

FAIR HOUSING OF THE DAKOTAS

(The Fair Housing of the Dakotas serves North and South Dakota and works to eliminate housing discrimination and to ensure equal housing opportunities for all.)

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Testimony before the House Judiciary Committee on House Bill 1106 by the Fair Housing of the Dakotas January 13, 2009

Mr. Chairman, and members of the Committee, my name is Amy S. Nelson and I am the Executive Director of the Fair Housing of the Dakotas (FHD). The FHD is a non-profit agency which serves North and South Dakota. We work to eliminate housing discrimination and to ensure equal housing opportunities for all. The FHD educates the public on Fair Housing Laws and also investigates allegations of housing discrimination. When discrimination is found, we assist complainants in filing complaints of housing discrimination with the North Dakota Department of Labor (NDDOL) and/or in state or federal court. In some situations, we also file complaints on our behalf when discrimination is found. This can occur when the FHD has expended significant funds in the course of an investigation of an allegation of housing discrimination, has diverted resources as a result of an alleged act of discrimination, when a FHD client chooses not to go forward and file a complaint of discrimination despite evidence of discrimination or when a training requirement or change in rules or policy to eliminate discriminatory practices is needed which cannot be addressed by a FHD client. As a result, there are times when the FHD is an aggrieved person and complaints are filed by it or on its behalf by the NDDOL following cause rulings.

The FHD does not file frivolous complaints. We only file cases on our behalf when evidence has been obtained showing that discrimination has occurred. Consequently, we have received extremely few no cause rulings by the NDDOL on cases we have filed on our behalf. Although the FHD has not been required to pay any attorney fees in cases in which it has initiated or that have been filed on its behalf by the NDDOL, we are concerned that any proposed language in this legislation also include aggrieved individuals and not just the NDDOL (department). Aggrieved individuals can include not only organizations like the FHD but individuals who feel they have been a victim of housing discrimination and are pursuing on their own behalf without FHD assistance.

We would encourage the following amendment to the proposed language change (in bold):

The department **or any aggrieved party** may be liable for attorney's fees and court costs only upon a finding by the court that the department **or aggrieved party** acted without substantial justification in bringing the action.

The Fair Housing of the Dakotas supports passage of House Bill 1106 provided the amendment above is included. I thank you for the opportunity to provide testimony today and please let me know if you have any questions. Thank you.

