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ACTIVITIES

1977-1978

COLORADO
CIVIL RIGHTS
COMMISSION



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HISTORY

Although the enactment of anti-discrimination laws and establishment of agencies to enforce them is a relatively recent occurrence in most states, efforts to establish legal remedies for all citizens in Colorado began in 1895 when the Public Accommodations Law was passed, during the term of office of Colorado's first Black legislator, Joseph Stuart. This law prohibited discrimination in places of public accommodation because of race, creed or color and allowed for court action and specified fines, imprisonment and monetary damages.

Colorado's next civil rights legislation was enacted in 1917 when the 1895 Act was strengthened to include a section prohibiting discriminatory advertising.

The Colorado Anti-Discrimination Act of 1951 introduced fair employment legislation to the state by creating a Human Relations Commission within the Colorado Industrial Commission, with advisory power and the authority to make surveys and studies and to conduct educational programs. In addition, in the case of public employers, the Anti-Discrimination Division could hold hearings and issue cease and desist orders. In 1955 the law was strengthened to extend and expand the agency and the Colorado Anti-Discrimination Division was created as an independent agency under the jurisdiction of the Anti-Discrimination Commission.

Six years later, a full-fledged fair employment act was passed: The Colorado Anti-Discrimination Act of 1957. The chief sponsor of this legislation was Colorado's former Lt. Governor, then State Senator George L. Brown. The law covered employers of six or more persons, labor unions, apprenticeship programs, employment agencies, on-the-job training and vocational schools. At the same time, the Public Accommodations Act of 1895, as amended in 1917, was placed under the jurisdiction of the Anti-Discrimination Commission, which became known as the Colorado Civil Rights Commission.

Since that time, the jurisdiction of the Civil Rights Commission has been expanded and strengthened in many ways: in 1959 the Colorado Fair Housing Act (considered by many to be the most advanced housing law in the nation) was passed. That law was strengthened in 1965 and all three acts (employment, housing and public accommodations) were strengthened in 1972 and in 1977 with the passage of legislation prohibiting discrimination because of sex and physical handicap. Today, jurisdiction of the agency extends to employers of one or more persons.

Dorothy S. Shan, Denver
Chair, 1978-79
Vice-Chair, 1977-78

THE COMMISSION

Created as the enforcement agency for Colorado's Anti-Discrimination Act of 1957, the Colorado Civil Rights Commission celebrates its Twenty-First Anniversary this year.

The past twenty-one years have been turbulent ones in the area of civil rights throughout the nation and Colorado has been no exception. Over 16,000 complaints of alleged discrimination have been filed with the agency during this time, concerning everything from failure to hire a woman as Santa Claus to discharge of a person because of "creed, witchcraft." Most of the complaints filed with the Commission concern employment discrimination, although a growing number of allegations of housing discrimination are surfacing.

In addition to providing services to the thousands of persons filing complaints since 1957, the Civil Rights Commission offers educational and advisory services to employers, community groups, businesses, property owners and managers, schools and others. The Commission's Guidelines and Regulations on Sex Discrimination, Employment Testing Procedures, Religious Discrimination and Handicap Discrimination, as well as guidelines on Pre-Employment Inquiries and special workshops and training sessions assist these groups in understanding their responsibilities and rights under Colorado's anti-discrimination laws.

Under C.R.S. 1973 24-34-105(1)(j) the Civil Rights Commission is authorized to "cooperate...with other agencies, both public and private, whose purposes are consistent with those...in the planning and conducting of educational programs designed to eliminate racial, religious, cultural and intergroup tensions..." To this end, the Civil Rights Commission works with a number of groups throughout the state. Examples of this effort include establishment of the Metropolitan Denver Fair Housing Center in 1966; establishment of a coalition of groups to assist with peaceful implementation of Denver's court-ordered desegregation plan in 1974; a series of public hearings held throughout the state in 1974 to investigate police-community relations; and participation in civil- and human-rights projects throughout Colorado.

A major effort in 1978 was a special conference to explore public reaction and solutions to the "Housing Crisis" in terms of rising costs and discrimination. This conference attracted hundreds of people from throughout the state.

COMMISSIONERS

C.R.S. 1973 24-34-304 provides that "The Commission shall consist of seven members, who shall be appointed by the governor, with consent of the senate, for terms of four years...Appointments shall be made to provide geographical area representation insofar as may be practicable, and no more than four members shall belong to the same political party...Commissioners shall serve without compensation but shall be reimbursed for necessary travel expenses incurred by them while on official commission business."

Members of the Commission establish policies of the division and rule on appeals of civil rights cases. Public meetings are held by the group once a month, and countless hours are spent studying documents and reaching policy and case decisions.

COMMISSIONERS

Janet Anderson, Denver
Secretary, 1977-78

Sara J. Beery, Grand Junction
Vice-Chair, 1978-79

Harvey E. Deutsch, Aurora

Aurora Marquez, Durango

Delfino J. Mata, Pueblo
Secretary, 1978-79

Rev. Milton E. Proby, Colo. Springs
Chair, 1977-78

Dorothy S. Wham, Denver
Chair, 1978-79
Vice-Chair, 1977-78

FUNDING

Funding for the Colorado Civil Rights Commission is obtained through General Fund appropriations and through a contract with the Equal Employment Opportunity Commission (EEOC) to complete 800 cases of alleged employment discrimination per year which meet the investigative standards of the federal agency.

*BUDGET ALLOCATIONS	1976-77	1977-78	1978-79
General Fund	526.3	545.5	564.2
Federal Funds	146.9	147.1	151.8
Cash Funds	30.6	**110.0	20.0

GENERAL FUND APPROPRIATION BY LINE ITEM	1977-78	1978-79
TOTAL	\$545,464	\$590,087
Personal Services	\$490,000	\$541,862
Operating Costs	\$ 32,132	\$ 30,886
Travel	\$ 8,672	\$ 8,172
Capitol Outlay	\$ 8,593	\$ 3,102
Hearings	\$ 6,067	\$ 6,067

BUDGETARY ALLOCATION BY OFFICE	1977-78	1978-79
Alamosa	\$ 36,453	\$ 39,784
Colorado Springs	\$ 35,956	\$ 40,548
Denver (main office)	\$402,593	\$431,826
Grand Junction	\$ 36,848	\$ 39,385
Greeley	\$ 33,891	\$ 33,689
Pueblo	\$ 55,033	\$ 63,829
***TOTAL	\$600,774	\$649,061

*In thousands of dollars

**Includes \$90,000 federal funds for special HUD Project

***Exceeds General Fund appropriation due to reimbursement from the Salary Act, Merit, Health, Life and vacancy savings.

JURISDICTION

In Colorado, people are protected from discrimination in employment, housing and places of public accommodation on the basis of handicap (physical), race, creed, color, sex, national origin, ancestry and, in housing cases, marital status.

The agency charged with enforcing Colorado's anti-discrimination laws is the Colorado Civil Rights Commission (CCRC). Jurisdiction of CCRC (C.R.S. 1973, Title 24, Article 34, Parts 3 through 7) extends to employers of one or more persons, employment agencies, landlords, real estate agents, mortgage lending institutions, schools and other places of public accommodation such as bars, restaurants, recreational facilities, hotels and motels.

Any person who believes he or she has been discriminated against in any of the areas covered by Colorado law may file a complaint with the Civil Rights Commission. The confidential complaint will be investigated to determine whether there is evidence of discrimination as it is defined by law. Until such a determination, CCRC is a "neutral party" attempting to investigate allegations of discrimination fairly and objectively.

Because there are areas where jurisdiction of the Civil Rights Commission overlaps with the jurisdiction of federal agencies, the Colorado Civil Rights Commission has entered into contracts and other agreements with these agencies to eliminate the need for multiple investigation of the same complaint. The Commission contracts with EEOC to complete 800 investigations of employment discrimination per year. The Commission has approved and signed a Memorandum of Understanding with the Department of Housing and Urban Development to coordinate investigation of housing complaints. That Memorandum is pending action in Washington D.C.

In addition to such investigations, the Civil Rights Commission is also empowered by statute to "investigate and study the existence, character, causes and extent of discrimination...and to formulate plans for the elimination thereof by educational and other means." Further, CCRC is authorized to "issue such publications and reports of investigations and research as in its judgment will tend to promote good will among various racial, religious and ethnic groups of the state..."

To accomplish these goals, the Commission operates three departments: COMPLIANCE, PUBLIC EDUCATION AND SPECIAL PROJECTS.

COMPLIANCE

The Compliance Division is the largest program operated by the Civil Rights Commission. The enforcement arm of the agency, this department has taken and investigated over 16,000 complaints of alleged discrimination since CCRC began operation in 1951.

THE COMPLAINT PROCESS

When a complaint of alleged discrimination is taken by the Colorado Civil Rights Commission, the following steps are taken:

1. INTAKE

A sworn complaint is taken, explaining the allegation. The complaint is docketed and a copy is served on the party against whom the complaint is filed (the respondent).

2. ERP SCREENING

'ERP'--the Commission's Expedited Resolution Procedure--was instituted during the past year in an attempt to reduce the amount of time needed to close employment cases. All cases filed are screened and employment cases are sent to the Commission's ERP team. Housing and Public Accommodations cases are immediately assigned to an investigator.

3. ERP

Both parties to a complaint are invited to a two-hour conference within three to four weeks of the filing date. If both parties agree to attend, an ERP Conference is conducted by a trained member of the Commission staff. If either party chooses not to participate, the case is placed in a repository, from which cases are assigned to investigators. The primary goal of an ERP Conference is settlement of the complaint to the satisfaction of both parties. If settlement is not reached, possible outcomes include: -a recommendation of probable cause, -a recommendation of no probable cause, -return to the repository to await investigation.

4. INVESTIGATION

A Civil Rights Specialist conducts an investigation into the allegation of discrimination. This investigation may include visiting the site of the alleged act; examining records and documents; interviewing witnesses and taking statements; examining evidence. Both parties are given every opportunity to reply to one another and to offer evidence, statements and witnesses. Should the parties agree to a settlement at this time, the investigator prepares a Pre-Determination Settlement agreement for the parties to sign and the case is closed.

5. DETERMINATION

Based on the investigation and evidence, the Director makes a finding ("determination") that there is PROBABLE CAUSE to believe discrimination occurred or that there is NO PROBABLE CAUSE to believe discrimination occurred...If there is No Probable Cause the case is dismissed and the Complainant is given the opportunity to appeal that dismissal to the Commission. If there is a finding of Probable Cause, the case is assigned to a Conciliator for a period of 75 working days, in the hope that a no-fault settlement may be reached.

6. CONCILIATION

Both parties are invited to a conciliation conference where a member of the CCRC staff attempts to assist them in reaching a no-fault settlement. During such a conference and all efforts leading up to it, the merits of the case are not discussed. Should conciliation efforts be successful, the proper legal documents are signed and the case is closed. Should conciliation efforts fail, the case is transmitted to the Colorado Attorney General's office.

7. LEGAL REVIEW

When efforts to conciliate a case fail, the case is sent to the Attorney General's Office for legal review. Attorneys in the Human Resources Section review the case to determine if there is sufficient evidence to warrant taking the case to hearing. The opinion of the Attorney General and the recommendation of the Director is presented to the Commissioners who either dismiss the case or authorize it for public hearing. In the event that such a case is dismissed, the complainant may appeal the dismissal to the Commission.

8. HEARING

Civil Rights hearings are administrative in nature and are conducted by a Commissioner or a Colorado State Hearing Examiner. Both parties are represented by legal counsel (the complainant's legal counsel is a representative of the Attorney General's staff; the respondent's legal counsel is private) and evidence, witnesses and statements may be presented. The decision of the Hearing Examiner becomes the order of the Commission (and thus is enforceable by the Courts) if it is not appealed within thirty days.

9. APPEALS

If an appeal of an Initial Decision is filed, at least five Commissioners study the record of the case, including all pleadings, transcripts, briefs etc. The Commissioners may also elect to hear oral argument in the appeal. The decision of the Commission is final unless, within thirty days, it is appealed to District Court. From this point appeals may go to the Court of Appeals and, ultimately, to the Supreme Court.

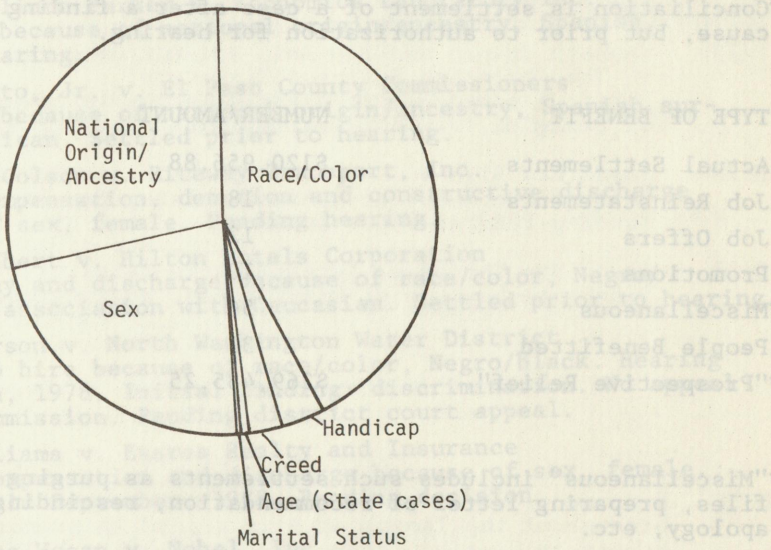
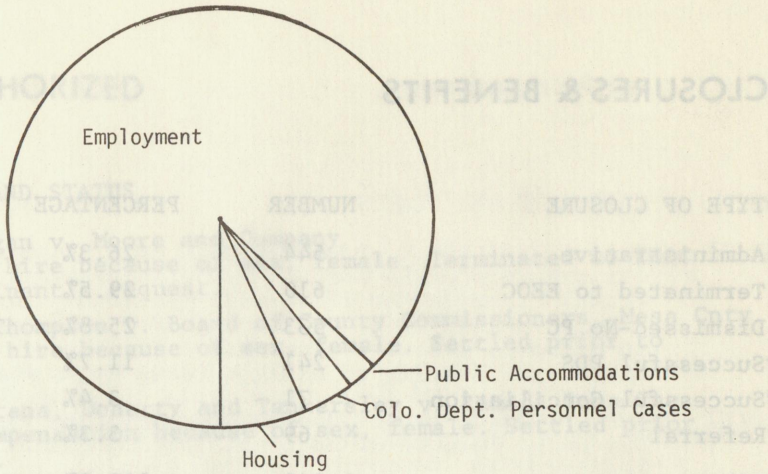
COMPLIANCE

COMPLAINTS FILED 1977-78

ALLEGATION	NUMBER	PERCENTAGE
Employment	1,785	89%
Housing	112	6%
Public Accommodations	38	2%
*Colo. Dept. Personnel	75	3%
TOTAL	2,010	100%

*In 1974, the Colorado Supreme Court issued a decision in the case of Valerie McAllister v. The Colo. Department of Institutions which said, in effect, that the Civil Rights Commission has no jurisdiction over state employees who fall under the State Personnel System. Per a Memorandum of Understanding with the Department of Personnel the Civil Rights Commission investigates state complaints which allege discrimination. The results of the investigations are turned over to the Personnel Board for a finding.

BASIS	NUMBER	PERCENTAGE
Race/Color	817	40.6%
Creed	36	2.0%
National Origin/ Ancestry	595	29.6%
Sex	494	24.5%
Age (State Complaint)	3	.1%
Marital Status	7	.3%
Physical Handicap	58	2.9%
TOTAL	2,010	100.0%



CLOSURES & BENEFITS

TYPE OF CLOSURE	NUMBER	PERCENTAGE
Administrative	544	26.3%
Terminated to EEOC	610	29.5%
Dismissed-No PC	533	25.8%
*Successful PDS	241	11.7%
**Successful Conciliation	71	3.4%
Referral	69	3.3%
TOTAL	2,068	100.0%

*PDS means Pre-Determination settlement, or settlement of a case prior to a determination of "probable cause" or "no probable cause."

**Conciliation is settlement of a case after a finding of probable cause, but prior to authorization for hearing.

TYPE OF BENEFIT	NUMBER/AMOUNT
Actual Settlements	\$120,956.88
Job Reinstatements	18
Job Offers	12
Promotions	10
*Miscellaneous	56
People Benefitted	37
**"Prospective Relief"	\$269,485.25

**"Miscellaneous" includes such settlements as purging of personnel files, preparing letter of recommendation, rescinding eviction notice, apology, etc.

**"Prospective Relief" is calculated using the Federal Government's formula. Salary for persons hired, promoted etc. are calculated for a 12-month period. This figure represents salaries earned by those persons for a year--in many cases, persons who might otherwise have been forced to draw unemployment or welfare payments.

HEARINGS AUTHORIZED

DATE	CASE NAME AND STATUS
7/77	JoAnne Morgan v. Moore and Company Refusal to hire because of sex, female. Terminated to EEOC per complainant's request.
7/77	Mary Jane Thompson v. Board of County Commissioners, Mesa Cnty. Refusal to hire because of sex, female. Settled prior to hearing.
7/77	Foss, Quintana, Doherty and Tankersley v. Ramada Inns Inc. Unequal compensation because of sex, female. Settled prior to hearing.
7/77	Abdullah Alabad v. Burkhardt Steel Discharge because of national origin, Saudi Arabian. Dismissed per failure to locate complainant.
8/77	Rufus Jones v. The Sherwin Williams Company Discharge because of race/color, Negro/Black. Pending hearing.
8/77	Charles Galindo Parker v. Economics Laboratory Inc. Discharge because of national origin/ancestry, Spanish. Pending hearing.
8/77	Elmer Lobato, Jr. v. El Paso County Commissioners Discharge because of national origin/ancestry, Spanish sur-named American. Settled prior to hearing.
9/77	Elizabeth Colson v. Riteway Transport, Inc. Unequal compensation, demotion and constructive discharge because of sex, female. Pending hearing.
9/77	Ronald Tolbert v. Hilton Hotels Corporation Unequal pay and discharge because of race/color, Negro/black and association with Caucasian. Settled prior to hearing.
10/77	Jesse Emerson v. North Washington Water District Refusal to hire because of race/color, Negro/black. Hearing held March, 1978. Initial finding: discrimination. No appeal to the Commission. Pending district court appeal.
10/77	Kathi Williams v. Essres Realty and Insurance Unequal compensation and discharge because of sex, female. Hearing held September, 1978. Pending decision.
10/77	Freddie Mae Hogan v. Nobel, Inc. Refusal to hire because of race/color, Negro/black. Settled prior to hearing.
10/77	Larry Boyd v. KDEN Broadcasting Company Refusal to promote because of race/color, Negro/black. Settled prior to hearing.

authorized, cont.

DATE	CASE NAME AND STATUS
10/77	Ernest Trujillo v. Pueblo County Commissioners Failure to promote because of national origin/ancestry, Spanish surnamed American and retaliatory discharge. Hearing held November, 1978. No finding of discriminatory failure to promote; however, there was a finding of retaliatory discharge. Hearing on damages issue held. Pending decision.
12/77	Mary R. Quade v. St. Joseph's Hospital of Florence Discharge because of National origin, Spanish. Pending hearing.
2/78	Sharon Feldman v. Highline Electric Association Unequal compensation because of sex, female. Dismissed. Pending Federal Court action.
3/78	Cynthia Robeck v. Diners Club Unequal compensation because of sex, female. Hearing set for Spring, 1979.
5/78	Kenneth Kripke and the Anti-Defamation League of B'Nai B'Rith v. The Christian Business Directory Public Accommodations discrimination in advertising because of religion, Jewish. Hearing date February 6, 1979.
5/78	Susan Kay Bird v. Highline Electric Association Unequal compensation because of sex, female. Dismissed. Pending Federal Court action.
6/78	Carol Sue Thomas v. Safelite Auto Galss Discharge because of sex, female. Hearing set for Spring, 1979.

NOTE: Because of backlogs in the Attorney General's office, and because of the length of time needed to prepare and take a case to hearing, there are cases where hearings are actually held over a year after they are authorized for hearing. For this reason, this Report shows two lists: those cases AUTHORIZED for hearing during FY 1977-78 and those hearings which were SCHEDULED for hearing during FY 1977-78.

HEARINGS SCHEDULED

DATE	CASE NAME AND STATUS
7/77	Lupita Gusman v. Jobs for Progress, S.E.R. Refusal to promote because of sex, female. Initial finding of no discrimination appealed and reversed. Hearing on damage issue held. Pending District Court Action.
7/77	Marshall Brewington and Jan Mink v. Gray Moving and Storage Discharge because of association with another race. Unemployment decisions favorable to complainants. Motion for Summary Judgment filed, no discrimination found. Appealed to Commission, initial decision reversed. Damages hearing set for early 1979.
7/77	Sheri Sargeant v. Gray Moving and Storage Withdrawn.
7/77	Janice Williams v. Pueblo County Commissioners Discharge because of religion, Jehovah's Witness. Initial decision of no discrimination appealed and reversed. Respondent complied with Commission's Final Order.
8/77	Ruth Washburn v. Southern Uniform Rental Co. Refusal to hire because of sex, female. Settled prior to hearing.
8/77	Connie Pryor v. Janet Teets and The Newark House Raised rent and eviction because of race/color, Negro/black. Settled prior to hearing.
9/77	Bonnie Flaata v. The Yellow Submarine Discharge because of pregnancy (sex, female). Dismissed per failure to locate respondent.
9/77	Lillian Sandle v. Presbyterian Medical Center Refusal to hire because of race/color. Dismissed.
9/77	Lucienne Hadley v. Ft. Lewis College Discharge because of sex, female. Settled prior to hearing.
9/77	Heidi Bauman v. Best Western Riviera Motel Discharge because of pregnancy (sex, female). Dismissed.

scheduled, cont.

DATE	CASE NAME AND STATUS
10/77	Rose M. Lowenstein v. Bakery and Confectionery Workers of America International Union, AFL-CIO Local #72 and the Red Seal Potato Chip Company Denial of maternity benefits (sex, female). Initial decision of no discrimination appealed and reversed. Pending District Court action.
10/77	White, Willis and Poole v. R.J. Fulscher Discharge because of race/color, Negro. black. Settled prior to hearing.
11/77	Carol Walmsley v. C7C Trucking Co. Discharge because of sex, female. Discrimination found. No appeal filed. CCRC presently seeking court enforcement of order.
11/77	Claude Harris v. Ramsey Engineering Discharge because of race/color, Negro/black. Initial finding of discrimination. Remand hearing on damages held. Simultaneous appeals filed with Commission and District court. Pending finalization of settlement offer.
12/77	Linda Botsko v. KDEN Broadcasting Company Unequal pay because of sex, female. Settled prior to hearing.
12/77	Nancy Reubert v. KDEN Broadcasting Company Refusal to promote because of sex, female. Settled.
1/78	Judi Collins Culver v. VTN Colorado, Inc. Unequal compensation and refusal to promote because of sex, female. Finding of discrimination; respondent complied with Commission's order.
1/78	Sadie Salazar v. Gibson's Product Company of Alamosa Discharge because of pregnancy (sex, female). Motion for Summary Judgment filed. Initial finding of no discrimination appealed and reversed. Pending District Court Action.
1/78	Mary Burkhardt v. City and County of Denver by and through the Sheriff's Department. Discharge because of sex, female. Dismissed per res judicata. Pending Federal Court Action.
1/78	Judith Kaufman v. Ruth and Charles Shelton Refusal to rent because of marital status, single. Settled.
3/78	Pauline Asborn v. Van Schaak and Co. Refusal to hire because of sex, female. Withdrawn.
4/78	Magnolia Henderson v. Professional Food Service Management, Inc. Discharge because of race/color, Negro/black. Settled.

EDUCATION & INFORMATION

The Public Education and Information Department of the Civil Rights Commission is responsible for informing the public about their rights and responsibilities under Colorado law and for explaining the policies and procedures of the Commission. This is accomplished through conducting workshops, seminars and training sessions; publishing literature and responding to requests for information about the Commission and civil rights issues in Colorado.

The workshops, seminars and training sessions conducted by CCRC deal with a number of issues: special programs can be "designed" for special audiences, i.e. special programs on sex discrimination may be presented to women's groups, special programs on housing discrimination may be presented to landlord-tenant groups etc. However, the majority of the sessions presented by CCRC fall into two categories: Equal Employment Opportunity Workshops and Human Awareness Sessions. Over 200 sessions were presented in 77-78.

The Equal Employment Opportunity Workshops are designed to assist employers understand their rights and responsibilities under Colorado Law. The Workshops covers areas such as the Complaint Process, Equal Opportunity Recruitment, Pre-Selection Techniques and Documentation.

The Human Awareness Sessions deal with assisting individuals recognize and deal with their own prejudices. The sessions have been presented to businesses, schools and community groups. Emphasis may be stereotyping, discriminatory attitudes, the origins of prejudice and others.

Information Requests received by the Commission cover a broad range: many deal with specific questions from individuals or companies concerning specific fact situations which may or may not be discriminatory. Others are from students and individuals doing research on civil rights in Colorado or from new Colorado businesses or residents interested in learning what their rights are in this State. Over 9,000 calls were handled in FY 77-78.

Publications of the Commission cover a wide range of topics, including "Pre-Employment Inquiries: A Guide for Employers...", "Your Civil Rights in Colorado," "What is Housing Discrimination..." "A Guide to Minority, Handicapped and Female Referral Sources" and special publications such as the "Laws, Rules and Regulations of the Civil Rights Commission."

During FY 77-78, 8,657 pieces of literature were distributed (does not include literature distributed in connection with the 200+ workshops presented). Much of this literature was distributed in connection with the 9,327 information calls handled by the agency during this time period.

SPECIAL PROJECTS

The Special Projects Division of the Colorado Civil Rights Commission operated two federally-funded "Special Projects" during FY 77-78: a research project in the area of Housing discrimination and a "Backlog Task Force."

The Backlog Task Force is a team of experienced investigators established to reduce the agency's backlog of cases. The team was assigned all of CCRC's oldest cases and succeeded in virtually eliminating the backlog.

The Housing Project was funded with a \$120,000 sub-contract from the U.S. Department of Housing and Urban Development (HUD) through A.L. Nellum & Co. (ALNA), the prime contractor. The grant was offered to ten state civil rights commissions with strong Fair Housing laws and records of accomplishments in the area of Fair Housing.

The HUD-ALNA Project was entitled, "The Identification, Development and Demonstration of Administrative Strategies Which Can Be Used by State Civil Rights/Human Rights Agencies for Combating Systemic Discrimination." Its overall purpose was to "change selected governmental policies and practices which limit the availability of housing to minorities, women and low-income persons and to encourage governmental decisions which increase the availability of adequate housing for minorities, women and low-income persons."

Strategy I of the Project, "Exclusionary Land Use Policies", was designed to identify land use controls and practices which act as barriers and constraints to the provision of housing opportunities for low- and moderate-income families, minorities and families headed by women and to develop alternative strategies for the reduction or elimination of those barriers. Target study areas were Jefferson County and the cities of Littleton, Longmont and Meeker.

Exclusionary Land Use Practices were identified by analyzing the zoning and subdivision ordinances and comparing them with actual usage; reviewing Comprehensive Plans, land use growth and housing policies and surveying information on attitudes of elected officials, citizens and city administrations toward low- and moderate-income housing.

The criteria for determining exclusion and for determining standards to establish violation of Fair Housing Laws was reached after careful study of court decisions, A-95 Review "Comments" (see page 18) and citizen input. Demographic data and the existence of racially discriminatory covenants were also studied.

PROJECTIONS & RECOMMENDATIONS

Findings were that Arvada, Lakewood, and Wheat Ridge were identified as "exclusionary." Factors common to all three communities were:

- Demographic profile indicative of exclusion
- Absence of any existing public housing
- Employment patterns not representative of Metro area
- History of opposition to multifamily subsidized housing
- Restrictive covenants in subdivisions
- Wheat Ridge had no Community Development Block Grant funding; the other two cities did not show emphasis on low- and moderate income housing.

Littleton, Longmont and Meeker were not identified as "exclusionary," based on available data. Despite this finding, however, the study has resulted in two very constructive changes in Meeker: work has commenced on a non-profit housing project for low- and moderate-income families and the city has relaxed excessively restrictive mobile home ordinances. In addition, the City Council has approved a large planned unit development subdivision which will include multi-family housing.

Strategy I's accomplishments also include publication of a brochure on "Civil Rights and Housing: Land Use and Zoning"; coordination of a conference on the "Metro Denver Housing Crisis" which resulted in the formation of the Metro Denver Coalition for Block Grant Compliance and the Housing Task Force of the Social Legislation Committee. Recommendations were also made to State and Federal government concerning needed legislation to improve housing opportunities for all persons.

STRATEGY II of the Project concerned "Application of the A-95 Review of the Community Development Block Grant (CDBG) Programs in the Denver Metropolitan Area to Increase the Availability of Housing for Minorities, Women and Low-Income Families."

The Civil Rights Commission is one of the agencies authorized to receive referrals of Federal Grant Applications from the State Clearinghouse for the purpose of reviewing the applications to assure civil rights compliance.

Specific objectives of the A-95 Strategy were:

- To develop policies and guidelines for civil rights A-95 reviews
- To foster high level communication and cooperation among governmental agencies concerning an expanded supply of dispersed low-income housing.
- To develop community interest and education on the civil rights implications of federally assisted projects in target areas

special projects, cont.

In addition, the Strategy hoped to develop staff capability within the Commission to aggressively pursue dispersal of low-income housing through the comment and conference mechanisms provided in the A-95 Review.

Initial reviews uncovered violations of HUD regulations by HUD in failure to submit amendments of Littleton's application to the State Clearinghouse; and revealed that "erroneous" census data had been submitted to and accepted by HUD to justify the eligibility of the City of Littleton's proposed project.

Other funding applications reviewed and CCRC's action included:

<u>City</u>	<u>Funding</u>	<u>CCRC Action</u>
Longmont	\$588,000	Disapproval
Littleton (1977 amendment)	\$240,000	Disapproval (certain projects)
Lakewood	\$885,000	Non-concurrence
Arvada	\$516,000	Non-concurrence
Littleton (1978)	\$121,000	Conditional Approval
Denver	\$11,946,000	Approval
Aurora	\$914,000	Approval
DRCOG 701 Planning Funds	\$175,000	Conditional Approval
State Dept. Local Affairs 701 Planning Funds	-----	Non-concurrence

In almost every case, HUD responded to CCRC comments by conditionally approving funding and requiring substantial changes.

Strategy II also developed a Training Manual on A-95 Reviews for use by community monitors and assisted in the "Metro Denver Housing Crisis" conference. The project also wrote comments which were presented at the Urban Growth Hearings in June of 1977 and at the DRCOG Hearings on Regional Opportunity Plans.

The Civil Rights Commission, through establishment of a "Preventive Programs Division" has continued the A-95 Review process and has established a Block Grant Monitoring Program. This new division will also provide specialized training for employers and community groups in civil rights related areas and monitor and prepare proposed legislation to the Colorado Civil Rights Commission, for submission to the General Assembly.

PROJECTIONS & RECOMMENDATIONS

Fiscal Year 1977-78 marked the end of a period dominated by concern over an ever-increasing backlog and the beginning of a period which could be one of the most exciting and productive the Commission has known.

With the ERP program working successfully and the Back Log Task Force controlling the existing backlog so well, the Colorado Civil Rights Commission is finally in a position to allocate additional resources to other statutory mandates, such as legislative recommendations, public education, community involvement, and public information.

The establishment of the "Preventive Programs Division" and the expansion of the Public Education and Information Division is but a first step in this area. Identification of "problem areas" within the Colorado Anti-Discrimination Laws and proposed legislation to clarify and strengthen the laws is a Commission priority for 1979.

Bills which the Commission hopes to see introduced include those which would:

- Provide that an action initiated under provisions of law other than the Colorado Antidiscrimination Act of 1957 would have no effect on the proceedings of the Commission. This would deal with the "res Judicata" problem the Commission has faced in recent years where the findings of other boards and agencies may determine the Commission's action, even though that finding may not deal effectively with the issue of alleged discrimination.
- Provide that the Colorado Antidiscrimination Act of 1957 be amended to include protection against retaliation to persons seeking compliance with the other sections of the law.
- Eliminate appeals of the Commission's decisions to the District Courts, providing for such appeals directly to the Court of Appeals, thus saving years in the time-frame for cases on appeal.
- Provide for protection against discrimination in the "terms, conditions and privileges of employment" because of handicap, race, creed, color, sex, religion, national origin or ancestry.
- Clarify the Fair Housing Act of 1959 and the Public Accommodations Act of 1895 concerning the area of what relief may be ordered by the Commission when there is a finding of a violation of either Act.

THE COLORADO CIVIL RIGHTS COMMISSION

RICHARD D. LAMM, GOVERNOR

Gail Klapper, Executive Director, Department of Regulatory Agencies
James F. Reynolds, Director, Colorado Civil Rights Commission

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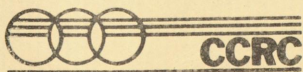
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*"...injustice anywhere is a threat
to justice everywhere"*

*--Martin Luther King, Jr.
Letter from Birmingham Jail*