

## Spectrum Institute

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**Subject:** Request to speak at public comment segment of meeting of the Council

Mr. Gabriel Sandoval  
Chair, Fair Employment  
and Housing Council

Dear Mr. Sandoval:

I would like to speak at the meeting of the Fair Employment and Housing Council during the public comment segment on Agenda Item XII regarding Section 11135 regulations.

As you know, Government Code Section 11135 prohibits state agencies and state-funded programs from discriminating on the basis of disability. The statute incorporates into state law Title II of the federal Americans with Disabilities Act. The ADA and Section 11135 apply to state courts. This includes proceedings in probate conservatorship cases – all of which involve involuntary litigants with serious cognitive or communication disabilities.

Because of their disabilities, these individuals depend on judges and court-appointed counsel to protect their rights, including their rights under Section 11135 and the ADA. Unfortunately, our research indicates that judges and attorneys act as though these nondiscrimination provisions do not apply to conservatorship proceedings.

Due to the nature of their disabilities, these litigants would not know that their rights are being violated. This lack of awareness, and their inability to file complaints on their own, allows disability discrimination to continue unabated or unchecked. This is why the involvement of the Department of Fair Employment and Housing is so important. Having a set of regulations that informs judges and attorneys, in no uncertain terms, of their duties and of the rights of these litigants is crucial to the effectiveness of Section 11135. It is also important for the Department itself to have guidance.

We anticipate the day when clear and detailed regulations for Section 11135 are released for public comment. We urge the subcommittee and the full Council to ensure that the regulations leave no ambiguity about the duties of judges and attorneys to respect and protect the rights of litigants with disabilities in conservatorship and other judicial proceedings.

Please share this email with other members of the Council and staff. I look forward to addressing the Council on March 19.

Respectfully yours,

Thomas F. Coleman  
Legal Director  
Spectrum Institute  
<https://spectruminstitute.org/>



## Department of Fair Employment & Housing Fair Employment and Housing Council

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### FAIR EMPLOYMENT AND HOUSING COUNCIL Meeting Notice and Agenda

#### Remote Meeting

<https://us02web.zoom.us/j/85959709355>

and/or

1-699-900-6833 and Meeting ID: 85959709355

March 19, 2021, 1:00 pm

- I. Call to Order and Roll Call  
Chair Gabriel Sandoval
- II. Welcome and Introduction of New Councilmembers  
Chair Gabriel Sandoval
- III. Review of the Agenda  
Chair Gabriel Sandoval
- IV. Approval of the Minutes  
Chair Gabriel Sandoval and Councilmembers  
[Attachment A: Minutes from the December 4, 2020, Meeting of the Fair Employment and Housing Council](#)
- V. Councilmembers' Reports  
Chair Gabriel Sandoval and Councilmembers
- VI. Department of Fair Employment and Housing Report  
Kevin Kish, Director, Department of Fair Employment and Housing
- VII. Consideration of Further Modifications to Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability  
Councilmembers Dara Schur and Tim Iglesias  
[Attachment B: Further Modifications to Text of Proposed Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability](#)
  - A. Discussion by Council
  - B. Public Comment
  - C. Action by Council
- VIII. Update Regarding 4/30/2021 Hearing on the Use of Algorithms in Employment, Housing, and Lending
  - A. Discussion by Council
  - B. Public Comment

- IX. Update from the Reasonable Accommodations for Associational Disabilities Subcommittee  
Councilmember Dale Brodsky  
A. Discussion by Council  
B. Public Comment
- X. Update from Criminal History & Employment Hearing Subcommittee  
Chair Gabriel Sandoval  
A. Discussion by Council  
B. Public Comment
- XI. Update from Criminal History & Work Opportunity Tax Credit Subcommittee  
Chair Gabriel Sandoval  
A. Discussion by Council  
B. Public Comment
- XII. Update from Government Code Section 11135 Regulations Subcommittee  
Councilmembers Dale Brodsky and Dara Schur  
A. Discussion by Council  
B. Public Comment
- XIII. Update from the Hate Violence Hearing Subcommittee  
Chair Gabriel Sandoval and Councilmember Dale Brodsky  
A. Discussion by Council  
B. Public Comment
- XIV. Discussion Regarding Additional Subcommittee Assignments  
Chair Gabriel Sandoval  
A. Discussion by Council  
B. Public Comment  
C. Action by Council
- XV. Further Public Comment
- XVI. Adjournment

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Meetings of the Fair Employment and Housing Council (Council) of the Department of Fair Employment and Housing (DFEH) are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Council may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting and its webcast address, call (916) 478-7248 or access DFEH's Web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov). To submit comments during the webcast, e-mail [FEHCouncil@dfeh.ca.gov](mailto:FEHCouncil@dfeh.ca.gov).

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The meeting is accessible to individuals with physical disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in the meeting, should contact Brenda Valle-Balderrama, DFEH ADA Coordinator, at (844) 541-2877 (voice or via relay operator 711) or TTY (800) 700-2320 or via email: [Brenda.Valle-Balderrama@dfeh.ca.gov](mailto:Brenda.Valle-Balderrama@dfeh.ca.gov) or [accommodations@dfeh.ca.gov](mailto:accommodations@dfeh.ca.gov) as soon as possible or at least 72 hours before the meeting.

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