

FAIR HOUSING UPDATE

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.

HUD GRANT ANNOUNCEMENT

The Fair Housing of the Dakotas (FHD) was pleased to be recently notified that it had received funding through a US Department of Housing & Urban Development-Fair Housing Initiatives Program-Private Enforcement Initiative (PEI) Grant. The grant period is expected to be December 1, 2006-November 30, 2007. The grant will provide services to eliminate housing discrimination through enforcement efforts and also provides funding to educate the public on Fair Housing Laws in North and South Dakota.

Of the 268 applications received for fair housing grants, the FHD was one of only 102 recipients nationwide and the only recipient in North or South Dakota.

RECENTLY FILED COMPLAINTS IN NORTH & SOUTH DAKOTA

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 against families with children by a Lead, SD housing provider who had advertised "PRIVATE ROOM For 1, \$350. Double Occupancy Room, \$400". The FHD complaint alleged that the charging of rent per person has a discriminatory impact upon families with children. Pending.

In July, the FHD filed a complaint alleging discrimination due to the denial of rental to families with children by a Bismarck, ND housing provider who had advertised "single mature resident". The FHD conducted an investigation which supported the allegation and filed a complaint. Pending.

In July, 2006, the FHD assisted a Fargo, ND resident in filing a complaint of sexual harassment against a Fargo, ND housing provider. The allegations included sexual comments, unwelcome touching and sexual propositions. Pending.

In August, 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 investigation supported the allegation. Pending.

In October, the FHD assisted a Fargo, ND resident in filing a complaint alleging discrimination due to disability. The resident was being required to pay a pet deposit for a service animal even after providing documentation of the need of the service animal. The charging of pet deposits for service animals has been identified by HUD, DOJ and in court cases to be discrimination. Pending.

In October, the FHD filed a complaint of discrimination against a Rapid City, SD mobile home park. The FHD had received an allegation of housing discrimination by a Rapid City resident regarding the denial of service animals as reasonable accommodations for people with disabilities.

The resident also alleged that families with more than 2 children were charged additional rent for each child at the property. The FHD conducted an investigation which found evidence to support the allegations and a complaint was filed. Pending.

In October, the FHD filed a complaint alleging discrimination against families with children by a Sioux Falls, SD housing provider who had advertised "Mature tenants". Besides advertising in a discriminatory way, the FHD investigation showed that families with children were being charged per person for rent. The FHD filed a complaint. Pending.

In October, the FHD filed a complaint of discrimination due to race (Native American) against a Bismarck-Mandan, ND housing provider. The FHD had received an allegation of discrimination by a Mandan, ND resident who alleged she was harassed and called derogatory names as a result of her race (Native American) by a tenant at the property. The discrimination continued despite complaints to her landlord. The FHD investigation found that other Native American families had also been victims of similar forms of discrimination by the tenant. When the Mandan resident chose not to file a complaint, the FHD filed. Pending.

In October, the FHD filed a complaint of discrimination against a Grand Forks, ND housing provider. The FHD had received an allegation from a Hispanic family who alleged the provider made discriminatory comments to them and threatened and harassed them due to their national origin. The FHD investigation found evidence to support the allegations and also found discriminatory comments and jokes also being made by the housing provider to tenants about African Americans and Native Americans. In addition, the complaint alleges discriminatory comments and treatment due to gender and color (black).

When the Grand Forks residents chose not to file a complaint, the FHD filed. Pending.

RECENT RULING IN NORTH DAKOTA

The Fair Housing of the Dakotas (FHD) was recently issued notices by the North Dakota Department of Labor (NDDOL) that Probable Cause was found in a case involving a Mandan, ND landlord's distribution to tenants of a holiday letter which included retaliatory references regarding the filing of a fair housing complaint by a then tenant. The letter also included references and comments regarding a former tenant's disability, comments about "foreigners" in the building and comments regarding renters from Vietnam and India. The FHD also alleged that the holiday letter intimidated tenants from enforcing their fair housing rights.

The NDDOL ruled that discrimination had occurred to people with disabilities and due to national origin. The complaint resulted from an allegation filed with the FHD in 2005 by a Mandan, ND resident. The FHD complaint was originally filed with the NDDOL in January, 2006. The parties have elected to have the case heard in District Court. Pending. (Case Name: State of North Dakota v. Bachmeier)

HUD NEWS

Illinois Apartment Owners Charged in Violation of the Fair Housing Act

HUD charged owners of an apartment building in New Lenox, Illinois, with violating the Fair Housing Act for allegedly forcing a white woman to move out

when her African-American boyfriend moved in.

HUD Orders Owners of Montana Apartment Building to Make it Accessible to People with Disabilities

HUD Secretary, Alphonso Jackson, reversed a HUD administrative law judge (ALJ) decision dismissing a Fair Housing Act design and construction case in Billings, MT after finding that the property owners violated the Fair Housing Act by designing and constructing a 12-unit, 3-story apartment building and its common use areas in a way that made it inaccessible to people with disabilities. The case was sent back to the HUD ALJ to order the appropriate retrofits to the property and to assess monetary damages, civil penalties, and public interest and injunctive relief.

African-American Man Awarded \$17,500 in Damages From Housing Discrimination Lawsuit

In Kansas City, KS, the Federal District Court issued a consent order in a suit brought by a man, who filed a complaint with HUD alleging the owner of a four-plex located in Roeland Park, Kansas, refused to rent to him based on his race. In addition to paying monetary damages, the property owner must prominently display in all owned rental properties that they are available for rent on a non-discriminatory basis; include the words "equal housing opportunity provider" in all advertising; and ensure all employees receive fair housing training within 90 days, among other things.

To view HUD's *Fair Housing News*, or for more information on the cases above, go to <http://www.hud.gov/offices/fheo/index.cfm>

FAIR HOUSING PUBLICATIONS

The Fair Housing of the Dakotas web site has several publications online regarding fair housing. Choose our "What is Fair Housing" link to view the list of publications. Publications are also available through postal mail by contacting the FHD or by completing our on-line Publications Form. See the FHD's web site at www.ndfhc.org for more information.

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.

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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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.