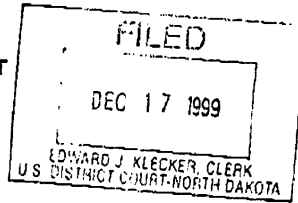


IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION



NORTH DAKOTA FAIR HOUSING)
COUNCIL, INC., VINIER DAVIS III,)
DAWN DECOTEAU, NEAKISKA)
FORDERER, JEROME JASZKOWIAK,)
MELANIE JOHNSON, and MATTHEW)
MARTEL,)

Case No. A1-98-077

Plaintiffs,)

vs.)

JOHN HAIDER and TILLIE HAIDER,)

Defendants.)

CONSENT DECREE AND FINAL ORDER

This action was brought by plaintiffs alleging, among other things, that defendants John Haider and Tillie Haider¹, husband and wife, discriminated against women, families with children, Native Americans, unmarried couples, persons receiving public assistance, and young people in the selection of tenants, provision of leases, and rental of housing, owned and operated by defendants, in the City of Bismarck, North Dakota, in violation of the Fair Housing Act, 42 U.S.C. section 3613, and related state laws. Pursuant to 42 U.S.C. section 3610, plaintiffs also filed housing discrimination complaints against Mr. Haider with the United States Department of Housing and Urban Development (HUD), identified as HUD case

¹Mrs. Haider was named as a defendant in this action solely based upon her ownership interest in the subject rental properties.

(LH)

J. H.
T. H.

numbers 08-98-0316-8, 08-98-0317-8, 08-98-0319-8 and 08-98-0318-8. Defendants have denied all material allegations made in the complaint and first amended complaint and related HUD housing discrimination complaints.

The parties to action, as well as the United States Department of Housing and Urban Development, have agreed that in order to avoid protracted and costly litigation, the controversy should be resolved without a trial or adjudication on the merits and therefore have consented to entry of this decree and order. By entering into this consent decree and final order ("order"), defendants make no admission of liability or wrongdoing in connection with the allegations and claims made by plaintiffs.

It is hereby ordered, adjudged and decreed that:

MONETARY TERMS

1. Defendants shall make a monetary payment of one hundred twenty-five thousand dollars (\$125,000.00) to plaintiffs in the form of a check made payable to the Attorney-Client Trust Account of Brancart & Brancart. This payment shall be made within 15 days of the date of entry of this order. This sum shall be inclusive of any claims for attorneys' fees and costs.

RELEASE TERMS

2. Plaintiffs and defendants shall execute mutual waivers and releases indicating that this consent decree and final order constitutes a full and final settlement of any and all claims that they have related to the subject matter of this lawsuit. Subject to the terms of this order, the parties shall dismiss this action and shall close as conciliated the related HUD complaints, case numbers 08-98-0316-8, 08-98-0317-8, 08-98-0319-8 and 08-98-0318-8.

2
(25)
1

J. H. K.
S. H.

EQUITABLE TERMS

3. In connection with the ownership or operation of any residential rental dwelling, defendants, including their employees ~~_____~~⁸, shall:

a. Abide at all times by the requirements of federal and state fair housing laws;

b. Adopt within 30 days from the date of entry of this order and continuously maintain objective, reasonable and uniform occupancy, screening and rental rate standards;

c. Immediately cease imposing any rental surcharge based upon the number of occupants and adopt an occupancy restriction that is no more restrictive than two-plus-one, i.e., two persons per bedroom, plus one additional occupant for the unit;

d. Adopt within 30 days from the date of entry of this order and continuously maintain procedures governing advertisement of dwellings for rent; specifically, defendants agree to advertise in conformity with HUD's Fair Housing Advertisement guidelines, 24 C.F.R. § 109 (1996);

e. Issue within 30 days from the date of entry of this order and continuously maintain and enforce reasonable tenant rules, including lease terms, governing the tenancy and use of a dwelling²;

f. Adopt within 30 days from the date of entry of this order and continuously maintain a log reflecting the name, address and telephone number of

²Defendants may comply with this provision by adopting and using the model forms approved for use by the North Dakota Apartment Association, telephone number (701) 221-2751, or the Institute of Real Estate Management, telephone number (312) 329-6000.

persons who inquire about renting a dwelling;

g. Immediately start retaining and continually maintain copies of all advertisements, applications, leases, rules, and tenant files, including eviction documents, and make those documents available for inspection by the North Dakota Fair Housing Council upon reasonable notice;

h. Provide within 30 days from the date of entry of this order and continually thereafter each tenant and prospective tenant with a copy of the HUD booklet, entitled Fair Housing Is Your Right!, HUD form 903.1;

i. Attend within 180 days from the date of entry of this order a fair housing training conducted by the North Dakota Fair Housing Council;

j. Post within 30 days from the date of entry of this order and continually maintain a HUD fair housing poster, HUD form 928.1,³ in a conspicuous location at the each of defendants' rental premises; and,

k. Issue within 30 days from the date of entry of this order a statement by defendants to the North Dakota Fair Housing Council of defendants' intent to cooperate with the North Dakota Fair Housing Council regarding compliance with the terms of the consent decree.

ENFORCEMENT

4. The district court shall retain jurisdiction over this action for purposes of enforcement only. The parties agree to attempt to mediate in good faith any disputes that arise under the terms of this order. Only after good faith mediation attempts have

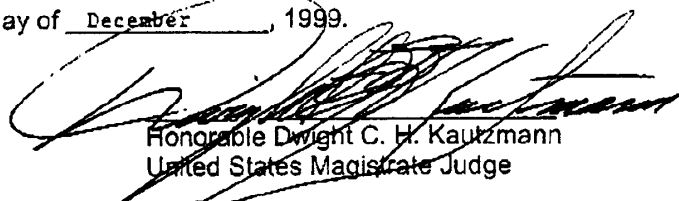
³HUD official forms 903.1 and 928.1 are available free of charge from the North Dakota Fair Housing Council or by calling HUD directly at (800) 767-7468.

4
(115)

J. H.
T. H.

been exhausted will the parties request the assistance of the district court in resolving the dispute.

Ordered this 17th day of December, 1999.


Honorable Dwight C. H. Kautzmann
United States Magistrate Judge

Approved as to content and form:

BRANCART & BRANCART



Dated: 11-17-99

Christopher Brancart
Attorney for Plaintiffs

ROLFSON, SCHULZ, LERVICK &
GEIERMANN


Calvin N. Rolfson
Attorney for Plaintiffs

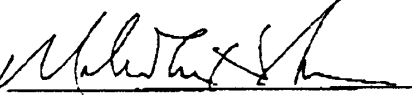
Dated: 11-19-99

UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT
FAIR HOUSING & EQUAL OPPORTUNITY DIVISION

Dated: _____

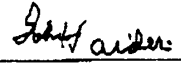
John E. Eubanks, Director
Fair Housing & Equal Opportunity Office
Rocky Mountain Hub, Denver, CO

MALCOLM H. BROWN, P.C.

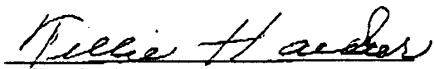


Dated: Nov 16, 1999

Malcolm H. Brown
Attorney for Defendants, John Haider
and Tillie Haider



John Haider



Tillie Haider

been exhausted will the parties request the assistance of the district court in resolving the dispute.

Ordered this _____ day of _____, 1999.

Honorable Dwight C. H. Kautzmann
United States Magistrate Judge

Approved as to content and form:

BRANCART & BRANCART



Christopher Brancart
Attorney for Plaintiffs

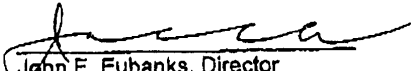
Dated: 11-17-99

ROLFSON, SCHULZ, LERVICK &
GEIERMANN

Calvin N. Rolfson
Attorney for Plaintiffs


Dated: _____

UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT
FAIR HOUSING & EQUAL OPPORTUNITY DIVISION


John E. Eubanks, Director
Fair Housing & Equal Opportunity Office
Rocky Mountain Hub, Denver, CO

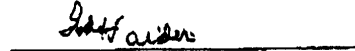
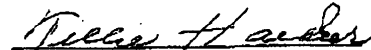
Dated: 11-18-99

MALCOLM H. BROWN, P.C.



Malcolm H. Brown
Attorney for Defendants, John Haider
and Tillie Haider

Dated: _____


John Haider
Tillie Haider

6
(115)