



# The Chuckwagon

February 2004

A quarterly production by  
**MONTANA FAIR HOUSING**

In true Montana spirit, the Chuckwagon . . . the newsletter to fill your fair housing appetite.

## Tales Roun' the Campfire

A synopsis and/or update of cases filed with the Montana Human Rights Bureau (HRB), the Department of Housing and Urban Development (HUD), and/or federal or district court. This synopsis is not necessarily all inclusive . . .

Following an investigation initiated from an allegation of housing discrimination against housing providers in the Bitterroot Valley, in August 2003 Montana Fair Housing filed five administrative complaints with HUD. These complaints were filed against housing providers owning and/or managing property in Hamilton, Victor, Corvallis and Stevensville. The housing providers were requiring deposits for service animals, steering persons with service animals to particular units, and/or directly denying potential applicants who had service animals. Properties involved in the complaints include Terrace Apartments, BurntFork Manor, Willow Creek Apartments, Willow Court Apartments, and Parkside Apartments. In addition to paying part of the costs incurred during MFH's investigation, Respondents have agreed to attend training on the disability provisions of the federal Fair Housing Amendments Act (FHAA), display fair housing posters and information in prominent locations at all sites, and review all policies and procedures in place to ensure compliance with the federal FHAA.

MFH v. The Daily Inter Lake. In August 2003 MFH filed an administrative complaint with HUD against the Respondents for allegedly violating the advertising provisions of the FHAA. In November an agreement was reached between MFH and the Inter Lake requiring the newspaper to print once per month for a period of 12 months an ad provided by MFH. In addition, the Inter Lake paid to MFH \$2,126 to cover costs incurred during MFH's investigation, and staff involved in advertising will attend training on the FHAA advertising provisions.

MFH v. Schessler. In October and November of 2003, MFH and a family in Laurel filed complaints of housing discrimination with HUD. The complaints alleged that the Respondents denied housing opportunities for families with children. In January 2004 an agreement was reached between MFH and the Respondents requiring financial reimbursement in the amount of \$1,500 to MFH and that the Respondents attend training on the provisions of the FHAA.

MFH v. Schauer Construction, R.B. Inc., and Tipton. An administrative complaint was filed with HUD in February 2004 alleging discrimination against persons with physical disabilities. The property involved, located on Banff Avenue in Billings, was allegedly designed and constructed in violation of the federal Fair Housing Amendments Act design and construction guidelines.

MFH v. Nelson. In January 2004 Montana Fair Housing filed a complaint against the owners of a property located on Lake Elmo Drive in Billings. The allegations include violations of the design and construction provisions of the Fair Housing Amendments Act.

MFH v. Parkview Apartments. Following an investigation, MFH filed an administrative complaint alleging discrimination based on disability against the owners of Parkview Apartments in Havre. The Respondents allegedly deny housing opportunities to individuals with service animals.

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## **2003 In Review From the Director**

For those of you new to Montana Fair Housing (MFH), we are a private nonprofit, full service fair housing organization. We provide education to housing providers as well as consumers of the industry. MFH serves the entire state of Montana from our office in Missoula and currently has three full time staff and two part time staff. As a full service organization, we also provide enforcement activities when necessary and again have consumers as well as providers as clients.

Montana Fair Housing addresses, in our education and enforcement endeavors, issues arising in regards to discrimination in housing, as defined by the federal Fair Housing Amendments Act and/or the Montana Human Rights Act. We do not provide services addressing violations of the Montana Landlord and Tenant Act. We do our best to refer people to appropriate agencies on issues other than Fair Housing, including providing referrals to what we believe to be accessible housing for persons with disabilities and income-based housing sources.

## Montana Fair Housing

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**YES** I want to support the efforts of Montana Fair Housing toward reducing the occurrence of housing discrimination in Montana. Enclosed is my tax-deductible membership contribution:

- limited income - \$10
- individual membership-\$25
- family membership - \$35
- nonprofits - \$50
- individual sponsor - \$200
- corporate friend - \$250
- corporate sponsor - \$500
- other: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State/Zip: \_\_\_\_\_

HUD disclaimer notice: The work that provided the basis for this publication was supported in part by funding under a grant awarded by the US Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The authors and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication.

In 2003, MFH received 1,743 calls. Over 15% of those calls were from housing providers seeking technical assistance and advice on the federal and state Fair Housing provisions, and informing us of discriminatory activities they encounter and/or observe. Four hundred and twenty one allegations of housing discrimination were received and thirty-four administrative complaints were filed with the Department of Housing and Urban Development through Montana Fair Housing, one was filed in US District Court, and MFH assisted individuals in the filing of five administrative complaints with the Montana Human Rights Bureau.

Of the 421 allegations of housing discrimination received in our office, 162 alleged discrimination against persons with mental and/or physical disabilities, 95 calls alleged discrimination on the basis of familial status, 53 calls alleged discrimination on the basis of National Origin, and 21 calls alleged discrimination on the basis of Race. The remaining calls included 7 based on Religion, 19 on Gender, 28 on Marital Status, 20 on Age and 16 on retaliation and harassment.

MFH provided over 20 presentations and workshops across the state last year. In addition to our outreach done in travel, we sent out four newsletters and targeted mailings addressing design and construction issues and advertising.

In reviewing the allegations from the past years, several issues are very apparent to me, and extremely alarming. First, discriminatory behavior in regards to housing is pervasive and is an ongoing problem, and is often quite blatant. Some housing providers are not very discreet in demonstrating their preferences in tenant selection.

Discriminatory activities continue to increase against persons with disabilities -- the group from which we receive the most allegations. Where we see the greatest problems are issues related to service animals (see page 1) and apartment buildings that have been newly constructed.

Despite the enormous amount of effort and resources Montana Fair Housing has placed on educating architects, builders, developers and local and state offices across the state, MFH continues to be overwhelmed by the number of noncompliant covered multifamily housing projects being constructed in Montana. We expect continued efforts toward resolving this issue in the future through education and enforcement activities, including the filing of cases similar to that involving the City of Missoula.

Last year, MFH filed an administrative complaint, with the Montana Human Rights Bureau, against the City of Missoula. The settlement resulting from this complaint requires City Building officials to provide an acknowledgment document to all builders/owners seeking building permits. The builders/owners would need to sign the form acknowledging their obligation to comply with the accessibility guidelines provided for under the Fair Housing Amendments Act.

It has been proven by many Builders' Associations and individual contractors that it costs very little to meet the design and construction guidelines of the FHAA upfront (estimated to be 1/2 of 1%). By contrast, it can easily cost hundreds of thousands of dollars to retrofit a complex following a complaint and/or lawsuit. The fundamental problems with inaccessible apartments are that people with disabilities are denied housing and others denied the opportunity to get an apartment where they can invite friends and family with disabilities to visit.

Montana Fair Housing's mission continues to focus on providing education and enforcement activities across the state in an effort to eliminate discrimination in housing.

## Housing Conference 2004

Best Western Grant Creek Inn  
5280 Grant Creek Road  
Missoula, MT 59808  
(406) 543-0700

An Annual Event Sponsored by  
Montana Fair Housing

Attendance of Both Days  
Approved for 10.5 Mandatory Credits

Cost (includes dinner): \$75/person for day one  
\$110/person for both days

Cost for Attendance of Dinner Only: \$35

### April 22, 2004

8:00 - 8:45 Registration  
8:45 - 9:00 Opening Remarks  
9:00 - 10:30 Federal & State Fair Housing Laws  
10:45 - 12:00 Advertising - Newspaper & Owner Liability  
for Discriminatory Ads

Concurrent Workshops:

1:00 - 5:00 Design & Construction Requirements  
1:00 - 3:00 Reasonable Accommodation/Modifications  
3:15 - 4:00 Housing for Older Persons Act  
4:00 - 5:00 Fair Housing Amendments Act Exemptions  
6:00 - 8:00 Dinner & Awards

### April 23, 2004

Concurrent Workshops:

8:30 - 11:30 Montana State Landlord & Tenant Act  
8:30 - 10:00 Federal & State Age Discrimination Laws  
10:15 - 11:30 Familial Status & Occupancy Standards

Please submit registration, payment and  
requests for accommodations by April 12, 2004 to:  
Montana Fair Housing  
904A Kensington Avenue  
Missoula, MT 59801  
Attn: Pam Bean

Name: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Firm: \_\_\_\_\_

Phone: \_\_\_\_\_

## Tip O' The Hat - Our Acknowledgements

Montana Fair Housing would like to thank:

**Allegra Print & Imaging**

for their support to further fair housing.  
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## Tid Bits from the General Store Our Announcements

Montana Fair Housing is currently soliciting nominations for our "Duh, It's the Right Thing to Do" award. All nominations should be submitted to Pam Bean at Montana Fair Housing by April 1, 2004. Please include the name, address, and phone number of the nominee and your contact information. Nominations should provide a brief description of why you believe the nominee should be considered as a recipient of the award. The nominee must have participated actively in events that further fair housing endeavors in the State of Montana over the past year.



**She  
gives  
everyone a  
chance...  
so should you.**

**Montana Fair Housing**  
904A Kensington Avenue  
Missoula, MT 59801

**NonProfit Organization**  
U.S. Postage Paid  
Missoula, MT  
Permit No. 107

Alternative Format Available Upon Request

If you suspect unfair housing practices  
and/or want to find out more about  
discrimination in housing contact:

**Department of Housing  
and Urban Development**

1-800-877-7353

TDD 1-800-927-9275

or

**Montana Fair Housing**

1-800-929-2611

1-406-542-2611

Montana Relay Service: 711



**EQUAL HOUSING  
OPPORTUNITY**

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Tip O' the Hat - Our  
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