involved. The door to the bathroom also needs to be accessible.

The Inclusive Home Design Ordinance is beneficial because 70% of people will experience a disability of some sort during their life. Sometimes its temporary or sometimes its longer. It's much more cost effective to build accessibility into the housing stock as opposed to retrofitting stock whenever you need to. Over 24,000 homes have been built in the unincorporated areas of the County that meet the Ordinance requirements. The County has received no appeals for waiving a requirement in the last few years. Builders are basically complying with the Ordinance without requesting any further review from the County. Homes built with the Inclusive Home Design requirements do not appear institutional in nature.

Mr. Khawam offered the following recommendations if inclusive home design is expanded statewide:

- In the Ordinance, the accessibility requirements are tied to 1998 version of ANSI A117.1. (With each new building code that is adopted, there's a different ANSI version tied to the new building code.) He recommended that the requirements not be static, but be pegged to whatever building code is in effect at any given time.
- He recommended including a provision to address door design and the need for zero step entrance effects on weep screeds associated with framed wall construction.
- He recommended requiring that one bathroom on the accessible floor be accessible, unless there is only a master bathroom on that floor in which case an additional powder room would be required to be accessible.
- He recommended ending the accessibility route when there is a change in elevation of 3 vertical feet from the accessible entrance.
- He recommended waiving pocket door hardware from the accessibility requirements.

Bill and Collett, who advocated for adoption of the Ordinance, provided telephonic comments and explained that they have a lot of documents and information from the timeframe of when the Ordinance was being debated and welcomed questions from the Board. Aging in place has become a real reason to have this Ordinance.

Dr. Stephanie Parker stated that she has worked with people with disabilities for many years. She founded the Aurora Foundation, which impacted 1500 people. She stated that what we all seek as human beings is to have opportunities that everybody else has. The design of homes is very important to those with disabilities. Inclusion is key to humanity. New legislation was introduced in Congress called ABLE - Achieving a Better Life Experience. This legislation will help disabled individuals establish a tax-free bank account. The individual, as well as family and friends, can deposit funds into the account. The beneficiary can withdraw money and it is tax free as long as the money goes to the purchase of a home, and to ensure that the home is fully accessible for them. The House of Representatives passed the bill almost unanimously. It went to the Senate this last week. This is an extraordinary opportunity for people to have access to funds for a future they want in a tax free environment.

Sherri Santi works at the Disability Resource Office at the University of Arizona. She is the Physical Accessibility Coordinator for the University. She was minimally involved in the discussions regarding the Inclusive Home Design Ordinance in Tucson. She stated that the Board has a greater opportunity to have a clearer and smoother introduction of the ordinance because of the work done in Tucson. The inclusive design idea is based on designing for the greatest amount of needs. Lever handles are usable for everyone. These slight changes make a difference even though the features are minimal. Inclusive design creates homes that easily adaptable.

Jay Young is the Executive Director of the Southwest Fair Housing Council (SWFHC) in Tucson. The SWFHC supports the Inclusive Home Design Ordinance in Pima County, and they support the efforts to expand it throughout Arizona. On the Board's home tour prior to the meeting, he learned that the costs of adding accessible features to housing were minimal, and the home did not appear noticeably different from other homes. The SWFHC

gets questions from tenants about making modifications to housing. This ordinance makes it easier on everybody to make those modifications.

Maria Ramirez-Trillo spoke on behalf of AARP. AARP has 800,000 members in Arizona. Housing should be adequate to meet the needs of all individuals. Older Americans are 13% of the population (40 million) as of 2010. This number will rise to 20% of the population (89 million) in 2050. More housing for older adults will be needed. It is projected that by 2050, 21% of households will have at least one resident with a physical limitation. For homes built in 2000, there is a 60% probability that they will house a resident with a physical limitation and a 91% probability that a disabled visitor will come to that home. Home buyers who do not anticipate their physical needs can be trapped if they cannot afford to move or modify their homes. Accessible home design can support residents to live active lifestyles. AARP supports an ordinance that incorporates inclusive home design.

Mark Burke is with Habitat for Humanity. He has been building homes with inclusive design that comply with the Ordinance for 12 years. They are building homes not houses. They also remodel homes.

Corky Poster is an architect with Poster Frost Mirto and a professor at the U of A. He states that accessibility requirements should be viewed as value added to homes as opposed to costs. These kinds of ordinances allow changes to the construction industry. The industry opposes the changes at first but then they will get used to it. He shared his story about being in a wheelchair and assessing a building for accessibility. He applauds the Board's effort.

Gail Bouchee is the Housing Program Coordinator for DIRECT Center for Independence. She stated that there is never enough money to modify or adapt the existing housing stock for disabled individuals. The cost to make a home accessible is less than 1%. The Board asked Ms. Bouchee where her organization gets their funds. She stated that they obtain funds from the City of Tucson and Pima County.

Sandra Kane, Executive Director of ACRAB, shared with the Board the written comments received from the Southern Arizona Home Builders Association (SAHBA), and the verbal comments from the Home Builders Association of Central Arizona (HBACA). SAHBA has indicated they will oppose the expansion of the Ordinance. HBACA is also opposed to expansion of inclusive design requirements due to costs for homebuyers and low demand for accessible homes. They worked with the City of Phoenix to require that every builder have one model home that includes a zero grade entrance. There is a similar ordinance in Mesa, AZ. They also entered into discussions with the Paralyzed Veterans of America, Arizona Chapter. They offer reasonable modifications when the home is being built which are done on an individual basis. They are strongly opposed to changes throughout the State.

Jeff Lavender inquired whether the ordinance would come from just a local level or if the legislature could do a statewide ordinance. Ms. Kane stated that local municipalities adopt different building codes. Yves Khawam stated that Title 9 and Title 11 building codes are pre-empted by the State in certain instances. These are at the discretion of the legislature. Sandra Kane stated that when the Arizonans with Disabilities Act was adopted statewide, it

included provisions to incorporate ADA features. Yves Khawam stated that there is a state mandate for barriers for pools. Daisy Flores inquired whether there are any other state legislatures that are doing this in the housing area. Mr. Khawam stated Vermont may have a statewide ordinance. Janet Bain requested to hear from the Habitat for Humanity representative regarding SAHBA's comments opposing inclusive design needed clarification. Mark Burke of Habitat for Humanity stated some of the comments needed specification, but the types of concerns raised by SAHBA can be worked with architects and are not insurmountable.

At the conclusion of public comments, Jeff Lavender explained ACRAB's role and its abilities, which includes letter writing and making suggestions. Mr. Lavender proposed having a hearing in Maricopa County regarding the issue of inclusive design in home construction. Daisy Flores asked if the Board could hear from the representatives from the builders and requested a copy of the Tucson Ordinance.

#### **IV. Planning for Future Meetings**

Jeff Lavender suggested holding the hearing in Maricopa County in January due to the expiration of some of the Board members' terms and the transition of the Attorney General. Daisy Flores mentioned previous action regarding drafting a letter to the new Governor regarding data collection by law enforcement officers. Sandra Kane asked if Ms. Flores could start drafting a proposed letter so that it could be discussed at the next meeting. Ms. Flores indicated that she would request Beverly Dupree's help in drafting the letter. Janet Bain inquired whether the Board could do anything about the way people look at law enforcement to change perceptions about police, but other Board members indicated that this would be better addressed by law enforcement agencies. Ms. Flores requested an update on the federal civil rights case involving the Maricopa County Sheriff's Office. Sandra Kane suggested providing a brief update on the Attorney General's civil rights litigation in Colorado City. The Board decided to hold the next ACRAB meeting on January 27 or 29, 2015.

#### **V. Adjournment**

Janet Bain moved to adjourn the meeting, and Howard Meyer seconded the motion. The ACRAB meeting was adjourned at 3:01 pm.