

# North Dakota Fair Housing Council

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## **SUIT FILED AGAINST MINOT LANDLORD BY FAIR HOUSING COUNCIL AND FORMER MINOT RESIDENT CHARGING DISCRIMINATION**

BISMARCK, ND, October 7, 2003 – The North Dakota Fair Housing Council (NDFHC) and a former Minot resident have filed a federal lawsuit against Earl Allen, a Minot landlord, charging discriminatory housing practices against people with disabilities and due to race, color and national origin.

In 1999, the NDFHC received a complaint of discrimination against Mr. Allen from a then Minot resident alleging discrimination based upon race and disability. On the basis of the complaint, the NDFHC conducted an investigation of Mr. Allen's business operations. The investigation by the NDFHC confirmed the basis for the complaint. As a result, in 2000, a complaint was filed with the North Dakota

Department of Labor's Division of Human Rights and with the U.S. Department of Housing & Urban Development (HUD) alleging housing discrimination based upon disability and race. On October 28, 2002, the North Dakota Department of Labor issued a determination of no reasonable cause.

The lawsuit charges that Mr. Allen instructed agents and employees to discourage or refuse any rental application submitted by Native Americans; applied different lease requirements to rental applications submitted by African Americans; refused to rent a dwelling unit to a person because of his or her disability; failed or refused to allow reasonable accommodations based upon disability; and threatened and harassed former employees with knowledge of his discriminatory housing practices. The lawsuit also alleges that Mr. Allen made discriminatory statements about people with disabilities, Native Americans and African Americans such as referring to Blacks as "niggers" and "savages", asking a tenant if she minded that Blacks were living downstairs and remarking that he didn't want an African American family's apartment "to turn into a commune like they do down south".

The federal law that governs housing discrimination is the Fair Housing Act (FHA), which was passed by Congress in 1968 and amended in 1988.

The FHA forbids discrimination in the sale, rental or financing of housing on the basis of race, color, religion, national origin, gender, familial status (presence of children), or disability. The North Dakota Century Code on Human Rights and state Fair Housing laws forbid similar kinds of discrimination and also gives further protection to individuals on the basis of age (40 and over), and status with respect to marriage and public assistance.

The NDFHC and the individual plaintiff are represented in the lawsuit by Christopher Brancart, a lawyer from Pescadero, California who specializes in fair housing litigation.

## **RECENTLY FILED COMPLAINTS**

The NDFHC has assisted a number of North Dakotans in filing fair housing complaints this year with the North Dakota Department of Labor's Human Rights Division. A brief description of the most recently filed complaints follows:

The NDFHC assisted a Bismarck resident with disabilities in filing a complaint of housing discrimination when his Bismarck landlord denied a reasonable accommodation to allow a service animal.

The NDFHC filed a complaint of housing discrimination against a Mandan landlord alleging discrimination against people with disabilities and those receiving public assistance in the landlord's refusal to accept disability benefits in rental payments.

The NDFHC filed a complaint of housing discrimination against a

Wahpeton housing provider alleging a restrictive occupancy standard.

The NDFHC assisted a Fargo family in filing a complaint of housing discrimination alleging the denial of families with children and an overly restrictive occupancy standard.

The NDFHC filed a complaint of housing discrimination against a Minot property alleging discrimination in the denial of housing due to age and familial status.

The NDFHC assisted a Bismarck resident with disabilities in filing a complaint of housing discrimination in the denial of a reasonable accommodation.

The NDFHC filed a complaint of housing discrimination against a West Fargo housing provider alleging sexual harassment and gender discrimination.

The NDFHC filed a complaint of housing discrimination against a Fargo housing provider alleging it did not meet the new design/construction and accessibility requirements of the Fair Housing Act for people with disabilities.

The NDFHC assisted a former West Fargo resident in filing a complaint of housing discrimination against a West Fargo landlord alleging discrimination due to the presence of children in the serving of an eviction notice following the birth of a child.

The NDFHC filed a complaint of housing discrimination against a Dickinson housing provider alleging the denial of housing to families with children and

those who receive public assistance.

The NDFHC filed a complaint of housing discrimination against a Devils Lake housing provider in the denial of a reasonable accommodation of a service animal and/or the charging of an additional deposit for a service animal.

### **HUMAN RIGHTS CONFERENCE OCTOBER 24 & 25, FARGO**

The North Dakota Human Rights Coalition will be hosting a conference titled, "Fostering a Network of Support for Human Rights Advocates in North Dakota".

The conference is designed to bring together concerned individuals, community leaders, support and advocacy organizations and professionals who share a common interest in human rights for North Dakota. The conference will be held October 24-25 in Fargo and is being held at the Ramada Plaza Suites & Conference Center, 1635 42nd St. S.W., Fargo.

On Friday evening, October 24<sup>th</sup>, there will be a casual setting multicultural social to promote cross-cultural exchange and encourage collaboration and conversation, and promote understanding and respect for people from different cultures and communities in our area.

Conference sessions will begin on Saturday, October 25<sup>th</sup>. A variety of speakers will enlighten the audience with discussions on human rights related issues. The registration fee is \$25 and includes conference materials and lunch. For more information on the conference

and/or the agenda, contact: North Dakota Human Rights Coalition, P.O. Box 1961, Fargo, North Dakota 58103. Phone: (701) 239-9323 Fax: (701) 478-4452 www.ndhrc.org

### **FAIR HOUSING CASE SETTLES FOR \$7,500**

(LOUISVILLE, Sept.4, 2003) -- The Kentucky Fair Housing Council and the owners of an apartment building in Louisville's Hikes Point neighborhood have settled a housing discrimination complaint involving familial status discrimination and advertising for \$7,500. The agreement also calls for the respondents to undergo fair housing training.

The settlement resolves claims filed by the Fair Housing Council in September 2002 alleging that respondents, Bob and Sandra Wilson, violated the Fair Housing Act by placing discriminatory advertisements in the Louisville Eccentric Observer (LEO), a weekly newspaper, and discouraging families with children from renting from them.

The advertisements, which were published in April and July 2002 editions of the LEO, contained the discriminatory wording "ideal for single older person," and "ideal for 1," respectively. Based on the ads, the Council conducted an intensive investigation of the Wilsons' housing practices.

Testing revealed that Mrs. Wilson routinely questioned homeseekers about their familial status, and told a pregnant female tester as well as a male tester with a young son that there were "a lot of elderly and retired people" in the building and that there were not any children in the building. The pregnant female tester was also told that the apartment "may not be what you're looking for."

The Wilsons contend that there was no discriminatory intent behind their actions, and they

made no admission of any wrongdoing. The \$7,500 settlement amount includes costs for fair housing training conducted by the Council.

Fair Housing Council v. Wilson et al. HUD No. 04-02-1408-8; HRC No. C00-HO904

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**DAKOTA FAIR HOUSING  
ND Fair Housing Council, Inc.**

**533 Airport Road**

**Bismarck, ND 58504**

**Phone: 701-221-2530**

**Toll Free:**

**1-888-265-0907**

**FAX: 701-221-9597**

**TDD: 1-800-927-9275**

**ND Relay:**

**1-800-366-6889 (Voice)**

**E-Mail: [ndfhc3@btinet.net](mailto:ndfhc3@btinet.net)**

**Website: [www.ndfhc.org](http://www.ndfhc.org)**

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