



DAKOTA FAIR HOUSING

Published by the North Dakota

Fair Housing Council (serving South Dakota)



Volume 2, Issue 3

July, 2004

NOTICE: The work that provided the basis for this publication was supported by funding under a grant with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretation does not necessarily reflect the views of the government.

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.

VOLUNTEERS NEEDED

The North Dakota Fair Housing Council is seeking volunteers to assist in gathering information on alleged South Dakota 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.

HOUSING BIAS IS HARD TO DETECT

Discrimination could be as subtle as not returning calls from people who sound black or foreign. By Diane Mastrull, Philadelphia Inquirer Staff Writer July 14, 2004.

More than 35 years after

the federal government made housing discrimination illegal, finding a place to live still means a battle against bias for millions of Americans.

The distressing reality, said Melvin Alston, a North Carolina real estate agent on the NAACP's housing committee, is that "housing discrimination is alive and well."

The Washington-based National Fair Housing Alliance estimates that at least 3.7 million violations occur annually. While the post-9/11 housing market has grown ever more hostile toward those of Arab descent, African Americans experience more discrimination than any minority, reporting about 1.7 million cases a year.

Making a troubling situation worse, fair-housing advocates say, is that detecting discrimination is more difficult than ever.

"No longer do you get 'I don't rent to black people,'" said Rachel Wentworth, assistant director of the Fair Housing Council of Suburban Philadelphia. "Now, people don't know it's happening to them."

Today's discriminators, she said, are landlords who use "no pets" policies to keep blind people with guide dogs out of apartment complexes. Or real estate agents who don't

call back potential customers because they sound black or foreign.

However, the latest scam isn't about keeping people out of housing. It's about taking their money once they move in.

It is predatory lending, and its victims - typically elderly black women - are talked into taking loans on terms they can't afford. The brokers then lure them into other loans, until they are so deep in debt that they have lost the equity in their homes. By the time foreclosure proceedings begin, the brokers have collected their fees and moved on to other victims.

"In a lot of ways, it's almost the reverse of what we saw back in the '50s, '60s and '70s when financial institutions didn't want to lend in minority communities," said Milton R. Pratt Jr., director of the U.S. Department of Housing and Urban Development's Philadelphia regional office. "Now we see financial institutions wanting to go into minority communities" to "prey on individuals who may not understand the loan terms."

Compounding the tragedy, predatory lending is "undoing a lot of the good work" of fair-housing advocates who labored for decades to make homeownership possible for minorities,

said Jim Berry, executive director of the Fair Housing Council of Suburban Philadelphia.

Two years ago, the Bush administration set a goal of creating 5.5 million new minority homeowners by 2010. To that end, HUD has made public education about housing discrimination a priority, Pratt said.

That initiative is bringing Pratt to the NAACP convention today as a panelist at a housing workshop, where delegates will be mobilized to fight housing discrimination.

"It's not as bad as the days of Jim Crow Sr.," said Alston, the NAACP committee member. "Jim Crow Jr. has to be a little bit more sophisticated. He'll smile at you and tell you he's your friend, but at the same time try to reach the same goal as his father - to keep you away from his neighborhood."

UPCOMING MEETINGS

Upcoming meetings of interest in South Dakota:

- September 28, 2004: Black Hills Area Multi Housing Association Fair Housing Workshop, Rapid City, SD. Contact Tracy Parki-

son at 605-343-7525 for more information.

OWNER, DEVELOPER, AND ARCHITECT TO PAY \$718,000 TO CORRECT ACCESS PROBLEMS IN NEW APARTMENT COMPLEX

The owner, developer, and architect of an apartment complex in Nevada have settled a Fair Housing lawsuit brought by the Justice Department on referral from the Department of Housing and Urban Development. The government alleged the apartment complex has no accessible route into the apartments, doors in the units are too narrow to allow access by persons using wheelchairs, bathroom walls lack reinforcements needed for the safe installation of grab bars, and the common and public use areas are not accessible.

“When designers and developers of new construction fail to meet accessibility standards, they effectively deny housing to persons with disabilities,” said R. Alexander Acosta, Assistant Attorney General for Civil Rights. “Today’s settlement is a reminder that we will not accept such violations of the law.”

The defendants have agreed to pay a total of \$718,000 to make the complex accessible to persons with disabilities. <http://www.usdoj.gov/crt/ada/newsltr0604.htm>

ACCESSIBILITY AND THE FAIR HOUSING ACT

Under the Fair Housing Act, all multi-family housing projects (4 units or more) built for first occupancy after March 13, 1991 are required to be accessible to people with disabilities. There are 7 Technical Requirements:

- Accessible Entrance on an Accessible Route
- Accessible Public and Common-Use Areas
- Usable Doors
- Accessible Routes Into and Through the Dwelling Unit
- Accessible Light Switches, Electrical Outlets, and Environmental Controls
- Reinforced Walls in Bathroom

• Usable Kitchens and Bathrooms

There are a number of online resources to assist with questions on accessibility:

- HUD Fair Housing Act Design Manual: <http://www.huduser.org/publications/destech/fairhousing.html>
- Fair Housing Accessibility Guidelines: <http://www.hud.gov/library/bookshelf09/fhfhag.cfm>
- Section 504 Frequently Asked Questions: <http://www.hud.gov/offices/fheo/disabilities/sect504faq.cfm>
- Modification Funds: <http://www.hud.gov/library/bookshelf09/modifica.cfm>

BOARD OPENINGS

The North Dakota Fair Housing Council (NDFHC) is seeking applicants for vacant Board of Director positions. If you are interested in joining the Board, please contact Amy at 1-888-265-0907 or 701-221-2530. There is a short application to be completed for Board review. The Board meets quarterly and member travel expenses are reimbursed if they live outside of Bismarck, ND.

The NDFHC has been fighting housing discrimination in North Dakota since 1995 and in 2003 also began providing services in South Dakota. Federal and/or state fair housing laws state that it is illegal to discriminate in the rental, sale or financing of housing due to race, color, religion, gender, national origin, disability, presence of children, ancestry and/or creed.

In South Dakota, discrimination in housing most often occurs to people with disabilities, families with children and minorities. Since beginning work in South Dakota in March, 2003, the NDFHC has assisted in filing 22 complaints of housing discrimination. The NDFHC also initiates lawsuits on behalf of aggrieved individuals when necessary.

NDFHC WEB SITE

Be sure to visit the North Dakota Fair Housing Council web site at: www.ndfhc.org

The site contains a large volume of information on fair housing, advertising, disability issues, publications, related links and much, much more.

BOARD OF DIRECTORS

**Robert Gomez, LCSW,
President**

Dakota Center for Independent Living

**Teresa Larsen,
Vice President**

Protection & Advocacy Project

**Gregory Ian Runge,
Secretary/Treasurer**

Attorney-at-Law

Cheryl Bergian

North Dakota Human Rights Coalition

Kristi Pfliger-Keller

Community Action Program

Carol Reed

USDA-Rural Development

STAFF

Amy Schauer Nelson

Executive Director

Carol L. Mihulka

Office Manager/Administrative Assistant

Stacy Gieser

Housing Coordinator



**NORTH DAKOTA FAIR
HOUSING COUNCIL**

533 Airport Road

Bismarck, ND 58504

Phone: 701-221-2530

Toll Free: 1-888-265-0907

FAX: 701-221-9597

E-Mail: ndfhc3@btinet.net

Website: www.ndfhc.org

**North Dakota TDD: 1-800-927-9275
South Dakota TDD: 1-866-273-3323**

**ND Relay: 1-800-366-6889 (Voice)
SD Relay: 605-367-5760 or
1-800-642-6410 (Voice)**