

The Chuckwagon

a quarterly production by

MONTANA FAIR HOUSING

Volume 28/November 2001

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 . . .

MFH/Kropf vs. Matranga - In December of 2000, a single mother attending classes at the university, attempted to purchase a mobile home placed on a lot owned by the Matrangas. In a meeting for application to the mobile home court, the owners allegedly made statements referencing the complainant's marital status, sex, and familial status as reasons for denying her application. Following an investigation by Montana Fair Housing, administrative complaints were filed in June. A reasonable cause finding was issued in August by the Montana Human Rights Bureau. The federal cases are still pending.

MFH/Coe vs. Schaberg - In May 2001, J. Schaberg of Missoula allegedly denied housing to a single male based on his sex. An investigation by MFH provided information supporting the complainants' allegations and administrative complaints were filed in June with both HUD and HRB. In August the HRB found reasonable cause on behalf of Mr. Coe. The federal cases are still pending.

MFH/Urbush vs. George Lewis, Westview Mobile Home Park, Leanne Ravalin, Marilyn Ruguleiski, et. al. - An overview of this case was provided in the August edition of our newsletter. This case involved allegations of discrimination based on the denial of a reasonable accommodation. A settlement was reached in October resolving all claims. In the next newsletter, the Chuckwagon will provide a summary of the affirmative relief obtained and how it applies now at Westview Mobile Home Park.

MFH/et. al. vs. Sandstone Village, et. al. -MFH and four individual complainants have filed state and federal administrative complaints against Sandstone Village, its former on-site managers, and owners in Great Falls, alleging discrimination based on gender, race, national origin, and disability. The complaints allege former on-site managers engaged in discriminatory practices and that the owners, upon written and verbal notification by complainants, failed to intervene and/or respond to these notifications. The allegations include sexual harassment, epithets and slurs based on race and national origin, and denial of a reasonable accommodation.

MFH/Grace vs. Bracken, Runge, and Wakewood Acres Homeowners' Association -Federal and state administrative complaints have been filed against the above-named respondents for discriminatory practices against persons with mental disabilities. The complainant attempted to purchase a home in the Wakewood Acres subdivision in the Kalispell area last spring. The home would have served as

an adult foster care home for four adults with mental illnesses. The complaints allege that the homeowners' association denied the complainant acceptance based on the protected class of the residents.

In Memory of . . .

On October 1, Montana Fair Housing's Office Manager, Cathy Woods, died after enduring an extended illness. Cathy had worked for MFH since August of 1996. She started with us on a work experience program and within a year became a permanent employee. Cathy will be remembered and missed as a devoted employee, often going well beyond the requirements of her position. She had a wonderful sense of humor, incredible patience, and immeasurable compassion for her coworkers and our clients. Cathy not only left a void at Montana Fair Housing that will never be filled, but three sons, sisters and brothers, parents, and many, many friends. Those of us who knew her over time will remember and miss her encouraging wisdom and enlightening hope.

Roundin' 'em Up

Articles and/or local or national events to ensure our readers are keeping abreast of new information.

A Heads Up: The **Montana Landlord & Tenant Act** was amended this year by our state legislature and those changes went into effect on October 1, 2001. For a revised copy of the law, contact our office at 1-800-929-2611 or 406-542-2611. The law and its amendments are available on line at <http://www.umt.edu/lawinsider/library/lawbyjur/lawbyjur.htm#2>.

Fair Housing 101

Montana Fair Housing's mission, in short, is to eradicate housing discrimination in the state of Montana. Montana Fair Housing is a full service, private, nonprofit fair housing organization. Our office is located in Missoula and we offer education and outreach services to all citizens and businesses in the state of Montana. When necessary we also perform enforcement activities, including the investigation of allegations of discrimination, counseling to victims of discrimination, and assistance in the filing of federal or state administrative complaints. Federal complaints are filed with the Department of Housing and Urban Development. State complaints are filed with the Montana Human Rights Bureau. We also assist victims of discrimination throughout the federal and/or state investigation. When appropriate, we will file cases in federal or district court. MFH serves both housing providers and consumers of the industry.

Our services focus solely on discrimination in housing as defined by federal or state law. Obviously we receive calls

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E-mail: mfhzng@montana.com

Web Site:
montanafairhousing.click2site.com

Board of Directors:

Cary Griffin
Monte Jewell
George Smith
Dawn Typanski

Staff:

Bob Liston, Executive Director
Pam Bean, Programs Manager
Sarah Etzel, Housing Specialist

from large numbers of individuals with questions or issues that are not related to housing discrimination. For these individuals we serve as a source of referral for landlord and tenant complaints, housing searches, etc.

Whatever your questions or concerns, please do not hesitate to call! We are not attorneys, and therefore cannot offer legal advice, but we can refer you to the appropriate resource, send you materials (most often free of charge), offer case law, and/or assist you with identifying discrimination in housing and taking the appropriate action.

Often consumers and providers believe that federal and state Fair Housing Laws cover only federal or state funded housing projects. The federal and state Fair Housing Laws cover ALL housing transactions that affect a qualified applicant's ability to access the housing of their choice. This includes advertising, rentals, homeowners' associations, mortgage and lending transactions, sales, insurance, appraisals, etc.

Federal protected classes include race, color, national origin, religion, sex (gender/includes sexual harassment), familial status (the presence of children under the age of 18 and/or pregnancy), and handicap (disability/both mental and physical). The law also contains provisions barring harassment, interference, or coercion based on someone's protected class. A provider cannot retaliate against someone who exercises her/his civil rights by filing a complaint of housing discrimination.

State law, in addition to barring discrimination against members of the federally protected classes, prohibits discrimination against an individual because of his/her age, marital status, or creed.

Obviously this is a VERY brief introduction to fair housing and to Montana Fair Housing. For questions or comments, please contact MFH toll free at 1-800-929-2611 or (406) 542-2611.

Requests for Reasonable Accommodations: The Service Animals, Companion Animals and Comfort Animals Dilemma

These days questions about reasonable accommodation and/or modification requests most often revolve around service animals. To understand requests for these accommodations there are a couple of basic concepts a provider needs to know generally about requests for accommodations and/or modifications.

1) Can a housing provider inquire as to the nature, severity, or treatment of the disability? ANSWER: No. A housing provider has a right to verification of the disability as defined by federal and state law, and verification of the need for the accommodation and/or modification.

2) Can a housing provider request the verification come only from a medical professional? ANSWER: A provider has a right to verification of a disability by a qualified professional who would have knowledge of the disability and the need for an accommodation and/or modification. The "qualified professional" does not have to be a doctor or other licensed medical provider. Verification may be provided by, for example, a voc-rehab counselor, nurse practitioner, or case manager if such individual has expertise relating to the request or has access to records verifying the disability and treatment needs.

3) Does the housing provider have to offer the accommodation exactly as requested? ANSWER: No. A provider can offer an alternative accommodation that would still meet the need of the tenant, but not provide an undue burden to the provider.

4) Can only a tenant request an accommodation or modification? ANSWER: No. Federal and state fair housing laws offer protections for visitors of tenants and family members. If a request for an accommodation or modification is received by the guest of a tenant, the provider needs to treat the request as he/she would if the request were coming from a tenant.

5) Does an individual with a disability need to use the terms associated with fair housing laws such as accommodation, modification, or service animal? ANSWER: No. If a housing provider is notified by a consumer that he/she has a disability and needs a physical change to a unit and/or

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Name: _____

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common area or needs a change to a policy, practice, service or rule, the provider has an affirmative duty to share with the consumer the provider's policy for requesting an accommodation or modification.

And what about service animals specifically?

1) What is the difference between a service animal, companion animal or comfort animal? ANSWER: For purposes of federal and state Fair Housing Laws, essentially none. Companion animals or comfort animals become service animals when a medical provider verifies that a person has a disability as defined by fair housing law and needs the animal for treatment and/or to live in the community as ably as someone without a disability.

2) Does the service animal have to be a trained service animal? ANSWER: No.

3) Can a housing provider ask that the service animal be spayed, neutered, or have its vaccinations? ANSWER: A housing provider can ask that the animal have vaccines or licenses as required by local laws. The provider cannot ask that the animal be spayed or neutered.

4) If a housing provider has a no pets policy does he/she have to allow a service animal? ANSWER: Yes. A service animal should be viewed as an assistive device, much like a wheelchair.

5) Can a provider charge a deposit for a service animal? ANSWER: No, not even if the provider charges tenants with pets an additional deposit.

6) Should a provider have a request for an accommodation specific to service animals? ANSWER: The policy of having a separate request form for service animals immediately demonstrates differential treatment, a practice that is illegal under the federal and state fair housing acts.

7) Can a housing provider place limits on the size of a service animal or breed of service animal? ANSWER: If a consumer does not have the service animal already, the provider has more latitude on this issue, though needs to be open to discussion if the consumer has identified a specific service animal. If the consumer has the service animal, a housing provider cannot refuse the acceptance of that service animal.

8) Can a housing provider have rules regarding the service animal? ANSWER: Yes. A housing provider has the right to request that the animal be leashed when in public or common areas. The housing provider can ask that all feces be cleaned up and disposed of properly. The housing provider does not have to allow the animal to disturb other tenants, destroy property, or pose a threat to others.

How individuals cope with their disability is different from person to person. Symptoms of a disability can be different from person to person. Some disabilities happen suddenly, others worsen over time. Some disabilities are temporary and some are permanent. Housing providers need to address every request for an accommodation, or modification, individually.

Montana Fair Housing mediates, without charge, several accommodation and modification requests each year. We offer information to providers and consumers that outlines the law and provides forms for the request, verification of disability, and approval or denial. For copies of this packet, mediation services, and/or more information, please contact our office at 1-800-929-2600 or (406) 542-2611.

Tid Bits from the General Store Our Announcements

Montana Fair Housing is offering workshops for consumers and providers across the state. These workshops have been approved for accreditation by the Board of Realty Regulation (4 mandatory), the Board of Social Workers (4), and the Montana Bar Association (4). The workshops can also be submitted for credit receipt through self report forms by architects. The cost for each participant is \$75.00.

Each recipient will receive a notebook containing copies of applicable laws, case references, resources, and reference materials.

Our workshops focus on the federal and state fair housing acts, design and construction issues, and regulations involving accessibility of public and common areas and dwelling units.

Our next workshop is scheduled in **Sidney on December 13th** from 8:00 a.m. to noon at the Lone Tree Motor Inn. Please contact our office for further information and registration requirements.

To register, return the form below, with your registration fee by December 6 to:

Montana Fair Housing
904A Kensington Avenue
Missoula, MT 59801

Name: _____

Organization/Agency: _____

Phone: _____

City: _____

State/Zip: _____

Professional License: _____

Montana Fair Housing is now offering our newsletter and other mailings via e-mail. If you would like to receive our mailings through e-mail services, please e-mail Pam at mfhzng@montana.com. Include your name, your company or agency affiliation, if any, your e-mail address, phone number, and mailing address.

For several months Montana Fair Housing has been compiling a list of housing providers and complexes, for referral purposes, who are known to make housing available without the implementation of discriminatory practices. This list will soon be available for \$5.00 per copy and covers housing statewide. Please contact MFH if you are interested in purchasing a copy of this list.

Mark your calendars! Housing Conference 2002 is scheduled for April 23rd, 24th, and 25th, 2002. The conference will be held at the West Yellowstone Holiday Inn Conference Hotel in West Yellowstone. A block of rooms has already been reserved. For suggestions on conference topics and/or speakers, please e-mail Pam at mfhzng@montana.com.

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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

TDD 1-800-253-4093



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