

# Fair Housing Update

Fair Housing of the Dakotas

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## ACCESSIBILITY TRAINING SCHEDULED

The Fair Housing of the Dakotas will be assisting HUD's Fair Housing Accessibility First Program in conducting a "Fair Housing Accessibility Training" in Sioux Falls, SD at the Sheraton. The workshop will be held on May 6, 2008 from 9:00 am-5:00 pm with registration opening at 8:30 am.

The training has been approved for continuing education credits for architects and will be taught by an architect who specializes in Fair Housing Accessibility design and construction requirements. The workshop is open to the public but registration is required. Visit [www.ndfhc.org](http://www.ndfhc.org) (click on "Upcoming Events") for registration info.

## 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 December, the FHD assisted a Mandan, ND resident in filing a complaint alleging discrimination due to the denial of a reasonable accommodation for a service animal and retaliation for exercising fair housing rights. The FHD conducted an investigation which supported the allegation. Settlement reached for reimbursement of the resident's costs. (NDDOL Case No. ND07-06-400)

In February, the FHD filed a com-

plaint and assisted a Bismarck, ND family with disabilities in filing a complaint against a Bismarck, ND housing property for denying a reasonable accommodation for a service animal. Pending. (NDDOL Case No. ND08-08-406 & ND08-08-407)

In February, the FHD filed a complaint of discrimination due to denial of rental due to receipt of public assistance by a Mandan, ND housing provider who was advertising "no HAP". The FHD conducted an investigation which supported that discrimination was occurring and filed a complaint. Additional investigation also found that people with disabilities who required the use of service animals were also being discriminated against. Settlement reached for housing provider to attend training, follow Fair Housing Laws and reimburse the FHD filing costs. (NDDOL Case No. ND08-08-412)

In March, the FHD filed a complaint and assisted a Sioux Falls, SD resident in filing a complaint alleging discriminatory treatment due to race (African American), color (black) and the presence of families with children. The FHD investigation found evidence that discrimination was occurring through the denial of rental to families with children, discriminatory advertising and statements against rental due to race, color and the presence of children, and discriminatory terms and conditions in the applying of guest policies and other rules due to race, color and the presence of children. Pending. (HUD Case No. 08-08-0119-8 & 08-08-0131-8)

**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.

## CONTACT INFO

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1-800-927-9275

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1-866-273-3323

North Dakota Relay:

1-800-366-6889 (Voice)

South Dakota Relay:

605-367-5760 or

1-800-877-1113 (Voice)



In March, the FHD filed a complaint alleging discrimination due to the denial of rental to recipients of Section 8 vouchers (receipt of public assistance) against a Fargo, ND property. The FHD had received an allegation of discrimination from a Fargo, ND resident and conducted an investigation which supported that discrimination was occurring. Pending. (NDDOL Case No. ND08-09-419)

### NEWS FROM HUD

#### HUD AND JUSTICE DEPARTMENT RELEASE NEW GUIDANCE ON "REASONABLE MODIFICATIONS" UNDER THE FAIR HOUSING ACT

WASHINGTON - New guidance released this week by the Departments of Housing and Urban Development (HUD) and Justice (DOJ) reinforced the right of persons with disabilities to make "reasonable modifications" to their dwellings if a structural change to their dwelling or to a common area of the building or complex in which they live is needed so that they can fully enjoy the premises.

The guidance is designed to help housing providers and homeowners' associations better understand their obligations and help persons with disabilities better understand their rights regarding the "reasonable modifications" provision of the federal Fair Housing Act (FHA).

"The right to reasonable modifications is essential to ensuring that persons with disabilities can fully enjoy the homes in which they live," said Grace Chung Becker, Acting Assistant Attorney General for the

Justice Department's Civil Rights Division. "This guidance will help housing providers understand their obligations under this important component of the Fair Housing Act."

"Persons with disabilities have a right to have the place they call home altered in a way that will enable them to fully enjoy it," said Kim Kendrick, HUD's Assistant Secretary for Fair Housing and Equal Opportunity. "This guidance is a major step toward enforcing that right today, and for generations to come."

The FHA prohibits discrimination in housing based on disability, race, color, religion, national origin, sex and familial status. HUD and DOJ share responsibility for enforcing the FHA. HUD is the agency with the primary responsibility to investigate individual complaints of discrimination. The Secretary of HUD, on his own initiative, may file complaints alleging discrimination. In addition, the Attorney General may commence a civil action in federal court when he has reasonable cause to believe that person(s) are engaged in a pattern or practice of discrimination or that a group of persons has been denied rights protected by the FHA.

One type of discrimination prohibited by the FHA is the refusal by housing providers or homeowner associations to permit a reasonable modification - i.e., a structural alteration - of existing premises, occupied or to be occupied by a person with a disability, when the modification may be necessary to afford the person full enjoyment of the premises. Although the

housing provider or homeowner association must permit the modification, the tenant (or prospective tenant) is responsible for paying the cost of the modification. Examples of reasonable modifications include widening doorways to make rooms more accessible to persons who use wheelchairs or installing a ramp to provide access to a public or common use area, such as a clubhouse.

The new guidelines, issued in the form of questions and answers, cover such topics as:

What is a reasonable modification?

Who must comply with the reasonable modification requirement?

Who is responsible for expenses associated with the upkeep or maintenance of a reasonable modification?

When and how should an individual request permission to make a modification?

What types of documents and assurances may a housing provider require regarding the modification before granting the modification?

What procedures are available to a person wishing to challenge a denial of a requested modification?

The guidelines are available online at the Fair Housing of the Dakotas (FHD) web site at [www.ndfhc.org](http://www.ndfhc.org) (click the "What is Fair Housing" link) or by contacting the FHD.

Since January 2001, HUD and its Fair Housing Assistance Program partners have investigated and either conciliated or charged nearly 10,000 cases that alleged discrimination based on disability. Since January 1, 2001, the Justice De-

partment's Civil Rights Division has filed 244 cases to enforce the Fair Housing Act, 115 of which have alleged discrimination based on disability. More information about HUD and the civil rights laws it enforces is available at [www.hud.gov/offices/ftheo/aboutftheo/aboutftheo.cfm](http://www.hud.gov/offices/ftheo/aboutftheo/aboutftheo.cfm). More information about the DOJ Civil Rights Division and the laws it enforces is available at [www.usdoj.gov/crt](http://www.usdoj.gov/crt).

Individuals who believe that they may have been victims of housing discrimination should contact HUD at 1-800-669-9777. In addition, individuals may contact DOJ at 1-800-896-7743, or they may email DOJ at [fairhousing@usdoj.gov](mailto:fairhousing@usdoj.gov)

#### **OTHER FAIR HOUSING NEWS**

A lawsuit by 15 Latino families alleging that the Caucasian resident managers of the Alpine Mobile-home Park in San Pablo, California, repeatedly used racial slurs and intimidating behavior has been settled for \$520,000.

On May 3<sup>rd</sup>, 2004, Marin Trujillo, Director of Social Service for Dover Elementary School, attended a San Pablo City Council meeting. He spoke regarding the treatment of families by the manager of the Alpine Mobile Home Park across

the street. According to Sr. Trujillo, it all started with one family coming over wanting help with understanding a document they had been given. From there, other families came over seeking help and the conduct of the managers came to light.

Housing Rights, Inc. worked with families at the Park and also worked with Dover school as well. The resident managers used racial epithets against the tenants, mocked them when they asserted their rights, and showed a general aggression because of the tenants' ancestry. This included constant yelling and screaming, cussing, inappropriate physical gestures, and saying things like "Mexicans are pigs" and "Mexicans are stupid." The tenants also complained that the resident managers threatened to call the "INS" and obstructed the sale of the Latinos' mobile-homes by requiring purchase documentation beyond that of non-Latinos, resulting in abandonment. These tenants complained that the resident managers then assumed ownership of the abandoned trailers and sold them for profit. The Manager towed only the Latino family's cars and refused to let Latino family children play outside. They also reported that the Manager

used security cameras that were located throughout the park and if they had guests or company over, the Manager would immediately come into their home and yell at them and make the guests leave.

Housing Rights, Inc. is a certified Lawyer Referral Service. Through that service a referral was made to Robert Salinas of Sundeen Salinas & Pyle and to Phil Rapier who secured a settlement of \$520,000 for 15 families. The case was settled with the aid of Justice Robert Dossee (Ret.) of the JAMS mediation service in San Francisco, California.

#### **FAIR HOUSING WORKSHOPS**

The Fair Housing of the Dakotas has begun its series of "Fundamentals of Fair Housing" workshops. Workshops are being held in April with several additional workshops scheduled across North and South Dakota through September. See the enclosed flyer for the workshops scheduled for May-August, 2008 across North and South Dakota.

An additional workshop on "Fair Housing for Maintenance Employees" will be held in September in Sioux Falls, SD. More information will be provided on this training in the July newsletter.

#### **FHD BOARD OF**

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**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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