

Fair Housing Update

Fair Housing of the Dakotas

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NORTH DAKOTA ACCESSIBILITY CASE HEARD

On February 18, 2009, the North Dakota Supreme Court held oral arguments in the case North Dakota Department of Labor (NDDOL) vs. Matrix Properties Corporation. The arguments center upon the timeline and right to file complaints of housing discrimination against multifamily properties which are not designed and constructed to be accessible to people with disabilities.

The Fair Housing of the Dakotas was not party to the case but did file an amicus brief (along with 11 other organizations) in support of the NDDOL. A copy of the brief is available on the FHD's web site Case and Press Page. Information on the case can be located on the ND Supreme Court web site www.ndcourts.gov/ (Supreme Court Docket No. 20080224)

RECENTLY FILED COMPLAINTS IN NORTH & SOUTH DAKOTA

The Fair Housing of the Dakotas (FHD) has assisted a number of North and South Dakotans recently in filing fair housing complaints. A brief description of the most recent cases of interest follows:

In October, the FHD assisted a Dickinson, ND resident in filing a housing discrimination complaint due to receipt of public assistance against a landlord who had refused to make needed repairs for the Section 8 voucher program. Pending. (NDDOL Case No. ND08-04-451)

In November, the FHD assisted a West Fargo, ND resident in filing a complaint alleging discrimination due to disability and the denial of a reasonable accommodation for a service animal through the requiring of an additional deposit for the service animal. The FHD conducted an investigation which supported the allegation and also filed complaints. Pending. (NDDOL Case No. ND08-05-460, ND09-07-473 & ND09-07-475)

In November, the FHD filed a complaint of discrimination in the denial of rental to families with children. The FHD investigation found that a Sioux Falls, SD property was advertising "senior" when it did not meet the requirements for housing for older persons. Pending. (HUD Case No. 08-09-0038-8)

In February, the FHD filed a complaint and assisted two Rapid City women in filing a complaint alleging sexual harassment due to gender by a Rapid City, SD housing provider. The FHD investigation found evidence of discrimination. Pending. (HUD Case No. 08-09-0087-8)

2008 FAIR HOUSING REVIEW

In 2008, the Fair Housing of the Dakotas (FHD) completed its fourteenth year of fair housing work. Despite being a small non-profit, we have worked extremely hard during this time to educate the public on fair housing laws and also assist people with their fair housing rights. The FHD was incorporated in 1994 as the North Dakota Fair Housing Council to assist North Dakota resi-

Fair Housing of the Dakotas (FHD) is a non-profit organization serving North and South Dakota with a mission to work to eliminate housing discrimination and to ensure equal housing opportunities for all. The FHD provides assistance to individuals pursuing legal rights and remedies related to fair housing, offers housing assistance and counseling, provides community education, promotes community involvement and performs research in the area of housing.

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dents. In 2005, the organization branched into South Dakota and changed its name to the Fair Housing of the Dakotas to reflect its duties in both states. Much, much work remains in both states; however, staff have made a concentrated effort to do more education and outreach in South Dakota because of the newness of the issues in that state. An overview of our 2008 activities follow:

Contacts: In 2008, the FHD received 1,712 contacts from North Dakota residents regarding housing disputes and/or questions. This was equal to 2007. Fargo made up the bulk of those calls with 426 contacts followed by 389 contacts by Bismarck residents. For South Dakota in 2008, the FHD received 386 contacts from South Dakota residents regarding housing disputes and/or questions. This was an increase from 2007. Most contacts were received from Rapid City residents followed by Sioux Falls residents.

Allegations: Of the 1,712 North Dakota housing contacts received by FHD staff, 141 contained allegations of housing discrimination due to race, color, gender, national origin, religion, disability, familial status, age (40 and over) or status with respect to marriage or public assistance. This was a slight increase from 2007. In South Dakota, of the 389 contacts received by FHD staff, 101 contained allegations of housing discrimination due to race, color, gender, national origin, religion, disability or familial status. This was a 40% increase over 2007.

Complaint Filing: The FHD as-

sisted North and South Dakota residents or filed on behalf of the FHD, 30 complaints of housing discrimination with the North Dakota Department of Labor's Human Rights Division (North Dakota filing office) or with HUD's Denver Office (South Dakota filing office).

Mediation: The FHD also assisted in mediation in lieu of complaint filing on 5 cases involving North Dakotans and 5 cases involving South Dakotans. These were typically cases involving requests for reasonable accommodations or modifications for people with disabilities which were able to be worked out due to the FHD's assistance. As a result, complaint filing did not need to occur.

Workshops & Trainings: In 2008, the FHD conducted 6 open-to-the-public workshops in North Dakota which were attended by 307 service users, social service staff, attorneys and housing providers and conducted 4 open-to-the-public workshops in South Dakota which were attended by 242 service users, social service staff, attorneys and housing providers. The FHD also assisted with an accessibility workshop and hosted a fair housing class for maintenance personnel. FHD staff were also asked to speak on fair housing issues at 10 workshops/trainings/conferences which were attended by an additional 234 attendees.

Outreach Mailings: In 2008, the FHD conducted 5 mailings to North Dakota communities reaching 7,520 households and 11 mailings to South Dakota communities reaching 1,793 households. These mailings included information on fair housing,

the services of the FHD and a listing of our free-of-charge publications. These mailings have proven to be a very effective educational tool.

Publications: The FHD staff distributed 5,517 publications to North Dakota residents and 5,438 publications to South Dakota residents. Distribution is based upon requests to our office and does not include materials distributed at workshops or conferences.

Other Educational Activities: The FHD also conducted a number of other efforts to educate the public on fair housing. This included distributing a quarterly newsletter on fair housing news, updating a web site and other efforts. More details on the work of the FHD are also available in the FHD's 2008 Annual Report viewable at www.fhdakotas.org

NEWS FROM HUD

Below is information received from HUD on recent charges of discrimination:

Baize/Valenzuela/Lexington Fair Housing Council, Inc. v. GuideOne Mutual Insurance Company: HUD has charged a national homeowners insurance provider and two independent sellers of insurance with housing discrimination for offering homeowners insurance with preferential terms and conditions that favor religious persons and for advertising this preference for religious persons in marketing, advertising, and other promotional material about the insurance policies.

Leather v. Florence Tollgate Condominium Associates: HUD has



charged the Florence Tollgate Condominium Association (FTCA), in Florence, New Jersey, with violation of the Fair Housing Act based on familial status. FTCA's occupancy policies limited the number of persons who may live in one and two-bedroom units; therefore, these policies limited or excluded families with children.

Wynn v. 405 East 82nd Street Cooperative, Inc.: HUD has charged a New York City cooperative with violation of the federal Fair Housing Act based on disability. Complainant alleged that the cooperative refused to provide him with a reasonable accommodation that would allow him to keep an emotional support animal in his cooperative.

Sec. v. Williams: HUD has settled a case charging two Tallassee, Alabama, landlords with violating the Fair Housing Act for making discriminatory statements and forcing white tenants to move out of their rental property after the landlords had noticed the couple talking with African-American neighbors in the property's front yard. The landlords will pay \$63,000 to settle the case.

Scherer v. Wayne County Housing Authority, Masterson and Sutton: HUD has charged the Wayne County Housing Au-

thority (WCHA) and two of its employees with housing discrimination based on race. The Complainants, owners of the property, allege that WCHA and its two employees decreased the amount of the prospective tenant's voucher in an effort to prevent the African-American voucher holder from moving into the subject property, and, subsequently, failed the housing inspection for their property so that it would not qualify for the housing choice voucher program. The Complainants allege that WCHA's actions were in attempt to interfere with their right to rent their property to an African-American family.

Waltman v. Mississippi Regional Housing Authority; SMBC, Inc. (dba Sun Belt Management); Oakridge Park Apartments, Ltd., Marcellus, General Partner: HUD charged the Respondents with violation of the Fair Housing Act for refusing to transfer Complainant to a first floor apartment as a reasonable accommodation for her disability.

Michelbach and Garcia v. Chavez: HUD charged three landlords in Albuquerque, NM, for violating the Fair Housing Act based on familial status. Complainants are a young couple who lived in an apartment complex

where there is a written policy that states "occupancy was not to exceed two per bedroom." While residing in the apartment, the woman became pregnant. The landlords issued an eviction notice to the couple when they found out the woman was pregnant.

Swib v. Bushee: HUD charged Darryl Bushee, the sole owner and manager of a property located in East Grand Forks, MN, with housing discrimination for refusing to provide a reasonable accommodation for a service animal to a family with a minor child who needs a service animal for her "chronic psychological condition."

FAIR HOUSING WORKSHOPS

In 2009, the Fair Housing of the Dakotas will again be conducting its highly evaluated "Fundamentals of Fair Housing" workshop series. See the enclosed flyer for the workshops scheduled for April-June, 2009 across North and South Dakota.

Additional workshops will be scheduled for July-September. Materials on those workshops will be distributed with the May newsletter. You can also always visit the FHD Events page for the most up to date information: www.fhdakotas.org

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**This Newsletter is also available
at www.fhdakotas.org in pdf
format**

FAIR HOUSING

The Federal Fair Housing Act makes it illegal to discriminate in the rental, sale or financing of housing due to a person's race, color, religion, national origin, gender, familial status and disability. North Dakota state law also protects age (40 and over) and status with respect to marriage and public assistance. South Dakota state law protects most of the federal protections and also protects due to creed and ancestry.

For information on filing a housing discrimination complaint, contact the Fair Housing of the Dakotas (1-888-265-0907), the ND Dept. of Labor (1-800-582-8032) or HUD (1-800-877-7353).

VOLUNTEERS NEEDED

The FHD is seeking volunteers to assist in gathering information

on alleged discriminatory housing practices. Volunteers are paid a stipend for their time and services and receive training. Please contact Stacy at 1-888-265-0907 or 701-221-2530 if you are interested or want more information.

WEB SITE & PUBLICATIONS

The FHD web site located at www.fhdakotas.org has several publications online regarding fair housing. Choose our "What is Fair Housing" link to view the list of publications online. Publications are also available through postal mail by completing our Publications Form available online or by contacting the FHD.

The web site also includes updates on upcoming events or trainings, state legislation of interest, past newsletters, press releases, and numerous web links to other

organizations.

DISCLOSURES

Newsletter Published Quarterly. Alternate formats will be available when requested. The information in this publication is not itself legal advice; for legal advice about a particular situation, contact an attorney.

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