

# 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.)*

Telephone: 701-221-2530

ND Relay: 1-800-366-6889 (Voice)

SD Relay: 1-800-877-1113 (Voice)

Address: 909 Basin Avenue, Suite 2, Bismarck, ND 58504

Toll Free: 1-888-265-0907

Fax: 701-221-9597

ND TDD: 1-800-927-9275

SD TDD: 1-866-273-3323

**Testimony before the  
House Human Services Committee  
on Senate Bill 2278  
by the Fair Housing of the Dakotas  
March 18, 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. The Federal Fair Housing Act prohibits discrimination in the rental, sale or financing of housing due to race, color, religion, national origin, gender (sex), presence of children (familial status) and disability (handicap). North Dakota state law also provides these protections as well as due to age (40 and over) and status with respect to marriage (excludes unmarried couples at landlord's choice) and public assistance. The question has been raised about how this bill will affect smaller housing providers. Those with 3 single family homes or less or 4 rental units or less are currently exempt from federal and state fair housing laws (see ND Century Code 14-02.5-08 for additional details) except in regard to advertising. This bill would not change those exemptions.

Currently, neither state nor federal law protects people in North Dakota from discrimination in housing due to their sexual orientation or gender identity. Our office receives a number of contacts each year from North Dakotans with housing questions and this protection is needed. Excluding issues based upon credit or criminal history, the most common complaint regarding the lack of protection from housing discrimination comes from those due to age (those between 18-40 years of age who are not protected under our age statute), sexual orientation or due to being unmarried couples. In the past year, we have received contacts from North Dakotans who were served evictions or lease non-renewals after requesting of their landlord that their partner be allowed to move in with them. Other complaints we received have involved refusal to rent when seeking housing after telling a prospective landlord that they would be living with their partner or after seeking housing with their partner. These North Dakotans were not denied housing due to business reasons such as their ability to pay rent or abide by lease requirements, but simply because of who they associated with and loved.

When I conduct trainings for housing providers, I'm often confronted with questions about being dictated as to who they can and cannot rent to in their properties. That, it's "my property, I can do what I want." However, I point out that that's not true. This is a business, it's not your personal home. There must be a balance between the needs of business owners and society. There are many laws that must be followed in owning and managing rental property. Properties must meet building, fire and safety codes; they must be built accessible to people with disabilities; and taxes must be paid. These were all laws that were passed at one time and now are part of doing business. The Fair Housing Law was originally passed at the federal level in 1968. At that time, it only protected due to race, color, national origin and religion. Gender was not protected until 1974 and disability and familial status was not protected until 1988. Prior to these dates, it was legal to discriminate against someone just because of these reasons and



these reasons only. However, society recognized that this was simply wrong. It was a fear of the unknown, of people that someone did not interact with which was driving this kind of discrimination. After they got to know one another, the fear disappeared. My generation grew up in integrated schools and being told that girls could do anything boys could do. We never believed it was ok to treat someone differently just because of their race, color or gender yet my parent's generation was exposed to that. That's what laws can do.

I think we all today see that someone's race, gender or disability should have no impact on whether someone should or should not be rented to. Those reasons do not affect someone's ability to pay rent and abide by lease rules. Bad tenants come in all shapes, sizes, religions, genders and colors. Housing providers should use the legal means available to determine if someone should be rented to by checking previous landlord references and their ability to pay rent. Did they damage the property? Did they pay rent on time? Did they disturb their neighbors? Denying for these reasons is legal and understandable when running a rental property and business. I tell housing providers, you have a right to have your personal views, but you do not have the right to bring those views into your business world and use them to make decisions which have no impact upon your business and discriminate.

In 1983, North Dakota passed its Human Rights Law which covered all employment, public accommodations and housing transactions. North Dakota was ahead of the rest of the country. Those legislators chose to protect people from discrimination due to their disability which would not be protected for another 5 years in housing. North Dakota also protected due to age and status with respect to marriage and public assistance which are still not protected at a federal level. North Dakota recognized in 1983 that these reasons should not be used as a means to discriminate. North Dakota was a leader.

According to the report "Laws Prohibiting Discrimination Based on Sexual Orientation and Gender Identity" by the Institute of Real Estate Management dated July, 2007:

"Twenty states and Washington, DC have anti-discrimination laws prohibiting discrimination against individuals on their sexual orientation or gender identity.

Wisconsin was the first state to enact an anti-discrimination law in 1982. In the last five years, seven states have enacted similar laws."

As the numbers grow, it's apparent that society has recognized this type of protection as needed and the states are catching up. Of our neighbors, Minnesota prohibits discrimination due to sexual orientation and gender identity in all transactions. Like North Dakota, Montana has legislation pending this session (listed as in committee) but does already provide protection for those in public employment which North Dakota does not. Many companies in North Dakota already provide the employment protection we are discussing today.

Like so many here, I grew up in a small North Dakota town. My high school graduating class was a big one for my town at 9 kids. I get so frustrated when we get accused in North Dakota of being backward and intolerant when small town values are anything but that. They are accepting and welcoming. They believe in fairness and value the person who helps out in their community, with the farm and when someone needs a helping hand regardless of their gender, religion, color, disability or even their sexual orientation. I want my state to continue to lead rather than follow. North Dakota again has that chance to be a leader like it was in 1983.

The Fair Housing of the Dakotas supports passage of Senate Bill 2278. I thank you for the opportunity to provide testimony today and please let me know if you have any questions or need any additional information. Thank you.