

# Fair Housing Update

Fair Housing of the Dakotas

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## ADDITIONAL "FUNDAMENTALS OF FAIR HOUSING" WORKSHOPS SCHEDULED

The Fair Housing of the Dakotas (FHD) has scheduled additional dates for its yearly series of "Fundamentals of Fair Housing" workshops. The workshops remaining for 2007 include:

- May 22: 1:00-4:45 PM, Airport International Inn, 3601 2<sup>nd</sup> Avenue West, Williston, ND
- June 21: 1:00-4:45 PM, Travel Lodge, 3300 W. Russell Street, Sioux Falls, SD
- July 12, 1:00-4:45 PM, Ramada Plaza & Suites, 1635 42nd Street South, Fargo, ND
- July 17, 1:00-5:00 PM, Best Western Ramkota, 2111 LaCrosse, Rapid City, SD (this workshop will be held in conjunction with a Vendor Fair being sponsored by the Black Hills Area Multi-Housing Association)
- August 21, 1:00-4:45 PM, Holiday Inn, 2200 Burdick Expressway, Minot, ND
- August 23, 1:00-4:45 PM, Cedar Shore Report, 1500 Shoreline Drive, Chamberlain, SD
- August 28, 1:00-4:45 PM, Hilton Garden Inn, 4300 James Ray Drive, Grand Forks, ND

Registration flyers for these workshops are enclosed and also available at [www.ndfhc.org/events.htm](http://www.ndfhc.org/events.htm) These courses have been approved for continuing education credits for attorneys, social workers, real estate agents and appraisers (see the FHD web site for more information on the credits ap-

proved). The workshops are provided free-of-charge and are open to the public but registration is required.

## RECENTLY FILED COMPLAINTS IN NORTH & SOUTH DAKOTA

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

In January, the FHD filed a complaint alleging discrimination due to the denial of reasonable accommodations for service animals by a Fargo, ND landlord. The FHD had received an allegation of discrimination from a Fargo, ND resident who chose not to proceed with complaint filing. The FHD conducted an investigation which supported the allegation and filed a complaint. Case reached settlement in March which includes that the Respondents will attend fair housing training, post a Fair Housing Poster, publish a non-discrimination policy and reimburse the FHD investigative and filing costs. (NDDOL Case No. ND07-07-299)

In January, the FHD filed a complaint alleging discrimination due the denial of families with children and due to the denial of reasonable accommodations for service animals by a Minot, ND landlord. The FHD had received an allegation of discrimination from a resident who chose not to proceed with complaint filing. The FHD conducted an investigation which supported the allegation and

**Fair Housing of the Dakotas (FHD)** is a non-profit organization serving North & 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.

### CONTACT INFO

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filed a complaint. Pending. (NDDOL Case No. ND07-07-300)

In February, the FHD assisted a Fargo, ND resident in filing a complaint against a Fargo mobile home park alleging sexual harassment and retaliation. Pending. (NDDOL Case No. ND07-08-304)

In March, the FHD filed a complaint of discrimination due to the denial of rental to families with children by a Mitchell, SD housing provider who was advertising "senior apartment" but did not appear to meet qualifications for housing for older persons. The FHD conducted an investigation which supported the allegation and filed a complaint. Pending. (HUD Case No. 08-07-0113-8)

In March, the FHD filed a complaint of discrimination due to denial of rental to families with children by a Sioux Falls, SD housing provider who was advertising "all elderly in units". The FHD conducted an investigation which supported the allegation and filed a complaint. Pending. (HUD Case No. 08-07-0115-8)

In March, the FHD filed a complaint of discrimination due to a restrictive occupancy standard for families with children by a Devils Lake, ND housing provider who was advertising "for one person". The FHD conducted an investigation which supported the allegation and filed a complaint. (NDDOL Case No. ND07-09-309)

In March, the FHD filed a complaint of discrimination against a Minot, ND housing provider alleging the denial of reasonable accommodations and/or modifications, dis-

crimatory statements due to disability and discriminatory terms and conditions as a result of disability. The FHD had received several allegations of discrimination from residents. The FHD conducted an investigation which supported the allegations and filed a complaint. Pending. (NDDOL Case No. ND07-09-310)

#### UPDATE ON PREVIOUSLY FILED CASES

In February, 2007, final settlement was reached in the housing discrimination cases filed by the State of North Dakota on behalf of the Fair Housing of the Dakotas against Bachmeier/et al of Mandan, ND. Probable Cause of discrimination due to disability, familial status and national origin had been found by the ND Department of Labor in these cases and they had been proceeding in district court. Settlement includes that the Respondents will attend fair housing training, post a Fair Housing Poster, publish a non-discrimination policy and reimburse the FHD investigative and filing costs. (NDDOL Case No. ND06-07-233 & ND06-07-234)

In April, 2007, final settlement terms were reached in the housing discrimination case filed by the US Department of Justice on behalf of the Fair Housing of the Dakotas against Paul Hasse of Vermillion, SD. Probable Cause had been found by HUD in 2006 and the case was referred to the US Department of Justice as a pattern and practice case of familial status discrimination. Settlement includes that the Respondent will attend fair housing

training, post a Fair Housing Poster, publish a non-discrimination policy, reimburse the FHD investigative and filing costs, pay a civil penalty and provide a victim's fund for any aggrieved individuals not previously identified. (Case No. CIV06-4183-KES)

#### 2007 LEGISLATIVE SESSIONS

Both North and South Dakota Legislative Sessions were active in 2007. Below is a summary of some of the legislation introduced regarding rental housing, fair housing and/or discrimination.

##### North Dakota Legislation

HB 1147: Requires rental leases where more than 30 days notice is required to end the lease to provide space on the lease for renter(s) to initial that they are aware of the requirement. If not initialed, 30 days notice is required. PASSED.

HB 1302: Changes the amount a landlord can request for a pet deposit from a maximum of \$1,500 (including security deposit) to \$2,500 or maximum of two month's rent whichever is greater. PASSED.

SB 2074/2076: Provides the North Dakota Department of Labor with ability to issue subpoenas as a last resort when needed in the investigation of housing (2074) and human rights (2076) discrimination complaints. PASSED.

SB 2121: Changes name of the "North Dakota Department of Labor" to the "North Dakota Department of Labor & Human Rights". FAILED.



SB 2138: Repeals ND's co-habitation law which made it illegal (and a crime punishable by up to one month in jail and up to \$1,000 fine) for couples of the opposite sex to live together outside of marriage. This legislation now makes it illegal to "fraudulently" hold one's self out as married. As a result, it will not be illegal for unmarried couples to live together provided they do not fraudulently claim to be married. PASSED.

*Note: This does not affect a separate law under the ND Housing Discrimination Law which makes it LEGAL for landlords to deny unmarried couples from rental housing.*

SB 2187: Provides an appropriation to homeless shelters and administrative costs for the continuum of care project. PASSED.

SB 2264: Would have required mobile home park owners to notify rental tenants of any sale of the park. FAILED.

SB 2302: Would have provided appropriation to assist domestic violence and sexual assault programs (including shelter housing). FAILED.

SB 2333: Establishes a program to assist in bridging the financing gap in new residential construction (includes multifamily and single family housing but

excludes farmsteads and mobile homes) in cities with populations of fewer than 20,000. PASSED.

SB 2364: Restrictive covenants and condominium project bylaws may not prohibit the displaying of political yard signs by the owner or any resident. PASSED.

SCR 4018: Resolution expressing support for long-term care choices, including home and community-based services for North Dakotans with disabilities and older adults. PASSED.

SCR 4029: Study the feasibility and desirability of transferring State Hospital facilities to allow individuals with mental disabilities to have community based care. PASSED.

South Dakota Legislation

HB 1218: Would have required landlords to disclose if anyone who lives at a rental property or is employed by the landlord is a registered sex offender. DEFERRED.

SB 125: An abandoned mobile home may be moved and/or sold by the landlord of a mobile home lot under certain conditions. 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.

**RECENT RULINGS**

The Fair Housing of the Dakotas (FHD) was notified in March, 2007 by the North Dakota Department of Labor (NDDOL) that Probable Cause was found in two cases involving sexual harassment against women by Lowell Siebels, a Fargo, ND landlord. The FHD had filed a complaint alleging sexual harassment in June, 2006 and also assisted two other individuals in filing complaints. The parties have elected to have the cases heard in District Court. Pending. (NDDOL Case No. ND06-12-260 & ND06-01-271)

The Fair Housing of the Dakotas (FHD) was also notified in March, 2007 by the North Dakota Department of Labor (NDDOL) that Probable Cause was found in a housing discrimination case filed by a Fargo resident against John Adams/Dakota Park Apartments of Fargo, ND. The case involved the denial of a reasonable accommodation for a service animal and/or requirement of a "pet" deposit. Pending. (NDDOL Case No. ND06-04-289)

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**We Have a New Look! Hope  
You Enjoy Our New Newsletter  
and Extra Pages of Info!**

### 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.ndfhc.org](http://www.ndfhc.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

*Newsletter Published Quarterly. Alternate formats will be available when requested. The information in this publication is not itself legal advice; for legal advice about a particular situation, contact an attorney.*

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