

FAIR HOUSING UPDATE

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WORKSHOPS & TRAININGS

Several trainings have been scheduled which may be of interest:

- October 12, 2005: The Fair Housing of the Dakotas along with the Paralyzed Veterans of America, AIA South Dakota and Southeast Technical College will be hosting an Accessibility Training for Architects, Building Inspectors and anyone else interested in learning about accessibility laws. The Training is scheduled for Wednesday, October 12th in Sioux Falls, SD. An agenda, including registration information, can be downloaded at: www.ndfhc.org/events.htm
- October 20, 2005: "Fair Housing Policies" training in Sioux Falls, SD being sponsored by South Dakota Multi-Housing Association and Paralyzed Veterans of America. Contact Amanda at 605-336-7756 for more information.
- October 25, 2005: The Fair Housing of the Da-

kotas will be conducting a "Fair Housing Training for Attorneys." The Seminar is scheduled for Tuesday, October 25th in Sioux Falls, SD. Continuing legal education credits are pending with the State of Minnesota. If you're an out of state attorney interested in attending this training and wanting CLE credits, please contact the FHD. An agenda, with registration information, is available at: www.ndfhc.org/events.htm

RECENTLY FILED COMPLAINTS

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

In July, the FHD filed a complaint alleging discrimination due to the denial of rental to families with children by a Sioux Falls, SD housing provider who had advertised "mostly retired tenants" in a South Dakota newspaper. The FHD conducted an investigation which supported the allegation and filed a complaint. Pending.

In July, the FHD assisted a Bismarck, ND family and filed a complaint alleging discrimination due to disability by a Bismarck, ND

housing provider. The complaint alleged that reasonable accommodations for people with disabilities who needed service animals were being denied. In this case, the family was denied rental because of their child who was autistic and required the use of a service animal. The FHD conducted an investigation which supported the allegation. Pending.

In July, the FHD assisted a Bismarck, ND family and filed a complaint alleging discrimination due to disability by a Bismarck, ND housing provider. The complaint alleged that reasonable accommodations for people with disabilities who needed service animals were being denied. The FHD conducted an investigation which supported the allegation. Case settled in August, 2005 with housing provider agreeing to reimburse the family's costs, reimbursement of FHD costs and agreement to attend fair housing training.

In August, the FHD assisted a Bismarck, ND resident file a complaint alleging discrimination due to disability by a ND mortgage lender. The complaint alleges the lender discontinued a home mortgage loan following notice of the resident's disability. The FHD conducted an investigation which supported the allegation. Pending.

In August, the FHD as-

sisted a Sioux Falls, SD family file a complaint alleging discrimination due to color (black) and national origin (African) by a Sioux Falls, SD housing provider. The complaint alleges the family (a biracial couple) was told housing was not available when it in fact was. The FHD conducted an investigation which supported the allegation. Pending.

In September, the FHD assisted a Mandan, ND family and filed a complaint alleging discrimination due to the denial of rental to families with children by a Mandan, ND housing provider. The complaint alleges that families with children were being denied rental of third floor apartments and also being steered toward ground floor apartments. The FHD conducted an investigation which supported the allegation. Pending.

In September, the FHD filed a complaint alleging discrimination due to the denial of rental to families with children by a Vermillion, SD housing provider who had advertised for "no minors or deadbeats" in a South Dakota newspaper. The FHD conducted an investigation which supported the allegation and filed a complaint. Pending.

In September, the FHD filed a complaint alleging discrimination due to the denial of rental to families with children by a Bismarck, ND housing pro-

vider who had advertised for "adults only" in a North Dakota newspaper. A Bismarck, ND family with children also complained about the language in the ad. The FHD conducted an investigation which supported the allegation and filed a complaint. Pending.

In September, the FHD assisted a Bismarck, ND family in filing a complaint of housing discrimination due to a refusal to rent due to race (Native American), disability and receipt of public assistance. Pending.

FAIR HOUSING MATERIALS NOW AVAILABLE IN BRAILLE

The Fair Housing of the Dakotas (FHD) recently had translated into Braille its brochure, the HUD booklet "Fair Housing: Equal Opportunity" and the FHD Fact Sheet Series.

Limited quantities are available and may be ordered by completing the FHD Publications Form (www.ndfhc.org/fair_housing/) or by contacting the FHD.

\$65,000 AWARDED IN HOUSING DISCRIMINATION SUIT

For Immediate Release-Sept. 19, 2005: A federal lawsuit filed jointly by the U.S. Department of Justice, South Suburban Housing Center of Homewood, and Kankakee area residents, Le'Jon and Vanessa Shepard, alleging violations of the Fair Housing Act's family status and race discrimination provisions, was resolved earlier this month. The Federal District Court Consent Order entered in Urbana, requires the defendant owners/managers of a 32-unit apartment complex

on Lindsey Lane in Bismarck, Mr. and Mrs. W. Russell Smith, to pay \$65,000 in damages.

The Shepards, a bi-racial couple, had attempted to rent an apartment that the defendants had advertised as available in March 2001. Vanessa Shepard, who is white, set up an appointment, and was shown the unit by Mr. Smith, accompanied by her African-American husband, Le'Jon. The Shepards immediately indicated interest in renting and submitted an application the next day, but were told that the apartment had already been rented to someone who had seen the unit before them. Suspecting that they had been victimized by racial bias, the Shepards sought the assistance of South Suburban Housing Center. The Housing Center, a private fair housing enforcement and advocacy agency serving the south metro region, investigated the Shepard's complaint by sending teams of volunteer "testers" posing as apartment seekers to the defendant's complex to monitor their treatment. When SSHC's tests found evidence of discrimination based on both race and families with children, a formal complaint was filed with the U.S. Dept. of Housing and Urban Development.

In Sept. 2004, HUD determined that reasonable cause for a violation existed from the defendants' "conduct and statements." The U.S. Dept. of Justice, on Nov. 15, 2004, filed the present lawsuit when the defendants elected to have the case heard in Federal Court. Since the action was initially brought, the defendants have sold their interest in the complex and

moved out of state. Because of the defendant's divestiture of rental property ownership, the plaintiffs agreed to only seek monetary remedies.

SSHC's Executive Director, John Petruszak, stated that "the size of this settlement shows that the evidence of discriminatory conduct was quite clear and that HUD's affirmation of the Fair Housing Act violation and the Department of Justice's swift prosecution were key elements in obtaining meaningful relief for the victims".

Investigation activities conducted by South Suburban Housing Center are funded in part by a Fair Housing Initiatives Program grant from the U.S. Department of Housing and Urban Development. The private plaintiffs were represented by Jeffrey L. Taren, of the Chicago based firm of Kinoy, Taren & Geraghty, P.C.

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 FHD (888-265-0907), ND Dept. of Labor (800-582-8032) or HUD (800-877-7353).



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