

North Dakota Fair Housing Council

Volume 11, Issue 1

December, 2004

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.

HUD GRANT RECEIVED

The North Dakota Fair Housing Council was notified in September, 2004 that it had received a US Department of Housing & Urban Development Fair Housing Initiatives Program-Private Enforcement Initiative (PEI) Grant. The funding period for the grant will be December 1, 2004-November 30, 2005. The grant will provide services to eliminate housing discrimination through enforcement efforts and also provides funding to educate the public on Fair Housing Laws in North and South Dakota. The NDFHC was one of only fifty-seven PEI recipients nation-wide and the only recipient in North and South Dakota.

FAIR HOUSING WORKSHOPS

As a result of grants from the Otto Bremer Foundation, the US Department of Housing & Urban Development and

Community Development Block Grant Programs, the NDFHC anticipates hosting fair housing workshops in April-June of 2005 in the communities of: Bismarck, ND; Fargo, ND; Grand Forks, ND; Minot, ND; Devils Lake, ND; Pierre, SD; Aberdeen, SD; Sioux Falls, SD and Rapid City, SD. Dates and locations will be announced in future newsletters and on the NDFHC's web site.

RECENTLY FILED COMPLAINTS

The NDFHC has assisted a number of North and South Dakotans in filing fair housing complaints this year with the North Dakota Department of Labor's Human Rights Division or HUD's Denver Office. A brief description of the most recently filed complaints follows:

In August, 2004, the NDFHC assisted a Sioux Falls, SD resident in filing a complaint alleging the denial of a reasonable accommodation and harassment due to disability. Pending.

In August, 2004, the NDFHC assisted a Fargo, ND resident in filing a complaint alleging discrimination due to his national origin (African), harassment and a discriminatory eviction being served. Pending.

In August, 2004, the NDFHC filed a complaint alleging discrimination against families with children against a Pierre, SD housing provider. The provider had been advertising

"for one person". The NDFHC conducted an investigation which supported the allegation. HUD recommends a guideline of at least 2 people per bedroom. Anything more restrictive has been shown to have a discriminatory impact against families with children. Pending.

In August, 2004, the NDFHC assisted a Fargo, ND resident in filing complaints against two Fargo, ND housing properties for their requirement of a co-signor when a Section 8 recipient regardless of income. Pending.

In August, 2004, the NDFHC filed a complaint alleging discrimination against families with children against a Pierre, SD housing provider. The provider had been advertising "perfect for singles". The NDFHC conducted an investigation which supported the allegation that families with children were being denied housing. Pending.

In August, 2004, the NDFHC filed a complaint alleging discrimination against families with children against a Sioux Falls, SD housing provider. The provider had been advertising "quiet, non-smoker". The NDFHC conducted an investigation which supported the allegation that families with children were being denied housing. Complaint settled with an agreement by the provider to follow Fair Housing Laws, attend Fair Housing training and reimbursement of NDFHC filing costs.

In August, 2004, the NDFHC filed a complaint of housing discrimination against a Grafton, ND housing provider alleging a restrictive occupancy standard of

one person per bedroom. The NDFHC had received an allegation from a single mother who attempted to rent the property and was denied. The NDFHC found evidence to support the allegation and filed a complaint when the client chose not to go forward. Complaint settled with an agreement by the provider to follow Fair Housing Laws, attend Fair Housing training and reimbursement of NDFHC filing costs.

In August, 2004, the NDFHC assisted a Sioux Falls, SD resident in filing a complaint alleging discrimination due to disability in the refusal of reasonable accommodations, harassment and the issuance of a discriminatory lease non-renewal. Pending.

In July, 2004, the NDFHC assisted two Sioux Falls, SD residents in filing complaints against a Sioux Falls, SD housing property, its owner, operator, and contractor which was alleged to not be in compliance with design and construction accessibility requirements under the Fair Housing Act. Pending.

In July, 2004, the NDFHC filed complaints against 5 Sioux Falls, SD housing properties, their owners, operators, and contractor which were alleged to not be in compliance with design and construction accessibility requirements under the Fair Housing Act. Pending.

VOLUNTEERS NEEDED

The North Dakota Fair Housing Council 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.

FAMILY SECURES JUDGMENT OF OVER \$1 MILLION IN HOUSING DISCRIMINATION CASE

United States District Court Judge Michael J. Davis has approved judgment of nearly \$1.1 million in a race discrimination case. This is believed to be the largest judgment ever secured by a Minnesota family in a fair housing case. Judgment will be entered against Robert Kreisler, a businessman who owns several apartment buildings in Minnesota.

Miller-O'Brien, on behalf of Eboni and Julius SternJohn, filed suit against Mr. Kreisler in 2002 for his alleged policy against renting to African Americans. Mr. Kreisler attempted to evict the SternJohns shortly after taking over the apartment building where the SternJohns had lived for years.

Justin Cummins, an attorney with Miller-O'Brien, stated: "This is a great victory not only for the SternJohns, but for the community as a whole. The remedies ordered by the Court are unique and comprehensive. This case sends a powerful message that the silent bigotry of stereotyping will not be tolerated."

Judge Davis imposed additional non-monetary items as part of the consent decree governing Mr. Kreisler. The consent decree is in force for 5 years and applies to all of Mr. Kreisler's apartment buildings. Judge Davis will continue to

preside over the implementation and enforcement of the decree. Another member of Miller-O'Brien, Bill O'Brien, noted: "This resolution establishes a model for cases of this sort in our ever more diverse community."

The consent decree removes all tenant authority from Mr. Kreisler, requiring him to hire an independent management company. It also compels Mr. Kreisler to adopt anti-discrimination, anti-harassment, and anti-retaliation policies that will be posted on every floor of every building and will be attached to every lease.

The consent decree further orders quarterly reporting by Mr. Kreisler regarding his compliance with the civil rights laws, and the decree requires Mr. Kreisler to market affirmatively in the African-American community. In addition, the consent decree imposes periodic, undercover testing of Mr. Kreisler's housing practices by an independent housing agency.

Mr. Kreisler will pay liquidated damages for any future violations of the consent decree, and he will cover the costs of any legal action to enforce the decree. Note: The case is assigned in U.S. District Court, District of Minnesota - Civil Case No. 02-842 MJD/JSM.

WEB SITE

Be sure to visit the North Dakota Fair Housing Council web site at: www.ndfhc.org

The site contains a large volume of information on fair housing, disability issues, advertising, publications available on-line or via postal mail, related links and much, much more.

ACCESSIBILITY REQUIREMENTS FOR MULTIFAMILY HOUSING

Both privately owned and publicly assisted housing, regardless of whether they are rental or for sale units, must meet

the accessibility requirements of the Fair Housing Act when they are located in a building of four or more units, built for first occupancy after March 13, 1991. To help builders comply with these requirements, HUD issued in 1991 its **Fair Housing Act Accessibility Guidelines**.

In 1996, HUD provided further guidance on ways to design and construct housing that complies with the Fair Housing Act by issuing the **Fair Housing Act Design Manual**, which is filled with detailed illustrations and sample room designs. For more information on the requirements and the seven safe harbors for compliance, visit **Fair Housing Accessibility, FIRST**.

Web links:
<http://www.hud.gov/offices/fh/eo/disabilities/accessibilityR.cfm>

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**DAKOTA FAIR HOUSING
North Dakota Fair Housing
Council, Inc.**
(serving North and South
Dakota)

**533 Airport Road, Suite C
Bismarck, ND 58504
Phone: 701-221-2530**

Toll Free:

1-888-265-0907

FAX: 701-221-9597

E-Mail: ndfhc3@btinet.net

Website: www.ndfhc.org

**North Dakota TDD: 1-800-927-
9275**

**South Dakota TDD: 1-866-273-
3323**

**North Dakota Relay: 1-800-366-
6889 (Voice)**

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

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