

Fair Housing Update

Fair Housing of the Dakotas

Volume 13, Issue 3
July, 2007

As Published by the Fair Housing of the Dakotas

FREE FAIR HOUSING ACCESSIBILITY TRAINING SCHEDULED

The US Department of Housing & Urban Development (HUD) and the Fair Housing of the Dakotas will be hosting a Fair Housing Accessibility Training on August 14, 2007 from 9 am-4:30 pm at the Radisson Hotel in Bismarck, ND.

The Federal Fair Housing Act (FHA) was passed in 1968. The FHA makes it illegal to discriminate in the rental, sale or financing of housing due to someone's race, color, national origin, religion, gender, familial status and/or disability.

Since March 13, 1991, the FHA has required that multi-family dwelling units (4 units or more) meet seven design and construction requirements to ensure accessibility. These requirements were put into the FHA to increase the accessibility of units to all homeseekers regardless of disability.

All persons "in connection with the design and construction" of multi-family dwelling units are liable for ensuring that multi-family dwellings meet the seven design and construction requirements of the FHA. These persons include, but are not limited to, architects, owners, developers and builders.

All ground floor units and all units served by an elevator in a multi-family dwelling unit of four units or more built for first occupancy as of March 13, 1991, **MUST** meet the following seven design and construction requirements:

1. Accessible building entrance on an accessible route.

2. Accessible common and public use areas.
3. Usable doors.
4. Accessible route into and through the dwelling unit.
5. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations.
6. Reinforced walls for grab bars.
7. Usable kitchens and bathrooms.

This training would be helpful for architects, builders, housing inspectors, property managers, advocates and other interested members of the public to learn the specific design requirements under the Federal Fair Housing Law.

The workshop is FREE to the public but registration is required. Continuing education credits for architects are available. For more information, visit the FHD's events page at www.ndfhc.org

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 recent cases of interest follows:

In May, the FHD filed a complaint and assisted a Fargo, ND resident in filing a complaint alleging discrimination due to the denial of reasonable accommodations for service animals by a Fargo, ND landlord who was restricting several breeds of animals from being allowed as

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.

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South Dakota Relay: 605-367-5760 or 1-800-642-6410 (Voice)



service animals. The FHD conducted an investigation which supported the allegation filed by the resident. Pending. (NDDOL Case No. ND07-11-317)

In May, the FHD filed a complaint against a Fargo, ND/Moorhead, MN housing provider alleging discrimination due to the denial of reasonable accommodations for service animals. The FHD had received an allegation of discrimination by a Fargo, ND resident. The complaint alleges that the property is limiting the size of allowable service animals and/or also restricting the breeds of service animals to be allowed. The FHD conducted an investigation which supported the allegation and filed a complaint when the resident chose not to go forward. Pending. (HUD Case No. 05-07-1121-8)

FUNDAMENTALS OF FAIR HOUSING WORKSHOPS

The following "Fundamentals of Fair Housing" workshops remain on the FHD training schedule:

- July 17, 1:00-5:00 PM, Best Western Ramkota, 2111 La-Crosse, 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
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 approved). The workshops are provided free-of-charge and are open to the public but registration is required.

NEWS FROM HUD

HUD DEBARS OMAHA LANDLORD FOR VIOLATING THE FAIR HOUSING ACT—*Section 8 landlord made unwelcome sexual advances to female renters* WASHINGTON - The U.S. Department of Housing and Urban Development announced today that it has debarred John Koch, an Omaha, NE, landlord from doing business with the federal government for three years for making unwanted sexual advances toward female residents of his rental properties and also making unwanted advances toward female rental applicants.

The debarment is based on a civil judgment entered against Koch following a jury trial in the U.S. District Court for the District of Nebraska. The court found that Koch, who manages several Section 8 properties, violated the Fair Housing Act, by engaging in an illegal pattern and practice of housing discrimination over a ten-year period. During that period, Koch subjected numerous female tenants and prospective female tenants to severe, pervasive, and unwanted verbal and physical sexual advances.

Total, the court awarded the aggrieved women \$16,967 in actual damages and \$49,185 in punitive damages. Additionally, the District Court imposed a civil money penalty of \$40,000 against Koch.

Debarment is intended to assure HUD that a participant in its programs who has acted irresponsibly is disqualified from continued participation. HUD's Departmental Enforcement Center found that this judgment was sufficient grounds to debar Koch from doing business with the Federal government.

HUD's brief in support of Koch's debarment contends that he used tenancies partly financed by Federal payments to take advantage of low-income women, and the Department could not be assured that "its funds are being spent properly or that the public is being adequately protected."

"HUD will not tolerate landlords who prey on women, especially landlords who receive federal subsidies," said Stephen Hollingshead, who is the Senior Advisor to HUD Secretary Alphonso Jackson, and the Deputy Assistant Secretary for Enforcement. "This debarment sends a clear message to all landlords that we will take action against anyone who engages in this type of illegal and offensive conduct."

HUD CHARGES VIRGINIA BEACH LANDLORD WITH VIOLATING THE FAIR HOUSING ACT—*Owner accused of treating black families worse, using racial slurs* WASHINGTON-The U.S. Department of Housing and Urban Development



announced today that it has charged Dr. James Crockett Henry, owner of a 30-unit complex in Virginia Beach, Virginia, with violating the Fair Housing Act for allegedly subjecting African-American tenants to stricter rules than others, using racial slurs about them, and retaliating against them. The Fair Housing Act makes it illegal to discriminate in housing because of race or color.

The charge comes after a complaint was filed with HUD by Annette and Tasha Reddick and several other African-American families, who alleged that Dr. Henry discouraged black residents from having visitors, and reported their visitors to police as trespassers. The complaint further alleges that he enforced a "quiet time" policy for black residents and used racial slurs, including the "N" word, to describe the children of African-American residents. Henry also allegedly told one black tenant that the complex, comprised mostly of black families, was like his "ghetto tribe plantation," and that if she would "act like a human being" he "wouldn't have to train her."

In addition, when told that some black residents had filed housing discrimination complaints, Henry took steps to terminate

their leases, citing allegedly false lease violations, such as illegal drug activity.

"Tenants should not have to put up with such offensive racial statements in the place they call home," said Kim Kendrick, HUD Assistant Secretary for FHEO. "We will enforce the law against all landlords who discriminate, and make sure our federal dollars don't go toward this kind of injustice. It is against the law and HUD won't stand for it."

A hearing on the charge will be held by a U.S. Administrative Law Judge on July 24, 2007, in Virginia Beach, unless one of the parties elects to have the case heard in U.S. District Court. An election to go to District Court must be made by May 23, 2007.

Housing discrimination charges heard before an administrative law judge carry a maximum civil penalty of \$16,000 for each violation for a first offense, in addition to actual damages for each complainant, injunctive or other equitable relief, and attorneys' fees. Sanctions can be more severe if a respondent has a history of housing discrimination.

HUD's Office of Fair Housing and Equal Opportunity and its partners in the Fair Housing Assistance

Program investigate approximately 10,300 housing discrimination complaints annually. People who believe they are the victims of housing discrimination should contact HUD at 1(800) 669-9777 (voice), (800) 927-9275 (TTY). Additional information is available at www.hud.gov/fairhousing.

CORRECTION

In the last newsletter, we mistakenly noted that North Dakota bill SB 2333 had PASSED the North Dakota Legislature. This is incorrect. The bill FAILED. We apologize for the error.

NEW PUBLICATIONS

The Fair Housing of the Dakotas (FHD) has created/adapted some new forms and/or publications to assist consumers and housing providers. These materials are available at www.ndfhc.org (choose "what is fair housing" link and scroll down to the relevant section) or by request via postal mail:

- Fair Housing and Domestic Violence
- SD Landlord/Tenant Law

We also hope by the end of summer to have completed a new fact sheet on Fair Housing and the Violence Against Women Act.

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**This Newsletter is also available
at www.ndfhc.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.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

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NOTICE: The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretation does not necessarily reflect the views of the government.