

Fair Housing Update

Fair Housing of the Dakotas

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RECENTLY FILED COMPLAINTS IN NORTH & SOUTH DAKOTA

The Fair Housing of the Dakotas (FHD) has assisted a number of North and South Dakotans recently in filing fair housing complaints. A brief description of the most recent cases of interest follows:

In July, the FHD assisted a Fargo, ND resident in filing a housing discrimination complaint against a Grand Forks housing provider who had refused to rent an upper level unit to her due to the presence of her children. The FHD also filed a complaint following its investigation which found that discrimination was occurring. Pending. (NDDOL Case No. ND08-01-433 & ND08-01-436)

In July, the FHD filed a complaint against a Rapid City, SD rental property alleging discriminatory treatment due to disability and the presence of children. Pending. (HUD Case No. 08-08-0219-8)

In July, the FHD filed a complaint of discrimination in the renting of housing to families with children. The FHD investigation found that the property was advertising a 2 bedroom "for 2 people" and "\$550 for 2 people" which has been shown to discriminate against families with children through the use of per head rental charges and policies more restrictive than HUD's recommended two person per bedroom guideline. Pending. (HUD Case No. 08-08-0224-8)

In July, the FHD filed a complaint of discrimination due to the presence of children by a Bismarck, ND housing provider who was advertising "Looking for

responsible Adult to rent an upscale apartment in private home" and advertising per head charges of "\$700.00/2 people or \$350.00/1 person." The FHD conducted an investigation which supported that discrimination was occurring and filed a complaint. Pending. (NDDOL Case No. ND08-01-434)

In July, the FHD filed a complaint of discrimination due to the presence of children by a Bismarck, ND housing provider who was advertising "MATURE PEOPLE welcome". The FHD conducted an investigation which supported that discrimination was occurring to families with children and filed a complaint. Pending. (NDDOL Case No. ND08-01-437)

In July, the FHD assisted a Fargo, ND resident in filing a complaint alleging discrimination due to the denial of a reasonable accommodation for a service animal and the requiring of additional insurance coverage and other fees which were not required of those without service animals. The FHD conducted an investigation which supported the allegation and also filed a complaint. Pending. (NDDOL Case No. ND08-01-441 & ND08-01-442)

UPDATE ON PREVIOUSLY FILED CASES

In June, 2008, the North Dakota Department of Labor's Human Rights Division notified the Fair Housing of the Dakotas (FHD) that it had issued a charge of discrimination in a case involving a Devils Lake, ND property. The complaint had been filed by the FHD in September, 2007. The charge noted

Fair Housing of the

Dakotas (FHD) is a non-profit organization serving North and South Dakota with a mission to work to eliminate housing discrimination and to ensure equal housing opportunities for all. The FHD provides assistance to individuals pursuing legal rights and remedies related to fair housing, offers housing assistance and counseling, provides community education, promotes community involvement and performs research in the area of housing.

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there was probable cause that discrimination had occurred through misrepresenting to families with children that units were not available to rent, when in fact they were, and through advertisements, statements and notices against renting to families with children. The parties have elected for district court. Pending. (NDDOL Case No. ND07-02-364)

Also in June, 2008, the FHD was notified of a second charge of discrimination by the Division of Human Rights against a Fargo, ND property who was denying certain breeds of dogs from being service animals for people with disabilities. A complaint had been filed by the FHD in May, 2007. The parties have elected for district court. Pending. (NDDOL Case No. ND07-11-317)

NEWS FROM HUD

JUSTICE DEPARTMENT OBTAINS \$82,500 SETTLEMENT IN HUD ASSISTANCE ANIMAL CASE. The owners and operators of a Minnesota apartment complex must pay a woman \$82,500 as part of federal consent decree arising from a HUD charge. HUD charged that the defendants violated the Fair Housing Act in not allowing the woman to reside at the complex with a dog that assists her with major depression.

HUD CHARGES MISSISSIPPI LANDLORD WITH SEX DISCRIMINATION. HUD has charged a Long Beach, Mississippi housing provider and his apartment manager with making discriminatory statements and engaging in repeated sexual harassment of one of

his tenants in violation of the Fair Housing Act. The landlord allegedly groped the tenant, entered his apartment without permission, offered him free rent if he would "be his boyfriend," and informed him that if he contacted the police that he would be evicted.

HUD FILES CHARGE AGAINST ALABAMA MOBILE HOME PARK FOR FAMILY STATUS DISCRIMINATION. HUD has charged the owners of a Daphne, Alabama, mobile home park with violating the Fair Housing Act for refusing to rent a lot to a single mother with three children. After the woman attempted to rent a lot multiple times, the park owners allegedly told the woman she had "too many children," and that the park allowed only two children per household. The owners also allegedly said they would charge additional fees for the children.

HUD CHARGES CHICAGOLAND REALTY AND BROKERS WITH STEERING. The Department of Housing and Urban Development, on behalf of the National Fair Housing Alliance (NFHA), has charged an Illinois real estate firm and two of its brokers with racial and ethnic steering and other discrimination while showing homes in the Chicago suburbs. NFHA sent two matched pairs of undercover testers to the agency—white and Hispanic pairs, but with identical financial profiles—to inquire about homes for sale. In one test, an agent showed the Hispanic tester three homes in a largely minority areas while showing the white tester ten homes in predominantly-white areas.

HUD CHARGES WISCONSIN

PROPERTY OWNERS, MANAGER WITH DISCRIMINATION AGAINST FAMILIES WITH CHILDREN. HUD has charged the owners and the manager of a Milwaukee, Wisconsin-area rental property with violating the Fair Housing Act, in refusing to rent to a woman because she has minor children. In a telephone conversation, the property manager allegedly told the applicant the property did not accept families with children. The property manager also told a tester posing as an applicant, "We don't really rent to kids."

HUD CHARGES OWNERS, MANAGERS OF LAS VEGAS CONDO COMPLEX FOR DENIAL OF ACCESSIBLE PARKING SPACE. HUD has charged the owners and managers of Las Vegas, Nevada, condominium complex with violating the Fair Housing Act for denying an assigned parking space to a disabled resident whose garage had suffered water damage.

HUD CHARGES IDAHO LANDLORD WITH DISCRIMINATION AGAINST FAMILIES WITH CHILDREN. HUD has charged the owners of an Idaho Falls, Idaho, apartment building with violating the Fair Housing Act for refusing to rent to a man with young children. The owner allegedly told the man she doesn't allow families with children to occupy second-floor apartments. The owners reiterated the policy to a HUD staff person who inquired about it.

JUSTICE DEPARTMENT FILES SUIT IN HUD-INITIATED FAMILIAL STATUS CASE. The U.S. Department of Justice has filed

suit against the owners and managers of The Mill, a 74-unit apartment complex in Scranton, Pennsylvania, whom HUD charged last month for discrimination against families with children. The case represents the first federal-court filing based on a HUD Secretary-initiated Fair Housing Act complaint (a case brought by HUD without an individual complainant). HUD launched its investigation after viewing an online advertisement which stated tenants must be 21 years or older. In aid of the HUD investigation, the Fair Housing Council of Montgomery County sent to the property individuals posing as renters to gather information about possible discriminatory practices. The housing providers gave testers materials containing the "21yrs. or older" restriction. HUD issued a charge of discrimination last month, and the owners and managers of The Mill elected to have the case heard in federal court.

For more information on HUD's fair housing activities, visit

www.hud.gov/fairhousing

OTHER FAIR HOUSING NEWS

For Ann Mitchell's disabled daughter, life without her dog wasn't just lonely, it was dangerous. Born with

multiple disabilities including cerebral palsy, she suffered from seizures and was dependant on her assistance dog, Rock. With Rock's help, she was able to attend school, tackle stairs, navigate around the house and even right herself after a fall. Unfortunately, all of that changed when her family moved to a rental home in Windsor Locks, CT. Her landlord refused to make an exception to his rule against dogs; even assistance dogs like Rock.

In a proposed settlement, the parties have determined the family will be paid \$115,000; with \$102,000 going directly to the family, and \$13,000 to the Connecticut Fair Housing Center, to cover fees and costs. The family plans to use the settlement funds to buy their own home. The fees will go to support the ongoing work of the Connecticut Fair Housing Center. Additionally, the landlord was ordered to attend fair housing training, implement a reasonable accommodation policy and comply with notice, monitoring, and reporting requirements.

Giving up Rock caused Ann's daughter a drastic deterioration of her physical condition. Her depression got worse. Her mobility suffered and she was forced to use a wheelchair more frequently. Without

Rock to support her, she fell down the stairs and was unable to right herself. During the eight months she had worked with Rock, her seizures had ceased. Without him, she was experiencing 8 to 10 seizures a month. During the time she spent without Rock, she missed 70 days of fourth and fifth grade classes as the symptoms of her disabilities worsened. As a result, her grades suffered. Ann could not get a full-time job because her daughter often couldn't make it through the school day due to seizures and depression. "I found myself watching my healthy, happy little girl slip away," Ann recalls.

Doctors recommended to Ann that her daughter resume working with an assistance animal. Each month, when Ann paid her rent, she brought letters from her doctors documenting the medical need for an assistance dog. "He wouldn't even look at them," she says. The landlord remained insistent that "no dogs are allowed." When Ann sought to renew the lease, he threatened to evict the family and they moved out.

If approved by the court, the settlement caps a three-year battle. The Department of Justice also launched a companion case, brought on behalf of the United States.

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**This Newsletter is also available
at www.fhdakotas.org in pdf
format**

Update: Please update your records with our new web site address and email addresses for staff. See www.fhdakotas.org for more information.

FAIR HOUSING

The Federal Fair Housing Act makes it illegal to discriminate in the rental, sale or financing of housing due to a person's race, color, religion, national origin, gender, familial status and disability. North Dakota state law also protects age (40 and over) and status with respect to marriage and public assistance. South Dakota state law protects most of the federal protections and also protects due to creed and ancestry.

For information on filing a housing discrimination complaint, contact the Fair Housing of the Dakotas (1-888-265-0907), the ND Dept. of Labor (1-800-582-8032) or HUD (1-800-877-7353).

VOLUNTEERS NEEDED

The FHD is seeking volunteers to assist in gathering information

on alleged discriminatory housing practices. Volunteers are paid a stipend for their time and services and receive training. Please contact Stacy at 1-888-265-0907 or 701-221-2530 if you are interested or want more information.

WEB SITE & PUBLICATIONS

The FHD web site located at www.fhdakotas.org has several publications online regarding fair housing. Choose our "What is Fair Housing" link to view the list of publications online. Publications are also available through postal mail by completing our Publications Form available online or by contacting the FHD.

The web site also includes updates on upcoming events or trainings, state legislation of interest, past newsletters, press releases, and numerous web links to other

organizations.

DISCLOSURES

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