

**ANNUAL REPORT**  
**OF THE**  
**FAIR HOUSING OF THE DAKOTAS**  
**FOR THE 2007 FISCAL YEAR**



Updated March 17, 2008  
by the  
Fair Housing of the Dakotas  
909 Basin Avenue, Suite 2  
Bismarck, ND 58504  
Phone: 701-221-2530 Fax: 701-221-9597  
Web: [www.ndfhc.org](http://www.ndfhc.org) Email: [ndfhc2@btinet.net](mailto:ndfhc2@btinet.net)



*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.*

# INTRODUCTION TO THIS ANNUAL REPORT

This Annual Report of the Fair Housing of the Dakotas (formerly the North Dakota Fair Housing Council) addresses the major accomplishments in the 2007 fiscal year.

The Fair Housing of the Dakotas (FHD) is a non-profit, grassroots organization serving North and South Dakota with an office located in Bismarck, ND. The FHD began fighting housing discrimination in the State of North Dakota with its incorporation in 1995. In March, 2003, the FHD also began fighting housing discrimination in the South Dakota counties located east of the Missouri River, and beginning December, 2004, covered all of South Dakota. In June, 2005, the organization's name was changed from the "North Dakota Fair Housing Council" to the "Fair Housing of the Dakotas" to reflect its project area of both North and South Dakota. The FHD has three full time staff: Executive Director, Amy S. Nelson; Housing Coordinator, Stacy Gieser; and Office Manager, Carol Mihulka.

The proposed need for activities was to prevent, reduce, and eliminate housing discrimination in North and South Dakota. This was to be accomplished through intake; testing and investigation; victim counseling and assistance; complaint preparation; education and outreach to the public through workshops, publications, and quarterly newsletters; and community contacts with individuals, organizations, and housing providers.

Accomplishments within this Report are the result of funding through:

- Fair Housing Initiatives Program-Private Enforcement Initiative (FHIP-PEI) Grant through the US Department of Housing & Urban Development (HUD). This was a 12 month grant for the time period December 1, 2006-November 30, 2007 in the amount of \$214,769.
- Fair Housing Initiatives Program-Private Enforcement Initiative (FHIP-PEI) Grant through the US Department of Housing & Urban Development (HUD). This is a 3 Year grant for the time period December 1, 2007-November 30, 2010. The amount per year under this grant is \$220,546.
- City of Bismarck Community Development Block Grant (CDBG). This was a one year grant for the time period June 1, 2006-May 31, 2007 in the amount of \$4,500.
- City of Fargo Community Development Block Grant (CDBG). This was a one year grant for the time period June 1, 2006-May 31, 2007 in the amount of \$1,000.

## FHD MISSION & GOALS

The mission of the Fair Housing of the Dakotas is to work to eliminate housing discrimination and to ensure equal housing opportunities for all. Its goals are to prevent, reduce and eliminate discriminatory practices in the rental, sale, and financing of housing transactions for members of all the protected classes as outlined in Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and amended in 1988, the North Dakota Housing Discrimination Act of 1999 and the South Dakota Human Relations Act of 1972. The Federal Fair Housing Act states it is illegal to discriminate in the rental, sale or financing of housing because of race, color, religion, national origin, gender (sex), familial status or disability (handicap).

The North Dakota Housing Discrimination Act protects the federal protections and also provides protection from discrimination due to age (40 and over) and status with respect to marriage or public assistance. North Dakota housing discrimination complaints must be filed with the North Dakota Department of Labor's Division of Human Rights (NDDOL) (which was deemed substantially equivalent by HUD in 2001) and/or in state/federal court.

The South Dakota Human Relations Act provides protection for most of the federal protections and also provides protection from discrimination due to ancestry and creed. South Dakota housing discrimination complaints may be filed with HUD, the South Dakota Department

of Labor's Division of Human Rights, the Sioux Falls Human Relations Commission (Sioux Falls complaints only) and/or in state/federal court. However, none of these South Dakota agencies have been deemed substantially equivalent by HUD.

As a result of funding and substantial equivalency, most FHD enforcement activities occur under the Federal Fair Housing Act (for South Dakota enforcement) or the North Dakota Housing Discrimination Act (for North Dakota enforcement), although clients are informed of other filing options available in each state.

FHD activities break into two main program categories: (1) Enforcement and (2) Education and Outreach.

## ENFORCEMENT

Enforcement is a necessary process to eliminate housing discrimination. The FHD enforcement program involves the receipt of allegations of discrimination from the public, investigation of allegations of housing discrimination, recruitment and training of volunteers to uncover illegal acts of discrimination and assistance to the public in complaint filing and enforcement of fair housing rights. Below are several goals and their outcomes related to enforcement of violations of Fair Housing Laws which were established by the FHD for the 2007 fiscal year:

### **Allegations Filed by the Public**

*Goal: Intake and process allegations of housing discrimination in North Dakota.* Result: In 2007, the FHD received 1,712 calls, inquiries, and contacts. The majority of calls received (intakes) referenced landlord/tenant disputes of which there is no non-profit agency handling exclusively in North Dakota. (Currently, the FHD does not have funding for advocacy on landlord/tenant disputes; however, we try to inform contacts as best we can about their rights and options.) A number of calls received also requested publications or general information on fair housing. The most contacts were received by people who identified themselves from Fargo (475), followed by Bismarck (399) and Grand Forks (146).

Of the calls, inquiries, and contacts, the FHD received or registered 133 allegations of housing discrimination. Most allegations related to discrimination due to disability (57), followed by familial status (34) and race/color/national origin (16).

*Goal: Intake and process allegations of housing discrimination in South Dakota.* Result: In 2007, the FHD received 355 calls, inquiries and contacts. The majority of calls received (intakes) referenced landlord/tenant disputes of which there is also no non-profit agency handling exclusively in South Dakota. Like in North Dakota, the FHD does not have funding for advocacy on landlord/tenant disputes. The FHD began offering limited services in South Dakota in March, 2003 and later expanded to the entire state in December, 2004. Since we are still new to South Dakota, time is needed to outreach to potential victims of housing discrimination so they know of fair housing laws and the services available from the FHD. The most contacts were received by people who identified themselves from Sioux Falls (77) and Rapid City (71).

The FHD received or registered 69 allegations of housing discrimination from these calls, inquiries and contacts. As compared to North Dakota, these numbers may seem low, but they continue to increase substantially each year as South Dakotans become more informed about fair housing. Most allegations related to discrimination due to familial status (34) and disability (27).

*Goal: Provide technical assistance through voluntary resolution of allegations of fair housing discrimination after an intake is completed but without complaint filing.* Result: In 2007, the FHD closed 9 investigative files in which complaint filing was averted due to the FHD's assistance. Of these 9 cases, 4 were from North Dakota and 5 were from South Dakota and mainly focused on reasonable accommodations for people with disabilities. Because complaint

filing can be a lengthy and difficult process for all involved, this effort is an important piece of the enforcement process.

### **Investigation of Allegations**

*Goal: Conduct rental tests and mortgage/lending tests.* Result: In 2007, 1 rental test was conducted in Colorado, 57 rental tests and 2 mortgage/lending tests were conducted in North Dakota and 15 rental tests and 1 mortgage/lending tests were conducted in South Dakota for a total of 73 rental tests and 3 mortgage/lending tests. All tests were based upon allegations filed with the FHD.

*Goal: Conduct additional investigative activity(ies) as appropriate.* Result: The FHD conducts additional investigation (in addition to testing) as needed. In 2007, the FHD closed 93 investigative files. In the cases closed, the FHD performed 106 property searches and interviewed 54 witnesses. Additional forms of investigation were also conducted during the year. Several cases remain open and the work conducted in the investigation of the open cases is not being counted at this time.

### **Assist in Complaint Filing and Enforcement of Fair Housing Rights**

*Goal: Refer complaints to HUD and/or substantially equivalent state or local government agencies.* Result: In 2007, the FHD filed or assisted clients in filing (referred) a total of 38 complaints with HUD and/or state agencies alleging discrimination against 42 protected classes. Of the 38 complaints filed or referred, 35 were against North Dakota housing providers, 2 were against South Dakota housing providers and 1 was filed against a Minnesota/North Dakota housing provider. Cases were primarily filed against Fargo housing providers (12), followed by Mandan (5) and Bismarck (5).

The FHD also referred 46 additional clients to NDDOL or HUD and provided them with filing options in the past year and the client either chose not to pursue or we did not receive a response to our offer of assistance. The FHD files cases as an organization when necessary. (See Attachment A for information on the significant cases filed in 2007 and their status.)

Of the cases closed in 2007 in which the FHD filed as an organization, the FHD opened up 3 single family homes, 5 duplexes and 282 apartment units from discrimination through organizational complaint filing and settlement.

*Goal: Litigate fair housing complaints based upon complainant's choice.* Result: The FHD assists clients as appropriate in actions resulting from Cause Rulings and initiates litigation when necessary. Litigation is typically a last resort because of time and expense. In 2007, the FHD was involved in several fair housing cases within the court system. Cases in litigation primarily involved sexual harassment and discrimination due to disability (see Attachment B for more information on the cases litigated in 2007 and their status).

### **Volunteer Activities**

*Goal: Recruit new testers to conduct all types of tests.* Result: In 2007, the FHD recruited 15 testers. The FHD also maintained a tester pool of approximately 25 volunteers across North and South Dakota. Volunteer testers are an effective way to uncover illegal acts of housing discrimination. Their use has been upheld by the United States Supreme Court and testing is an integral part of HUD fair housing grants. Testers are volunteers, not employees, and only receive a small stipend for their expenses related to the testing they perform.

*Goal: Train all testers, to include newly recruited testers.* Result: In 2007, the FHD trained 6 testers for rental testing. Some testers trained in 2007 were recruited in the previous year. Please note that not all testers recruited were trained as a result of the FHD qualifications for testing. The FHD requires testers complete an application to ensure there are no potential conflicts of interest. The FHD also requires completion of a criminal background check for volunteer testers.

# EDUCATION AND OUTREACH

Education is needed to reach potential victims so they can identify discrimination and to also educate housing providers so they do not unknowingly discriminate. Please note that HUD PEI grants limit education activities. A number of efforts were conducted by FHD staff in 2007 to educate the public on Fair Housing Laws. These efforts included direct mailings about fair housing rights, workshops and presentations on fair housing laws, distribution of publications, collaborative efforts with other organizations and maintenance of a web site. Unfortunately, not everyone wants to learn about fair housing laws, which is why enforcement must occur. Below are the FHD goals related to education and outreach and their outcomes.

## **Direct Mailings**

*Goal: Complete direct mailings providing information on the Fair Housing Act. Some mailings will target areas with underserved populations of less than 2,500 persons and/or areas with larger populations of race/ethnic minority groups.* Result: In 2007, the FHD conducted 3 mailings to North Dakota communities reaching 10,099 households and 13 mailings to underserved South Dakota communities reaching 16,625 households. In North Dakota, the mailings were provided to residents of Bismarck, Dickinson and Williston. In South Dakota, the mailings were provided to residents of Beresford, Brookings, Flandreau, Gettysburg, Lennox, Mitchell, Parkston, Pierre, Spearfish, Vermillion, Winner, Watertown and Yankton. This mailing effort included a cover letter explaining the purpose of the project, a FHD brochure and a FHD free-of-charge publications list. The mailings went to rental units in buildings of four units or more and has proven to be an effective outreach tool to educate potential victims and housing providers on fair housing laws.

## **Conduct Workshops and Make Presentations**

*Goal: Conduct fair housing workshops.* Result: In 2007, the FHD conducted a total of 9 workshops which were attended by 873 attendees. Of this total, the FHD conducted 5 workshops in North Dakota which had 381 attendees and conducted 4 workshops in South Dakota which had 325 attendees. Attendees included service users, social service staff, attorneys, housing providers and other interested parties. Most attended was the workshop in Sioux Falls (175), followed by Bismarck (125) and Rapid City (119).

These workshops were open to the public, free of charge, located in various cities, and advertised in a variety of ways to ensure people were aware of the opportunity to attend. A number of continuing education credits were also offered to encourage attendance. Attendee evaluations for the workshops were extremely high.

*Goal: Participate, upon request, by speaking on fair housing issues to groups, organizations and/or conferences.* Result: In 2007, the FHD was asked to speak at a total of 12 workshops/trainings/conferences on fair housing which were attended by 449 attendees. The issues discussed varied by needs of the conference organizers.

*Goal: Conduct an accessibility in new design/construction training with a target audience of architects, building inspectors and people with disabilities.* Result: The FHD sponsored with HUD a Fair Housing Accessibility Training on August 14, 2007 in Bismarck, ND. There were 40 attendees at the training including real estate agents, inspectors/city officials, architects/builders/engineers and other interested individuals. This technical training was conducted by an architect and was very highly received.

## **Distribute Publications**

*Goal: Distribute publications providing information on fair housing.* Result: In 2007, the FHD distributed 9,824 publications in North Dakota and 3,017 publications in South Dakota for a total of 12,841 publications. (Distribution was the result of requests made by individuals to the FHD. Publications distributed through outreach projects and at workshops/trainings are not

counted in this total.) Most requested was the FHD brochure (2,831), followed by the state Landlord/Tenant booklets (1,935) and the HUD Fair Housing booklet (1,682).

All publications are provided free of charge. Publications in alternative languages are extremely limited from HUD. As a result, the FHD has had materials translated at its cost into Spanish and Braille and collaborated with other groups to provide translated materials for New Americans in a variety of languages. A number of FHD publications are also downloaded free-of-charge from the FHD web site and are not counted in this total.

*Goal: Write and distribute newsletters.* Result: In 2007, the FHD produced and distributed 4 quarterly newsletters to update the public on fair housing. Currently, the FHD newsletter list includes 2,874 contacts in North Dakota and 1,549 contacts in South Dakota. During 2007, the FHD also expanded its newsletter from 2 to 4 pages to include more information on fair housing issues. This has been positively received by recipients although it has been almost a doubling of cost to the FHD.

### **Collaborate Efforts to Advance Fair Housing Issues**

*Goal: Collaborate efforts by attending meetings with other groups working to promote fair housing, civil rights laws, home ownerships and the elimination of predatory lending and discriminatory housing practices.* Result: The FHD staff was active members of several organizations and attended 33 meetings with groups in an attempt to collaborate efforts to promote fair housing, civil rights laws, homeownership and the elimination of predatory lending and discriminatory housing practices. Group collaboration has included groups such as the American Association of University Women, League of Women Voters, North Dakota Disability Advocacy Consortium, North Dakota Homeless Coalition, North Dakota Women's Network and others. We continue to seek South Dakota organizations as well.

*Goal: Collaborate efforts by participating on committees, task forces or coalitions to advance rental and home ownership opportunities for minorities and the disabled.* Result: The FHD staff attended or actively participated on at least 7 committees, task forces or coalitions to advance rental and homeownership opportunities for minorities and people with disabilities. These task force and committee efforts have included the Bismarck Mayor's Committee on Human Relations, Bismarck-Mandan Task Force on Domestic Violence and Sexual Assault, Fargo-Moorhead "Know Your Rights" Task Force, NDMIG Visitability Task Force as well as others.

### **Provide Web Site and Respond to Press Inquiries**

*Goal: Host and update a web site on fair housing.* Result: In 2007, there were 74,941 hits (through August 31, 2007), 2,543 page views (October-November, 2007) and 33,370 visits to the FHD web site. (In September, 2007, the FHD changed statistical companies so stats were recorded in a different way than previously.) The FHD web site is ever expanding. The web site contains newsletters, press releases, case updates, legislative information, publications, volunteer opportunities, web links of interest and information on upcoming events. The FHD is constantly updating its web site and adding more information and publications on fair housing for consumer ease.

*Goal: Respond to press inquiries.* Result: In the past year, the FHD responded to press inquiries in North and South Dakota which resulted in 3 stories on fair housing being published in the *Fargo Forum*. During the legislative session, the FHD was quoted in 2 *Fargo Forum* stories, 2 *Grand Forks Herald* stories and 1 *Jamestown Sun* story. FHD staff were also interviewed as part of radio and television stories.

## **SUMMARY**

This was an extremely busy year for the Fair Housing of the Dakotas. We not only met all grant goals but far exceeded several of them despite being a small staff covering a large

geographic area. We had several significant cases in litigation following cause rulings. Without our work, it is extremely unlikely these instances of discrimination would have been brought to light or enforced. A highly publicized and egregious case involving sexual harassment which we filed remains pending in court following a state agency charge. Several FHD cases also reached settlements which opened up the housing from the alleged discrimination.

We also held a number of opportunities for people to learn more about fair housing laws and their filing rights. Our fair housing workshops were highly reviewed and well attended. We created publications when needed to advance knowledge of hot topic issues in fair housing. We actively updated our web site and received phone calls from people across the country who came across our web information. We distributed over 10,000 publications on fair housing based upon requests received at our office. The FHD staff were also interviewed about fair housing issues by radio, television and newspaper reporters. We have continued to concentrate a lot of time and expense on South Dakota to continue to educate individuals in that state on their housing rights.

In 2007, we had active Legislative Sessions in both North and South Dakota. Several pieces of legislation were filed in North Dakota relating to fair housing and civil rights issues. We also became more active in groups, task forces and committees to advance issues to end homelessness, to advance stronger enforcement of fair housing violations, and to advance equal protection due to gender in situations of harassment and discrimination. We remained active on a task force relating to visitability and approved a position statement for the organization on the issue.

Unfortunately, we are seeing more contacts to our office regarding people being unable to pay rent despite having full-time employment, more contacts related to substandard housing, people experiencing significantly longer waiting lists for housing assistance and housing which is not affordable and accessible to people with disabilities. Court rulings have also had an impact. The Supreme Court's 2007 decision in the Ledbetter v. Goodyear gender employment discrimination case has affected fair housing cases. Courts have ruled against continuing violation theories used in new design/construction cases and also continue to narrow the definition of disability. These rulings go against decades of supportive rulings in fighting discrimination. The result is people who are legitimate victims of housing discrimination are being denied just remedies because of filing technicalities. The Supreme Court in 2008 will also decide a retaliation in employment discrimination case which could affect fair housing cases.

We were extremely pleased to be awarded a Three Year Performance Based Fair Housing (FHIP-PEI-PBC) grant in September, 2007 based upon our excellent assessment ratings and high grant application score. The grant will run through November 30, 2010. This was an extremely competitive process and the Fair Housing of the Dakotas was extremely fortunate to receive such funding. The Fair Housing of the Dakotas is one of only 39 agencies across the country to receive one of these grants. This long term funding will allow us to work on bigger issues that we could not commit to under one year grants. Unfortunately, fair housing groups across the country are closing due to the lack of adequate funding despite increasing numbers of housing discrimination complaints. The Fair Housing of the Dakotas is currently the only non-profit fair housing enforcement group in the entire HUD-Denver Region (states of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming) remaining following office closures in Colorado, Montana and Wyoming in recent years.

During this grant, we also relocated our office to a new building in Bismarck, ND which is slightly larger and better fits our needs. The office is at an accessible location and allows for the addition of staff if needed in the future. We look forward to working to continue to fight housing discrimination in North and South Dakota. We appreciate the support of our funding sources and continue to work to help each individual who contacts us.

# Attachment A

A summary of the significant cases filed in the past year with the assistance of the Fair Housing of the Dakotas and their status follows. This does not include all cases referred but those involving significant resources of the Fair Housing of the Dakotas (FHD). More information on the cases which involved litigation, may be found in the case section of the FHD web site at [www.ndfhc.org](http://www.ndfhc.org)

## North Dakota

**Case No. ND07-07-299:** On January 24, 2007, the FHD filed a complaint alleging discrimination due to disability in the denial of a reasonable accommodation for a service animal against a Fargo, ND property. The FHD had also received an allegation of discrimination from a Fargo, ND resident who also filed a complaint at a later time. Conciliation was reached in March, 2007 with the reimbursement of \$750 of the FHD's investigative costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND07-07-300:** On January 25, 2007, the FHD filed a complaint alleging discrimination due to disability in the denial of a reasonable accommodation for a service animal against a Minot, ND property. The complaint also alleged that families with children were being denied rental. The FHD had also received an allegation of discrimination from a resident who chose not to file a complaint. Conciliation was reached in May, 2007 with the reimbursement of \$1,300 of the FHD's investigative costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND07-08-304:** On February 16, 2007, the FHD assisted a former Fargo, ND resident in filing a complaint of discrimination against a Fargo, ND mobile home park. The complaint alleged that managers had discriminated against the resident due to her gender, had sexually harassed her and retaliated against her. A FHD investigation supported the allegations. In January, 2008, the NDDOL ruled that discrimination had occurred due to gender. The parties have elected for District Court. Pending.

**Case No. ND07-09-309:** On March 26, 2007, the FHD filed a complaint alleging discrimination due to familial status against a Devils Lake, ND housing provider who had advertised "for one person" in a local newspaper. Because of the use of "for one person" which has been shown to be a restrictive occupancy standard which discriminates against families with children, the FHD conducted an investigation. The investigation supported that families with children were being discriminated against in housing and filed a complaint. Conciliation was reached in April, 2007 with the Respondent agreeing to attend fair housing training and publish a non-discrimination policy.

**Case No. ND07-09-310:** On March 26, 2007, the FHD filed a complaint alleging discrimination due to disability against a Minot, ND housing provider. The FHD had received several contacts from residents regarding the treatment of those with disabilities by management. The FHD conducted an investigation which supported that discrimination was occurring. The complaint alleged that management advertised in a discriminatory way through comments and statements regarding those with disabilities, that terms and conditions of rental were applied to residents unfairly as a result of their disabilities, that tenants were retaliated against or threatened with eviction if they complain about their treatment, that reasonable accommodation requests were denied and that tenants were required to pay for reasonable modifications for their disabilities despite the property being set up as a property for those with disabilities. Pending.

**Case No. ND07-11-317:** On May 3, 2007, the FHD filed a complaint alleging discrimination due to disability against a Fargo, ND housing provider. The FHD had received an allegation of

discrimination from a Fargo, ND resident who also filed a complaint. The FHD investigation supported that people with disabilities were being discriminated against. In the complaint, the FHD alleged that the Respondent unfairly restricted several breeds of dogs at the complex from being service animals, that the Respondent was denying reasonable accommodations for people with disabilities who need service animals and that the Respondent was steering people with disabilities who require reasonable accommodations for service animals to other properties. Pending.

**Case No. 05-07-1121-8:** On May 15, 2007, the FHD filed a complaint alleging discrimination due to disability against a Moorhead, MN-Fargo, ND housing provider. The FHD had received an allegation of discrimination from a Fargo, ND resident who later also filed a complaint. A FHD investigation supported that discrimination was occurring. The FHD complaint alleged that the Respondent was denying reasonable accommodations for people with disabilities who need service animals, that the Respondent had no business necessity reason for denying black labs and similar breeds of dogs as service animals and that the Respondent was placing restrictions on the weight of service animals which discriminated against people with disabilities who required service animals larger than 35 pounds. Pending.

**Case No. ND07-01-346/ND07-01-347:** On July 30, 2007, the FHD filed a complaint and assisted a Bismarck, ND resident in filing a complaint alleging discrimination due to the receipt of a Section 8 voucher. A FHD investigation supported that persons with vouchers were being unfairly denied rental at the property. Conciliation was reached in December, 2007 with the reimbursement of \$800 of the FHD's investigative costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. ND07-01-348/ND07-01-349:** On July 31, 2007, the FHD filed two complaints alleging discrimination due to disability against a Fargo, ND housing provider. The FHD had received an allegation of discrimination from a Fargo, ND resident who chose not to file a complaint. A FHD investigation supported that discrimination was occurring. The FHD alleged that the Respondents were discriminating in denying reasonable accommodations for those with disabilities who need service animals and/or by requiring the payment of pet deposits for those who needed service animals. Pending.

**Case No. ND07-02-364:** On August 29, 2007, the FHD filed a complaint alleging discrimination due to the presence of children against a Devils Lake, ND housing provider. The FHD had received an allegation of discrimination from a North Dakota resident who chose not to file a complaint. A FHD investigation supported that families with children were being discriminated against. The FHD alleged that the Respondent was denying rental to families with children, falsely denying the unit was unavailable to families with children when it was, indicating preferences against renting to families with children, applying different terms and conditions to families with children through rules and policies and making verbal statements advertising preferences of not renting to families with children. Pending.

**Case No. ND07-02-365:** On August 29, 2007, the FHD filed a complaint alleging discrimination due to familial status against a Bismarck, ND housing provider who had advertised "ONE RENTER PREFERRED". Because the use of "ONE RENTER PREFERRED" indicated a preference against families with children, the FHD conducted an investigation. The investigation supported that families with children were being discriminated against in housing and filed a complaint. Conciliation was reached in October, 2007 with the Respondent agreeing to attend fair housing training and publish a non-discrimination policy.

**Case No. ND07-02-371:** On August 29, 2007, the FHD filed a complaint alleging discrimination due to familial status against a Bismarck, ND housing provider who had advertised "Occupancy Rate: 2" for a two bedroom which was more restrictive than HUD's recommended two people per bedroom occupancy standard. Such restrictions have been shown to discriminate against families with children. The FHD investigation supported that families with children were being discriminated against in housing and filed a complaint. Pending.

**Case No. ND08-08-407:** On December 18, 2007, the FHD assisted a Mandan, ND resident in filing a complaint of housing discrimination due to disability against a Mandan, ND housing provider. The complaint alleged that the Respondent denied a reasonable accommodation for a service animal and retaliated against the tenant with a notice of eviction. The Respondent also contacted Animal Control and had the animal forcibly removed from the tenant despite the tenant's documentation of the need of the animal for a disability. Pending.

### South Dakota

**Case No. 08-07-0113-8:** On March 26, 2007, the FHD filed a complaint alleging discrimination due to familial status against a Mitchell, SD housing provider who had advertised "SENIOR APARTMENT" in a local newspaper. Because of the use of "Senior Apartment" which indicated a preference against families with children and didn't clearly identify the property as meeting the requirements of the housing for older persons exemption, the FHD conducted an investigation. The investigation supported that families with children were being discriminated against in housing and filed a complaint. Conciliation was reached in June, 2007 with the Respondent agreeing to pay \$500 toward the FHD investigation and filing costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

**Case No. 08-07-0115-8:** On March 26, 2007, the FHD filed a complaint alleging discrimination due to familial status against a Sioux Falls, SD housing provider who had advertised "all elderly in units" in a local newspaper. Because of the use of "all elderly in units" which indicated a preference against families with children and didn't clearly identify the property as meeting the requirements of the housing for older persons exemption, the FHD conducted an investigation. The investigation supported that families with children were being discriminated against in housing and filed a complaint. Conciliation was reached in June, 2007 with the Respondent agreeing to pay \$400 toward the FHD investigation and filing costs. The Respondent also agreed to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

### Previous year cases which remain pending (significant cases only)

**Case No. 08-04-0192-8/08-04-0194-8/08-04-0195-8/08-04-0197-8/08-04-0198-8/08-04-0200-8:** On July 6, 2004, the FHD assisted a Sioux Falls, SD resident and a Sioux Falls, SD family in filing a complaint alleging discrimination due to disability. The complaints allege that a Sioux Falls, SD property was not built to be in compliance with the Fair Housing Act's New Design/Construction requirements; thereby making it inaccessible to people with disabilities. The FHD also filed complaints. Several complaints were filed against the property due to HUD's requirement at the time of filing separately against the owner and builder. Cases remain pending with HUD-Denver.

**Case No. 08-04-0201-8/08-04-0202-8:** On July 6, 2004, the FHD filed a complaint alleging discrimination due to disability. The complaint alleges that a Sioux Falls, SD property was not built to be in compliance with the Fair Housing Act's New Design/Construction requirements; thereby making it inaccessible to people with disabilities. Separate complaints were filed against the property due to HUD's requirement at the time of filing separately against the owner and builder. Cases remain pending with HUD-Denver.

**Case No. 08-04-0203-8/08-04-0204-8:** On July 6, 2004, the FHD filed a complaint alleging discrimination due to disability. The complaint alleges that a Sioux Falls, SD property was not built to be in compliance with the Fair Housing Act's New Design/Construction requirements; thereby making it inaccessible to people with disabilities. Separate complaints were filed

against the property due to HUD's requirement at the time of filing separately against the owner and builder. Cases remain pending with HUD-Denver.

**Case No. 08-04-0206-8:** On July 6, 2004, the FHD filed a complaint alleging discrimination due to disability. The complaint alleges that a Sioux Falls, SD property was not built to be in compliance with the Fair Housing Act's New Design/Construction requirements; thereby making it inaccessible to people with disabilities. Separate complaints were filed against the property due to HUD's requirement at the time of filing separately against the owner and builder. (The case against the owners reached conciliation in September, 2005.) Pending.

**Case No. 08-04-0207-8/08-04-0208-8:** On July 6, 2004, the FHD filed a complaint alleging discrimination due to disability. The complaint alleges that a Sioux Falls, SD property was not built to be in compliance with the Fair Housing Act's New Design/Construction requirements; thereby making it inaccessible to people with disabilities. Separate complaints were filed against the property due to HUD's requirement at the time of filing separately against the owner and builder. Cases remain pending with HUD-Denver.

## Attachment B

Below are the cases which were in various stages of litigation in 2007. More information on the cases which involved litigation, may be found in the press section of the FHD web site at [www.ndfhc.org](http://www.ndfhc.org)

**Case No. 08-05-0250-8:** On September 6, 2005, the FHD filed a complaint alleging discrimination due to familial status against a Vermillion, SD housing provider who had advertised “no minors or deadbeats” in a local newspaper. The FHD conducted an investigation which supported that families with children were being denied housing and filed a complaint. Cause was found by HUD in July, 2006 and following election by the FHD was referred to the US Department of Justice. Settlement was reached in April, 2007 with the Respondent agreeing to reimburse \$1,150 of the FHD’s investigative expenses, pay a \$4,000 civil penalty and establish a \$4,000 aggrieved victim’s fund as well as attend fair housing training and other non-monetary items.

**Case No. ND05-06-230/ND05-06-231/09-06-C-01642/09-06-C-01643:** On December 5, 2005, complaints were filed by the FHD and a Fargo, ND family alleging discrimination in the denial of reasonable accommodations for people with disabilities who need service animals. Cause was found by NDDOL and a complaint was filed in state court by the North Dakota Attorney General’s Office in May, 2006. In October, 2007, with the Respondent agreeing to reimburse \$2,750 of the FHD’s investigative expenses and legal fees, a damages payment of \$12,250 to the victims for damages and legal fees, and an agreement for Respondents to attend fair housing training and other non-monetary activities.

**Case No. ND06-12-261:** On June 15, 2006, the FHD filed a complaint alleging discrimination due to receipt of public assistance against a Grand Forks, ND housing provider who had advertised “No HAP” in a local newspaper. The FHD conducted an investigation which found evidence that recipients of public assistance were being denied housing. Cause was found in February, 2007 by the NDDOL on the allegation of discriminatory advertising due to receipt of public assistance. A complaint was filed in state court by the North Dakota Attorney General’s Office in March, 2007. A judgment was ordered by the Court in October, 2007 awarding the FHD \$674.58 of its costs and awarding \$950.15 to the North Dakota Attorney General’s Office for their costs associated with litigating the case.

**Case No. ND06-12-260/ND06-12-262/ND06-01-271/09-07-C-01338:** In July and August, 2006, the FHD filed and assisted two individuals in filing gender discrimination complaints against a Fargo, ND housing provider. The complaints alleged the Respondent sexually harassed female tenants through discriminatory comments and statements, unwanted touching and/or sexual propositions. The FHD investigation found other women who had been similarly treated. Cause was found by the NDDOL in March, 2007 on the complaint filed by the FHD and by one of the women. The parties have elected for District Court. Pending.

**Case No. ND06-04-289/09-07-C-01148:** On October 12, 2006, the FHD assisted a Fargo, ND resident in filing a complaint against her housing provider because they were refusing a reasonable accommodation for her service animal. The complex was insisting upon a “pet” deposit for the service animal which has been determined by HUD-DOJ to be discrimination. Cause was found by the NDDOL in March, 2007. Pending.