

# Fair Housing Update

Fair Housing of the Dakotas

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## FAIR HOUSING OF THE DAKOTAS RECEIVES A THREE YEAR GRANT

The Fair Housing of the Dakotas (FHD) recently received notice from the US Department of Housing & Urban Development (HUD) that it had received a three year Fair Housing Initiatives Program-Private Enforcement Initiative Grant to fight housing discrimination in North and South Dakota and to continue to educate the public on Fair Housing Laws.

The FHD was one of only 38 recipients across the United States to receive such a HUD grant. The grant is expected to begin around December 1, 2007.

## 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 July, the FHD filed a complaint and assisted a Bismarck, ND resident in filing a complaint alleging discrimination due to the denial of rental to recipients of Section 8 vouchers (receipt of public assistance). The FHD conducted an investigation which supported the allegation filed by the resident. Pending. (NDDOL Case No. ND07-01-346 & ND07-01-347)

In July, the FHD filed two complaints against two properties managed by the same Fargo, ND management company.

The complaints resulted from an allegation filed with the FHD by a Fargo, ND resident who had attempted to rent a unit and was denied rental due to the need of a reasonable accommodation for a service animal for a disability. The FHD conducted an investigation which supported the allegation filed by the resident. When the resident chose not to file, the FHD filed on behalf of other aggrieved individuals with disabilities. Pending. (NDDOL Case No. ND07-01-348 & ND07-01-349)

In August, the FHD filed a complaint against a Mandan, ND property alleging discrimination due to disability. The allegation resulted from contacts by advocates and residents at the property. The complaint alleges the property refused requests for reasonable accommodations by tenant(s) with disabilities, threatened retaliation against tenants who complained about treatment and refused to respond to contact made by the FHD previous to complaint filing. The FHD conducted an investigation which supported the allegation filed with the FHD. Pending. (NDDOL Case No. ND07-02-355)

In August, the FHD filed two complaints against two properties managed by a Devils Lake property manager. The complaint resulted from an allegation filed by a North Dakota resident seeking housing in Devils Lake who was denied rental due to the presence of children in the home. The FHD conducted an investigation which supported the allegation filed by the resident. When the resident chose not to file, the FHD

**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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filed on behalf of other aggrieved individuals with children. Pending. (NDDOL Case No. ND07-02-363 & ND07-02-364)

In August, the FHD filed a complaint of discrimination due to denial of rental to families with children by a Bismarck, ND housing provider who was advertising "ONE RENTER PREFERRED". The FHD conducted an investigation which supported the allegation and filed a complaint. The FHD alleged such advertisements indicate a preference against families with children which has been supported in case law. Settlement reached for provider to no longer use language in advertising which indicated a preference against any protected class. (NDDOL Case No. ND07-02-365)

In August, the FHD filed a complaint of discrimination due to denial of rental to families with children by a Bismarck, ND housing provider who was advertising "Occupancy Rate: 2" for a two bedroom unit. The FHD conducted an investigation which supported the allegation and filed a complaint. The FHD alleged such advertisements indicate a preference against families with children and indicate an overly restrictive occupancy standard which has been supported in case law. Pending. (NDDOL Case No. ND07-02-371)

In October, the FHD assisted a Grand Forks, ND resident with disabilities in filing a complaint against a Grand Forks, ND housing property for denying a reasonable accommodation for a service animal. Pending. (NDDOL Case No. ND07-04-378)

### NEW PUBLICATION

The Fair Housing of the Dakotas (FHD) announces the release of a new fact sheet on fair housing and domestic violence. This fact sheet is the 7th in the FHD's popular series on fair housing issues. The fact sheet rose out of increasing calls from victims of domestic violence to the FHD; new federal legislation and case law which is unknown to housing providers and the public; and an increase in cases of domestic violence and evictions of victims in North and South Dakota and across the country.

The new materials are available at [www.ndfhc.org](http://www.ndfhc.org) (choose the "what is fair housing" link and scroll down to the relevant section) or by request via postal mail. We hope you find this information helpful and please let us know if you see anything in error.

### NEWS FROM HUD

#### **HUD ANNOUNCES CREATION OF NEW LENDING REVIEW DIVISION—*New office will scrutinize mortgage lending practices***

WASHINGTON - In order to ensure equality in today's lending and overall housing market environment, the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity (FHOO) announced today that it is creating a new Fair Lending Division that will review mortgage lending practices throughout the nation. HUD has hired a senior-level economist and has advertised to hire five fair lending specialists to enhance its capacity to investigate allegations

of mortgage lending discrimination.

"We have launched a record number of investigations this year and have recently announced several major fair lending settlements," said Kim Kendrick, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "But in today's lending environment, where consumers sometimes become victims of discriminatory practices, we have to do more to educate and protect potential homeowners and enforce the law."

Specifically, the new Fair Lending Division will investigate discrimination complaints against lenders who have allegedly violated the Fair Housing Act by refusing to make mortgage loans, refusing to provide the same information regarding loans, or imposing different terms or conditions for granting a loan, such as factors based on the race or national origin of the borrower. The division will also conduct investigations where lending patterns or other information suggests discrimination by a lender, but no individual has come forward to file a complaint. In addition, the division will conduct HUD's fair lending oversight of the Government-Sponsored Enterprises, Fannie Mae and Freddie Mac, to ensure their underwriting policies and practices comply with fair lending laws.

"Lending cases are complex and require extensive resources to review and compare mountains of loan data," explained Kendrick. "The addition of this Fair Lending Division will allow the Department to enhance the quality and speed at which the Department conducts lending investigations."



HUD's Office of Fair Housing and Equal Opportunity and its partners in the Fair Housing Assistance Program (FHAP) investigate approximately 10,300 housing discrimination complaints annually. Six percent of the complaints HUD receives and five percent of the complaints FHAP agencies receive allege lending discrimination.

People who believe they are the victims of housing discrimination or need additional information should contact HUD by calling 1-800-669-9777 (voice), 800-927-9275 (TTY), or logging onto [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing). To apply for one of the fair-lending specialist positions, log on to [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing), then go to "Working with HUD" and click on "HUD Jobs."

**HUD Charges Housing Authority with Housing Discrimination:** HUD has charged the Tuckahoe Housing Authority in Tuckahoe, NY with discrimination for refusing to rent a public housing unit to an otherwise eligible woman, subjecting her to different terms, conditions, privileges, or services and facilities because of her disability.

**HUD Charges New York Property Owner with Housing Discrimination:** A landlord in Buffalo, NY has been charged with housing

discrimination based on familial status for telling a prospective renter and follow-up tester that she would not rent to anyone with dogs or children.

**HUD Charges Chicago Landlord with Discrimination Based on Familial Status:** HUD has charged a Chicago landlord in violation of the Fair Housing Act for posting an ad on Chicago's craigslist website for an apartment for rent in a "clean Adult building" discouraging families with children from applying.

**HUD Charges Illinois Property Owner in Violation of the Fair Housing Act:** A Chicago property owner and property manager have been charged with housing discrimination on the basis of race for allegedly preventing a tenant from subletting her unit to an African-American woman.

**HOUSING DISCRIMINATION COMPLAINTS ON THE RISE**

According to a series of articles on housing discrimination, a growing number of complaints allege unfair treatment in housing. The series published by Gannett News Service states: "Nearly 40 years after a national law banned housing discrimination, an increasing number of complaints are alleging unfair treatment of minorities, the disabled,

families and other groups. The Department of Housing and Urban Development and housing assistance agencies logged 10,328 complaints last year, a 12 percent jump from 2005. That's the highest number since HUD started keeping track in 1990, when it included complaints from the disabled and families with children."

The series notes that North Dakota is one of the top five states in the number of housing discrimination complaints filed per 100,000 residents along with Nebraska, Kansas, Iowa and Missouri. The series notes, "According to officials in some of those states, the reasons range from aggressive work by fair housing groups to longstanding racial tensions to an influx of immigrants." The states with the lowest number of filings per 100,000 residents were Alaska, Minnesota, West Virginia and Wisconsin.

The series also noted that disability complaints now equal racial complaints in the number filed with HUD and/or state government agencies.

A link to the series which contains several articles, graphs and a searchable database can be found at the FHD web site at [www.ndfhc.org](http://www.ndfhc.org)

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## Fair Housing of the Dakotas

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**We've Moved! Please note our  
new mailing address!**

**This Newsletter is also available  
at [www.ndfhc.org](http://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](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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