

ANNUAL REPORT
OF THE
FAIR HOUSING OF THE DAKOTAS
FOR THE 2008 FISCAL YEAR



by the
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SUMMARY

This was an extremely busy year for the Fair Housing of the Dakotas (FHD). We felt we made significant progress in advancing equal housing opportunities for those in North and South Dakota. We had several significant cases in litigation following cause rulings which we hope will further advance discrimination free housing. Without our work, it is extremely unlikely these instances of housing discrimination would have been brought to light or enforced. We were also able to meet all grant requirements despite being a small staff covering a large geographic area. A highlight of our accomplishments in 2008 is below:

- Filed or assisted clients in filing 30 complaints of housing discrimination. Referred an additional 46 individuals to an enforcement agency and they chose not to file.
- Received 1,712 contacts from North Dakotans and 355 contacts from South Dakotans who had questions on their housing situation.
- Received 141 allegations of housing discrimination against North Dakota housing providers and 101 allegations against South Dakota housing providers.
- Assisted or mediated in 5 cases in North Dakota and 5 cases in South Dakota in lieu of complaint filing.
- Litigated and/or assisted in litigation in 9 cases to advance equal housing opportunities for all.
- Conducted outreach mailings to educate renters on their rights to 5 communities in North Dakota reaching 7,520 households and 11 communities in South Dakota reaching 1,793 households.
- Conducted open to the public fair housing workshops in 6 North Dakota communities and 4 South Dakota communities. Also hosted an accessibility training and a fair housing training specific to maintenance personnel.
- Was invited to speak on fair housing issues at 10 additional conferences.
- Distributed 5,517 publications in North Dakota and 5,438 publications in South Dakota based upon requests to our office.
- Distributed 4 newsletters, responded to press inquiries and maintained a web site.

For more detailed information, review the attached report. We continue to uncover allegations of housing discrimination so much work remains. In addition, we are also 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. These may not be directly fair housing related but are issues in which we have seen increasing concerns.

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 the communities in which we work. We applaud those individuals who helped us in the fight to eliminate discriminatory housing practices.

BACKGROUND AND INTRODUCTION

This Annual Report of the Fair Housing of the Dakotas (formerly the North Dakota Fair Housing Council) addresses the major accomplishments in the 2008 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 M. Gieser; and Office Manager, Tracie L. Shaw.

The proposed need for activities was to prevent, reduce, and eliminate housing discrimination in North and South Dakota and any surrounding vicinities. 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 is a 3 Year grant for the time period December 1, 2007-November 30, 2010. The amount per year under this grant is \$220,546.00. Please note that the Fair Housing of the Dakotas is currently the only HUD funded non-profit fair housing organization in the entire HUD-Denver Region (states of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming) following office closures and lack of funding to previously funded organizations.
- City of Bismarck Community Development Block Grant (CDBG). This was a one year grant for the time period June 1, 2007-May 31, 2008 in the amount of \$4,500.00.
- Otto Bremer Foundation Grant. This was an eighteen month grant for the time period May 1, 2007-October 31, 2008 in the amount of \$6,095.00.

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 2008 fiscal year:

Allegations Filed by the Public

Goal: Intake and process allegations of housing discrimination in North Dakota. Result: In 2008, the FHD received 1,712 calls, inquiries, and contacts which was even with 2007 numbers. 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 (426), followed by Bismarck (389) and Grand Forks (164).

Of the calls, inquiries, and contacts, the FHD received or registered 141 allegations of housing discrimination which was a slight increase from 133 in 2007. Most allegations related to discrimination due to familial status (54), followed by disability (49) and race/color/national origin (22).

Goal: Intake and process allegations of housing discrimination in South Dakota. Result: In 2008, the FHD received 386 calls, inquiries and contacts which was an increase from 355 in 2007. 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 Rapid City (93) and Sioux Falls (85).

The FHD received or registered 101 allegations of housing discrimination from these calls, inquiries and contacts which was an increase from 69 in 2007. 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 (66), followed by disability (18) and race/color/national origin (10).

Goal: Provide technical assistance through voluntary resolution of allegations of fair housing discrimination after an intake is completed but without complaint filing. Result: In 2008, the FHD closed 10 investigative files in which complaint filing was averted due to the FHD's

assistance. Of these 10 cases, 5 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 which it can be achieved.

Investigation of Allegations

Goal: Conduct rental tests and mortgage/lending tests. Result: In 2008, 49 rental tests and 2 mortgage/lending tests were conducted in North Dakota and 31 rental tests and 1 mortgage/lending tests were conducted in South Dakota for a total of 80 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 2008, the FHD closed 111 investigative files. In the cases closed, the FHD performed 117 property searches and interviewed 56 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 2008, the FHD filed or assisted clients in filing (referred) a total of 30 complaints with HUD and/or state agencies alleging discrimination against 45 protected classes. Of the 30 complaints filed or referred, 23 were against North Dakota housing providers, 6 were against South Dakota housing providers and 1 was filed against a Minnesota housing provider.

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 2008 and their status.)

Of the cases closed in 2008 in which the FHD filed as an organization, the FHD opened up 5 single family homes, 5 duplexes and 343 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 2008, 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 2008 and their status).

Volunteer Activities

Goal: Recruit new testers to conduct all types of tests. Result: In 2008, the FHD recruited 13 testers. The FHD also maintained a tester pool of approximately 20 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 2008, the FHD trained 5 testers for rental testing. 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. A number of efforts were conducted by FHD staff in 2008 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. Please note that HUD PEI grants limit education activities. 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 2008, the FHD conducted mailings to 5 underserved North Dakota communities reaching 7,520 households and 11 underserved South Dakota communities reaching 1,793 households. In North Dakota, the mailings were provided to residents of Bismarck, Bottineau, Larimore, Mayville and Tioga. In South Dakota, the mailings were provided to residents of Brandon, Canton, Dell Rapids, Gettysburg, Parkston, Platte, Redfield, Tyndall, Volga, Wagner and Wessington Springs. 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 2008, the FHD conducted a total of 10 workshops which were attended by 551 attendees. The FHD conducted 6 workshops in North Dakota which were attended by 307 individuals. The FHD also conducted 4 workshops in South Dakota which were attended by 242 individuals. Attendees included service users, social service staff, attorneys, housing providers and other interested parties.

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 2008, the FHD was asked to speak at 10 workshops, trainings, and conferences which were attended by 234 individuals. 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 May 6, 2008 in Sioux Falls, SD. There were 56 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. In 2008, the FHD also sponsored a "Fundamentals of Fair Housing" workshop specifically for maintenance personnel. There were 70 in attendance.

Distribute Publications

Goal: Distribute publications providing information on fair housing. Result: In 2008, the FHD distributed 5,517 publications in North Dakota and 5,438 publications in South Dakota for a total of 10,955 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.)

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 2008, the FHD produced and distributed 4 quarterly newsletters to update the public on fair housing. Currently, the FHD newsletter list includes 2,953 contacts in North Dakota and 1,617 contacts in South Dakota.

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 were active members of several organizations and attended 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, South Dakota Coalition of People with Disabilities and others.

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 4 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, North Dakota Disabilities Advocacy Consortium Bylaws & Policy Committee, Fargo-Moorhead "Know Your Rights" Task Force, North Dakota Women's Network Legislative & Policy Committee as well as others.

Provide Web Site and Respond to Press Inquiries

Goal: Host and update a web site on fair housing. Result: In 2008, the FHD completed the final task in changing the organization's name by transferring its web site from www.ndfhc.org to www.fhdakotas.org. As a result of this move, statistics were off for the year while the site relocated and reformatted for search engines. 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 always 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 a story on fair housing being published in the *Pierre Capitol Journal* and printings of a FHD Executive Director letter to the editor in the *Grand Forks Herald* and *Bismarck Tribune*. Press also occurred in 2008 on several FHD cases in litigation. FHD staff were also interviewed as part of radio and television stories.

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 on the Case & Press Info page of the FHD web site at: www.fhdakotas.org

North Dakota

Case No. ND08-08-412: On February 13, 2008, the FHD filed a complaint alleging discrimination due to disability and receipt of public assistance against a Bismarck, ND housing provider. The property had advertised "no HAP" and a FHD investigation also found that people with disabilities who require a reasonable accommodation for a service animal were being unfairly charged pet deposits. Conciliation was reached in February, 2008 with the reimbursement of \$500 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. ND08-09-419: On March 7, 2008, the FHD was contacted by a Fargo, ND resident who had inquired at a local property and been told that the property did not accept housing vouchers as a form of rent payment. The FHD conducted an investigation and found evidence that discrimination was occurring due to receipt of public assistance and filed a complaint. The complainant chose not to go forward and file a complaint. Conciliation was reached in May, 2008 with the Respondent agreeing to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

Case No. ND08-01-433/ND08-01-436: In May, 2008, the FHD was contacted by a Fargo, ND resident who was seeking housing in Grand Forks, ND. The client alleged she had been told by a Grand Forks, ND housing provider that they would not rent a third floor apartment to her and her children because they only rented first floor apartments to families with children. The FHD conducted an investigation and found that discrimination was occurring due to the presence of children. The FHD and the Fargo resident both filed complaints of housing discrimination in July, 2008. Conciliation was reached in September, 2008 with the reimbursement of \$500 of the FHD's investigative costs and \$300 of the Fargo resident's 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. ND08-01-434: On July 2, 2008, the FHD filed a complaint alleging discrimination due to familial status against a Bismarck, ND housing provider who was advertising "Looking for responsible Adult to rent an upscale apartment in private home" and "\$700.00/2 people or \$350.00/1 person". The FHD conducted an investigation and alleged that the Respondent was discriminating against families with children through advertisements indicating occupancy policies more restrictive than 2 people per bedroom and through advertisements and statements indicating per head charges. Conciliation was reached in September, 2008 for the housing provider to attend fair housing training, distribute fair housing booklets to tenants, post a fair housing poster and publish a non-discrimination policy.

Case No. ND08-01-437: On July 11, 2008, the FHD filed a complaint alleging discrimination due to familial status against a Grand Forks, ND housing provider who was advertising "MATURE PEOPLE welcome". The FHD conducted an investigation and alleged that families with children were being discriminated against through advertisements and statements indicating occupancy policies more restrictive than 2 people per bedroom and through advertisements and statements indicating preferences against renting to families with children. Conciliation was reached in October, 2008 with the reimbursement of \$500 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. ND08-01-441: On July 23, 2008, the Fair Housing of the Dakotas filed a complaint alleging housing discrimination due to disability and the need of service animals as a reasonable accommodations against a Fargo, ND housing provider. The FHD also assisted a Fargo, ND resident in filing a complaint. A FHD investigation found evidence that discrimination was occurring. The FHD alleged that the Respondent discriminated against people with disabilities by denying reasonable accommodation requests for service animals and requiring information above and beyond what is needed for verification purposes, requiring different terms and conditions for rental upon those with disabilities who need service animals through the requirement of insurance coverage, fees for blacklight inspections and additional inspection requirements. A No Cause ruling was issued by the NDDOL in October, 2008. The FHD has asked for a reconsideration of this ruling. Pending.

Case No. ND08-04-451: On October 30, 2008, the FHD assisted a Dickinson, ND resident in filing a complaint alleging housing discrimination due to receipt of public assistance. The complaint alleged the property refused to make repairs needed for continued issuance of housing assistance. Pending.

Case No. ND08-05-460: On November 20, 2008, the FHD assisted a West Fargo, ND resident in filing a complaint alleging housing discrimination due to disability. The complaint alleged the Respondent denied a reasonable accommodation request for a service animal by requiring payment of a pet deposit, applying different terms and conditions due to disability and by making discriminatory comments and statements against people with disabilities. A FHD investigation supported the allegations. Pending.

South Dakota

Case No. 08-08-0219-8: A housing discrimination complaint filed on July 1, 2008 by the Fair Housing of the Dakotas alleging discrimination due to disability and familial status against the owners and management of a Rapid City, SD apartment complex has settled. As a settlement was reached, the complaint was not investigated and a determination on the merits of the allegations was not issued. Settlement of the complaint does not constitute an admission by the Respondents of any violation of the Fair Housing Act.

Case No. 08-08-0224-8: On July 1, 2008, the FHD filed a complaint alleging discrimination due to familial status against a Rapid City, SD housing provider who was advertising a 2 ½ bedroom unit with the language "\$550 for 2 people". The FHD conducted an investigation and alleged that families with children were being discriminated against through advertisements and statements indicating occupancy policies more restrictive than 2 people per bedroom and through advertisements and statements indicating per head charges which discriminated against families with children. Conciliation was reached in September, 2008 for the housing provider to attend fair housing training, distribute fair housing booklets to tenants and publish a non-discrimination policy.

Case No. 08-09-0038-9: On November 21, 2008, the FHD filed a complaint alleging discrimination due to familial status against a Sioux Falls, SD housing provider who had advertised "senior" in a local newspaper. The FHD alleged that the Respondent is discriminating against families with children through advertisements and preferences against renting to families with children. A FHD investigation supported the allegations. Pending.

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.

Attachment B

Below are the cases which were in various stages of litigation in 2008. More information on these cases may be found on the Case & Press Info page of the FHD web site at:

www.fhdakotas.org

North Dakota

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. ND06-12-261: 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. This case was appealed to the North Dakota Supreme Court who supported the lower court decision (NDSC 20070363).

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 found evidence 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 and required additional insurance coverage, 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. Cause was found by the NDDOL in June, 2008 on the complaint filed by the FHD. The parties have elected for District Court. 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. Cause was found by the NDDOL in June, 2008 on the complaint filed by the FHD. Conciliation was reached in August, 2008 with the reimbursement of \$1,244.68 of the FHD's investigative and future monitoring 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. 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 found evidence 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. Cause was found by HUD in September, 2008. The parties have elected for District Court. Pending.

Case No. ND08-08-406/ND08-08-407: On February 12, 2008, the FHD filed a complaint alleging housing discrimination and assisted a Bismarck, ND resident in also filing a complaint alleging discrimination due to disability against a Bismarck, ND housing provider. The complaints alleged that the Respondent refused to provide a reasonable accommodation to a tenant seeking housing whose autistic child required the use of a service animal. A FHD investigation found evidence that discrimination was occurring. Cause was found by the NDDOL in August, 2008 on both complaints filed. The parties have elected for District Court. Pending.

Case No. 20080224: In October, 2008, the FHD and 11 others filed an amicus brief in support of an appeal filed with the North Dakota Supreme Court by the State of North Dakota against a Fargo, ND property. A district court had ruled that the Respondent had not discriminated against people with disabilities in the accessibility of its multi-family property because the complaint was not filed within two years of the property's certificate of occupancy issuance. The FHD alleged in its brief that this ruling is against many other rulings which have stated that the property is a continuing violation until brought into compliance with Fair Housing Laws. The FHD further alleges that those who claim to have been victims of discrimination have two years from the last date of alleged discrimination to file a complaint, not two years from the property's certificate of occupancy as the judge had ruled. Pending with North Dakota Supreme Court.

South Dakota

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. Cause was found by HUD in September, 2008 on the allegations filed by the FHD. The parties have elected for District Court. Pending.

Case No. 08-08-0119-8/08-08-0131-8: In February, 2008, the FHD filed a complaint alleging housing discrimination and assisted a Sioux Falls, SD resident in also filing a complaint alleging discrimination due to race (African American), national origin and due to familial status against a Sioux Falls, SD housing provider. The complaints alleged that the Respondent made statements regarding race, national origin and familial status, refused to rent due to race, national origin and familial status and applied different terms and conditions for rental due to race, national origin and familial status. A FHD investigation found evidence that discrimination was occurring. Cause was found by HUD in September, 2008 on both complaints. The parties have elected for District Court. Pending.