

North Dakota Fair Housing Council

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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, age (40 and over) and status with respect to marriage and public assistance.

In North Dakota, discrimination in housing

most often occurs to people with disabilities, families with children and minorities. In 2003 in North Dakota, the NDFHC assisted in filing 25 complaints of housing discrimination due to discrimination against 47 protected classes. The NDFHC also initiates lawsuits on behalf of aggrieved individuals when necessary.

JUSTICE DEPARTMENT SETTLES LAWSUIT WITH FORT LAUDERDALE APARTMENT COMPLEX FOR DISCRIMINATING AGAINST INDIVIDUALS WITH CHILDREN

WASHINGTON, D.C. - The Justice Department today announced the settlement of a lawsuit alleging discrimination based on familial status by the owner of the South Bank Apartments in Fort Lauderdale.

The government's lawsuit alleged that the owner violated the Fair Housing Act by refusing to rent to families with children and pressuring pregnant women and families with children to leave the building. Rental leases for the South Bank Apartments expressly included a clause forbidding any children under 18 years old from living at the apartment complex. The owner also pressured several long-term residents to move out of the building after they had their first child. According to the consent decree, one of the victims stated that after she became pregnant, an employee led her to believe

that she would have to move out of the building following her child's birth.

"No woman should have to choose between a baby or a home," said R. Alexander Acosta, Assistant Attorney General for the Civil Rights Division. "Parenthood cannot be a barrier to housing. We will not hesitate to enforce the law where we find evidence of landlords discriminating against families with children."

Under the consent order, which was filed in the U.S. District Court for the Southern District of Florida and must be approved by the court, the owner will pay a total of \$70,000 to four families with children and a \$5,000 civil penalty to the United States. The discriminatory rental policy has been discontinued.

The case was referred to the Department of Justice by the Department of Housing and Urban Development.

"Access to housing is a right that this office takes very seriously," said United States Attorney Marcos Daniel Jimenez. "I am proud of the joint work that our prosecutors, Veronica Harrell-James and Stephanie Fidler, did with the Department of Justice attorney Allen Levy. Those persons that illegally discriminate against others should know that the federal government will pursue all available remedies against them."

"Over 15 years ago, Congress said housing discrimination against families with children has no place in America," said Carolyn Peoples, Assistant Secretary for Fair Housing and Equal Opportunity at the U.S.

Department of Housing and Urban Development. "HUD, with the Department of Justice, will continue to enforce the Fair Housing Act on behalf of America's families."

The case was jointly handled by the Justice Department's Civil Rights Division and the United States Attorney's Office for the Southern District of Florida.

Since January 1, 2001, the Justice Department's Civil Rights Division has filed 131 cases to enforce the Fair Housing Act, including 31 based on familial status discrimination.

VOLUNTEERS NEEDED

The North Dakota Fair Housing Council 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.

UPCOMING MEETINGS OF INTEREST

Upcoming meetings of interest in North Dakota: November 5-6, 2004: North Dakota Human Rights Coalition 2nd Annual Conference. "Human Rights: The Economic Impact of Discrimination." Location: Best Western Ramkota Hotel, 800 South Third Street, Bismarck, ND 58504. For more info, visit www.ndhrc.org

DEPRESSED PAIR WINS DOGFIGHT-COURT RESTORES \$18,000 AWARD IN BIAS CASE

(<http://sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/08/26/BAGJV8E79315.DTL>)

[Bob Egelko, San Francisco Chronicle Staff Writer](#)

Thursday, August 26, 2004

Pooky, the little terrier who saved her owners from depression before being expelled by their condominium association, turned out to be the courts' best friend Wednesday.

The state Court of Appeal in Sacramento said Pooky didn't need special skills or training to be a therapeutic "companion animal," a status that can override a no-pets rule imposed by an apartment owner or homeowners association.

While Pooky was long ago placed with new owners and will not be returning home, the ruling does reinstate \$18,000 in damages awarded to her owners in 2002 by the state Fair Employment and Housing Commission for disability discrimination.

At the center of the case are Ed Elebiari, who suffered brain injuries in a 1992 auto accident, and his wife, Jayne, a paralegal whose research on companion animals led to their court battle.

Both had been diagnosed as clinically depressed, but their spirits brightened in April 1999, when Jayne Elebiari brought the 11-pound Pooky home to the couple's Auburn condominium. They said the dog got them out of the house for walks, seemed to sense their moods and made it easier for them to face the day.

Their condominium association found out about

the dog two months later, cited its no-dogs policy and told the Elebiaris they would have to get rid of Pooky or face fines starting at \$50 a day.

The Elebiaris complied and sank back into depression. Letters to the association from their therapists saying the Elebiaris needed the dog were met by demands from the managers for more documentation and a suggestion that the couple should get a cat, allowed under the rules.

In June 2000, the association relented, but the Elebiaris already had filed a complaint with the state and made plans to sell their unit. They left Pooky at the home of friends, where a child had grown attached to her. The Department of Fair Employment and Housing sued on the Elebiaris' behalf in February 2001.

The couple now live in Rochester, N.Y., with Pooky II, a male Lhasa Apso, who "helps us get up in the morning," Jayne Elebiari said. "Everybody needs unconditional love."

Ed Elebiari called Wednesday's decision a victory for the disabled.

"Now, the people with disabilities cannot be put down, cannot be (deprived) of the things they need to go through daily life," he said.

In Wednesday's ruling, the court rejected the condo association's argument that the disability law requires waiver of a no-pets rule only for a specially trained animal, like a guide dog for the blind.

"It was the innate qualities of a dog, in particular a dog's friendliness and ability to interact with humans, that made it therapeutic here," said Justice Harry Hull in the 3-0 ruling.

An attorney for the Auburn Woods I Homeowners' Association was unavailable for comment. The ruling, which overturns a Placer County Superior Court decision last year,

could be appealed to the state Supreme Court.

E-mail Bob Egelko at beigelko@sfchronicle.com.

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, disability issues, advertising, publications available on-line or via postal mail, related links and much, much more.

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