



Fair Housing Update

Fair Housing of the Dakotas

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LEGISLATIVE SESSION WRAP UP

Both North and South Dakota Legislative Sessions were active in 2009. Below is a brief summary of some of the legislation introduced regarding rental housing, real estate, fair housing and/or discrimination. For more detailed information on a particular bill, please go to the state web site and review the bill specific information.

North Dakota Legislation

HB 1106: Bill which would have restricted damage awards and court costs in cases filed by the North Dakota Department of Labor's Human Rights Division. FAILED.

HB 1263: Bill which modified and added language regarding the duties, educational requirements, tenancy requirements, and staff employment requirements of assistive living facilities. The bill also includes a study of the regulation of basic care and assistive living facilities in North Dakota. PASSED.

HB 1296: Increases the amount that can be claimed by plaintiff or through counterclaim by defendant in the Small Claims Court process from \$5,000 to \$10,000. PASSED.

HB 1387: Bill which would have allowed monetary damages for the installation of an antenna, satellite dish or receiver without the written consent of a landlord or owner and any reimbursement of damage done by such installation. FAILED.

HB 1393: Bill which would have established Class B misdemeanor for a ten-

ant's guest causing more than \$1,000 in damage to rental property. FAILED.

HB 1404: Bill which would have allowed an appeal process of a Small Claims Court decision to district court. FAILED.

SB 2171: Allows for termination of a rental lease in cases of domestic violence under certain circumstances and with notice. Also includes requirements relating to confidentiality and retaliation. PASSED.

SB 2176: Allows for lease termination by an estate or surviving lessee in cases of death by a tenant. PASSED.

SB 2211: Changes penalties for harming, taunting, or injuring a service animal used by a person with a disability or an animal being trained as a service animal for a person with a disability. Also includes definition changes, changes to access to public places and identification requirements. PASSED.

SB 2278: Bill which would have provided protection from discrimination due to sexual orientation in housing, employment and public accommodations. FAILED.

South Dakota Legislation

HB 1094: Requires applicants for licensure as real estate brokers, broker associates, salespersons, property managers, residential rental agents, auctioneers, home inspectors, and timeshare agents and such licensees who are the subject of a disciplinary investigation to submit to a state and federal criminal background check. PASSED.

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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HB 1095: Adds language restricting a real estate licensee to improperly influence the results of a real estate appraisal. PASSED. See also HB 1124 which was also PASSED and has language changes to this section.

HB 1225: Bill which would have allowed monetary damages for the installation of an antenna, satellite dish or receiver without the written consent of a landlord or owner and any reimbursement of damage done by such installation. FAILED.

SB 154: Adoption of 2006 International Building Code for new construction commenced after July 1, 2009. Some exemptions noted. Local enforcement may be adopted. PASSED.

This is only some of the bills introduced this session in North & South Dakota that we were tracking. For a more complete list, please go the FHD web site and choose the "Legislation" link. You may then view FHD tracking grids by state on a variety of subject areas as well as links to state legislative web sites where you can gather more information on specific legislation.

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 February, the FHD filed a complaint alleging discrimination in rental against families with children. The FHD investigation found that a Sioux Falls, SD property was

advertising "45 years of age or above" which is not a qualified exemption for housing for older persons. Pending. (HUD Case No. 08-09-0097-8)

In March, the FHD filed a complaint alleging discrimination in rental against families with children. The FHD investigation found that a Bismarck, ND property was advertising "no pets or children". The FHD investigation also found that recipients of public assistance were also being denied housing. Conciliation reached for Respondent to attend fair housing training, correct future advertisements to meet Fair Housing Laws, reimburse a portion of the FHD investigative costs and rent to qualified families with children and/or those receiving public assistance. (NDDOL Case No. ND09-09-489)

In March, the FHD filed a complaint alleging discrimination in rental against families with children. The FHD investigation found that a Mandan, ND property was advertising "great for senior couple". Conciliation reached for Respondent to reimburse a portion of the FHD investigative costs and follow Fair Housing Laws in future advertisements. (NDDOL Case No. ND09-09-490)

In March, the FHD filed a complaint alleging discrimination in rental against families with children. The FHD investigation found that a Pierre, SD property was advertising "Ideal for Seniors" when it did not appear to meet the exemptions for housing for older persons. Pending. (HUD Case No. 08-09-0113-8)

In March, the FHD filed a com-

plaint alleging discrimination in rental against families with children. The FHD investigation found that a Gregory, SD property was advertising "Maximum # Occupants: 1" which is more restrictive than HUD's recommended two person per bedroom occupancy policy. Pending. (HUD Case No. 08-09-0116-8)

In April, the FHD assisted a Bismarck, ND family in filing a complaint alleging discrimination due to disability and the denial of reasonable accommodations for physical disabilities. Pending. (NDDOL Case No. ND09-10-498)

UPDATE ON PREVIOUSLY FILED CASES

In March, 2009, the North Dakota Department of Labor's Human Rights Division notified the Fair Housing of the Dakotas (FHD) that it had issued two charges of discrimination on complaints filed by the FHD in January, 2009 involving two West Fargo, ND properties. The FHD had also assisted a West Fargo resident in filing a complaint in November, 2008 against one of the properties and was notified that a charge of discrimination was also issued in that case. The charges noted that there was probable cause that discrimination had occurred through the denial of reasonable accommodations for people with disabilities who require service animals. The parties have elected for district court. Pending. (NDDOL Case No. ND08-05-460, ND09-07-473 & ND09-07-475)

In March, 2009, the US Department of Housing & Urban Development notified the Fair Housing of



the Dakotas (FHD) that it had issued charges of discrimination against a Sioux Falls, SD housing provider for failing to design and construct three multi-family rental properties to be accessible to people with disabilities. The complaints had originally been filed in July, 2004. The parties have elected for district court. Pending. (HUD Case No. 08-04-0201-8, 08-04-0202-8, 08-04-0203-8, 08-04-0204-8 & 08-04-0206-8)

For more information on any of these cases, please visit www.fhdakotas.org and go to the Case & Press Page or contact the FHD.

NEWS FROM HUD

Below is information received from HUD on recent charges of housing discrimination:

HUD v. Christopher S. Hebert and Indigo Investments, LLC d/b/a Homestead Mobile Home Village, Edward L. Hamilton and Barbara A. Hamilton: HUD has charged the owner and property managers of the Homestead Mobile Home Village, located in Gulfport, MS, with violation of the Fair Housing Act based on race/color.

HUD v. Robert W. Hill, Roger Thuot and the Fitchburg Housing Authority: HUD has charged Robert W. Hill, Roger Thuot

and the Fitchburg Housing Authority, Massachusetts, with violation of the Fair Housing Act. The Complainant is a person with disability who has multiple sclerosis and a depression/anxiety disorder. After numerous complaints to the Fitchburg Housing Authority regarding the excessive noise from and the hostile behavior of her neighbor, the Complainant requested a transfer to another apartment. The transfer request was denied.

HUD v. Pearl Beck and Gregory Beck: HUD has charged Pearl and Gregory Beck, two landlords in Detroit Lakes, MN with violation of the Fair Housing Act on the basis of race. The Becks refused to rent a single-family rental house to the complainant who is black.

HUD v. Warren Properties, Inc., Laurie Weaver and Evelyn Graves: HUD has charged Warren Properties, Inc., Laurie Weaver and Evelyn Graves, Mobile, Alabama, with refusing to grant a reasonable accommodation to a person with disability. Complainant requested a transfer from a second floor unit to a first floor unit due to her mobility impairment.

HUD Charges Puerto Rico Apartment Complex for Denying Disability Accommodation: HUD has charged

the owners of a Puerto Rico housing complex with violating the Fair Housing Act in refusing to make trash-disposal arrangements for a resident with a physical disability. After shutting down the trash rooms on each floor of the apartment buildings, the owners of the complex refused to exempt the resident from the requirement that residents personally dispose of trash in outside dumpsters. The complex had originally promised the resident that maintenance staff would collect her trash as a reasonable accommodation for her disability.

More information on these cases and others can be obtained by going to HUD's web site at: www.hud.gov/offices/ftheo/

FAIR HOUSING WORKSHOPS

We have announced additional dates and locations for the Fair Housing of the Dakotas "Fundamentals of Fair Housing" workshops. See the enclosed flyer for information on the workshops remaining in North and South Dakota for 2009.

You can also always visit the Events page at the FHD web site for the most up to date information on the workshops, locations, registration information and continuing education credits at www.fhdakotas.org

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

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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