

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 vs. the Ravalli Republic - In December 2001, Montana Fair Housing filed an administrative complaint, with the Department of Housing and Urban Development, against the Ravalli Republic in Hamilton. The complaint alleges that the Ravalli Republic printed discriminatory advertisements indicating a preference based on gender and familial status.

MFH vs. Safeco Insurance Company, Montana International Insurance, and Carol Hacoover, Agent -David Wright's father has been and currently is undergoing medical treatment for cancer. Due to his father's disability and advanced age, his father obtained the services of a personal care assistant. In January 2001 the personal care assistant fell on two separate occasions and broke each of her arms. On 1/31/2001 Safeco advised Mr. Wright that the homeowner's insurance policy was being cancelled and Montana International Ins. further informed Mr. Wright that the company would not obtain an alternative policy because of the risks. In December of 2001, MFH filed an administrative complaint with HUD alleging discriminatory practices based on the disability of Mr. Wright's father.

MFH/Little Eagle/Lindsey vs. Wilson Apartments and Greg Pekovich. In the summer of 2001, Amanda Little Eagle and Eugene Lindsey contacted MFH alleging discrimination against them and their children based on Race. The on-site manager, Russ Shelley, allegedly harassed Mr. Lindsey, an African-American, by making racial slurs and falsifying lease violations. The owner of the property, Greg Pekovich, settled the case in January 2002, without admission to the allegations. The terms of the settlement include the payment of \$2,708 to the individual complainants and \$1,000 to Montana Fair Housing for future monitoring of Mr. Pekovich's sites. Mr. Pekovich and his agents will attend fair housing training and display fair housing posters and brochures at his sites.

April is Fair Housing Month!

What are you planning to further fair housing in your area?

Roundin' 'em Up

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

HOUSING CONFERENCE 2002

Housing Conference 2002 will be held in West Yellowstone, Montana, at the SunSpree Resort/Holiday Inn. The conference is co-sponsored by Montana Fair Housing and Wyoming Fair Housing and is scheduled for April 24, 25, and 26, 2002. Application for Continuing Education Credits has been submitted to the Montana Board of Realty Regulation, Montana Bar Association, Montana Board of Licensed Social Workers, Idaho State Bar Association, Idaho Real Estate Commission, Wyoming Bar Association, and the Wyoming Real Estate Commission. Registration fees, including a dinner, will be \$125 per person for individuals requesting receipt for continuing education credits and \$75 per person for the general public. Registration brochures will be mailed by March 1, 2002, and deadline for registration will be April 8, 2002.

An awards dinner will be held April 25th and we are seeking nominations for any individual or company that furthers fair housing endeavors in the states of Montana and Wyoming. Please submit your nominations to Montana Fair Housing, attention Pam Bean, by March 15, 2002. Nominations must include the name, title, organization/agency name, address and phone number of your nominee, with a short description of why you believe this person is eligible for this award.

**Montana Fair Housing's
Year At A Glance - 2001**

Montana Fair Housing received 1,658 calls and inquiries in 2001, with 342 of those calls containing allegations of discrimination in housing. Three hundred twenty-seven allegations addressed practices in the rental market, one in the mortgage and lending market, three in advertising, four involved the insurance industry, and seven alleged discrimination in sales practices. After investigation, MFH filed, or assisted individuals in filing, 68 administrative complaints with the Department of Housing and Urban Development and/or the Montana Human Rights Bureau. In addition, we filed two cases in Federal District Court.

Broken down by protected class, the largest number of allegations involved persons with disabilities, a total of 154. The bulk of these calls were requests for reasonable accommodations and/or modifications and were mediated by MFH or resolved by submittal of formal requests. Fifty-three allegations were based on familial status, four on

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religion, fifty on national origin, twenty-eight based on race/color, nine on gender, 10 on age, 13 on marital status, and twenty-one involved sexual or racial harassment.

Fair Housing Council Obtains Consent Decree and \$35,000 in Fifth Familial Status Case of 2001

(PASADENA, 1/4/2002) -- The owners and manager of a Pasadena, California apartment complex have paid \$35,000 under a Consent Decree and Court Order and will participate in a comprehensive fair housing training and advertising program to settle claims of familial status discrimination.

The Fair Housing Council of San Gabriel Valley, along with Javier and Ana Ramirez, sued Donald Follett and resident manager Juan Perez in federal court (#01-05537R Central District, California), alleging that defendants discriminated against tenants and on the basis of familial status in the operation of the apartment complex. Specifically, the complaint alleged that defendants enforced an unwritten policy prohibiting children from playing outside.

Mr. and Mrs. Ramirez lived with their children for a year at the 26-unit complex, and the family had multiple disputes with the property management over the enforcement of the policy. Along with the payment of \$35,000, under the Consent Decree and Order signed by United States District Judge Manuel Real on December 27, 2001, the defendants must participate in a comprehensive two-year program under the court's jurisdiction.

The terms include fair housing training for each defendant; distribution to all tenants of new, children-neutral house rules written by the Fair Housing Council; distribution to all their tenants of Fair Housing pamphlets; family-affirmative advertising; and display of fair housing posters.

Ramirez was the fifth familial status case successfully litigated in 2001 by the Council's new litigation team. Each of the five cases produced comprehensive Consent Decrees or settlement agreements. "This set of decrees and settlements not only benefits those tenants living at the subject properties and who will no longer have to live in a discriminatory environment," said Frances Espinoza, the Council's executive director. "They also benefit the community at large by sending a clear message that familial status discrimination is unlawful and will not be tolerated in our community."

The plaintiffs were represented by Gary Rhoades and Danielle Jones with the Fair Housing Council. Defendants were represented by Allen Brown from the Law Offices of Allen Brown in Whittier, California.

**[Fair Housing Council, et al. v. Don Follett, et al,
No. 01-05537 R (C.D. Cal. 12-01)]**

Fair Housing Council of San Gabriel Valley Reaches Settlement in Family Segregation Case

11/16/2001 - The owners of a La Puente, California apartment complex have agreed to pay \$8,750 and participate in a comprehensive fair housing program to resolve a complaint filed with the Fair Housing Council of San Gabriel Valley in Pasadena.

On July 20, 2001, Carolina Flores and Jaspal Singh filed a fair housing complaint on behalf of their family against Glendora Apartments, Inc. of La Puente. The couple alleged that Glendora Apartments discriminated against tenants on the basis of familial status.

The Council's investigation confirmed the allegations: Families with children were forced to accept units in the "family" side of the complex, whereas families without children were given the opportunity to live in the non-family section of the complex.

When Complainants moved into the designated non-family section of the complex with their 10-year old daughter, complaints from tenants immediately followed. Tenants living in the non-family section had been informed by the manager that no children would be allowed to live in that section of the complex, and that children were confined to live and play in a designated area of the complex.

In a settlement agreement signed by the parties, the owners of Glendora Apartments admitted to implementing this segregated living arrangement and committed to immediately discontinue this discriminatory practice of imposing differential treatment and terms on families with children. In settlement of the family's claims, Glendora Apartments, Inc. agreed to pay the family \$8,750 and dismiss a pending eviction action.

Under a comprehensive two-year settlement agreement, Glendora also

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: _____

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agreed to participate in fair housing training, education of their tenants and future applicants, affirmative advertising and display of fair housing posters.

Ms. Flores and Mr. Singh were represented by Danielle Jones and Gary Rhoades, attorneys with the Fair Housing Council. Glendora Apartments, Inc. and its owners were represented by Layne Liddle of Liddle & Liddle in Pasadena.

BNI Announces Settlement in Familial Status Lawsuit

10/17/01 - A Baltimore City mother of a 5 year old child and a local fair housing organization filed suit in Federal District Court of Maryland against Park Raven Apartments Limited Partnership for violations of the Fair Housing Act. Walida Howard of Baltimore City and Baltimore Neighborhoods, Inc. (BNI), a private, nonprofit fair housing organization, joined as plaintiffs in the lawsuit claiming discrimination on the basis of familial status. The parties have settled the matter for \$24,200. Ms. Howard telephoned Park Raven Apartments in February 2001, requesting information on two-bedroom apartments. The leasing agent asked if Ms. Howard had children and what was the child's age. After learning that Ms. Howard had a 5 year old son, the agent stated that one unit was available on the first floor. Further, the agent stated that the practice was to place all families with children on the first floor. The leasing manager confirmed this information with Ms. Howard. Ms. Howard informed the employees that the practice of steering families to certain floors was illegal, but the staff stood by their policy. BNI's investigation confirmed this Park Raven Apartments policy of assigning families to certain floors or buildings.

The federal Fair Housing Act of 1968, as amended, prohibits discrimination against families with children in their custody. Prohibited acts include segregating families into certain buildings or floors or setting terms and conditions of tenancy toward families that are not imposed on others.

The settlement terms also included a provision requiring fair housing training for the staff at Park Raven and a written apology to Ms. Howard. Ms. Howard, who has a background in rental management, had stated that the incident made her angry and upset. Tracey Gill, Fair Housing Program Manager at BNI, said, "Many people in the rental industry are unaware about the familial status provisions of the law. We hope that the lawsuit educates the industry, resulting in a reduction of discrimination complaints."

The plaintiffs were represented in this matter by Beth Pepper, Esquire. Inquires should be made to Ms. Pepper at 410-752-2744 or Tracey Gill at 410-243-4400.

Landlords Who Prohibited Children From Playing Outside Pat \$50,000

July 27, 2001 - The owners and an on-site manager of a Baldwin Park, California apartment complex have agreed to pay \$50,000, rescind eviction notices, and then participate in a comprehensive fair housing program to resolve complaints filed with the Fair Housing Council of San Gabriel Valley in Pasadena.

Three families filed fair housing complaints with the Fair Housing Council of San Gabriel Valley against owners Ray Pelligrino and Robert Ward, and their on-site manager, Hector Gomez. Pelligrino and Ward owned and operated an apartment complex in Baldwin Park. The families alleged that for at least a year their children were not allowed to play outside, that Gomez harassed children who did venture outside, and that two of the families were given Thirty Day Termination notices when they violated the rules in the complex. In settlement of the families claims, Ward, Pelligrino and Gomez agreed to rescind the termination notices. They also paid the families and the Fair Housing Council a total of \$50,000. Under the Settlement Agreement, they also agreed to pay for and

participate in a comprehensive community fair housing training, use affirmative advertising and display Fair Housing posters. The families were represented by Gary Rhoades and Danielle Jones, lawyers with the Fair Housing Council of San Gabriel Valley.

The owners were represented by Bradley Bush and Turan Williams from the Los Angeles law firm of Even, Crandall, Wade, Lowe & Gates.

Tip O'The Hat

Montana Fair Housing wants to thank the following individuals and companies that offered their support to further fair housing in Montana in 2001:

- First Interstate Bank, Missoula**
- Glacier Bank**
- Rocky Mountain Bank**
- Heritage Bank**
- Farm Credit Services**
- Mountain West Bank**
- First Interstate Bank, Billings**
- Pete Burkett**
- Jack D. Lewis, Native Winds**
- The Cascade Courier**
- The Wotanin-Wowapi**
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- Janis Flynn Pyrak**
- Chris Brancart, Attorney at Law**
- Cedric Black Eagle**
- Brian Flaherty**
- Bruno Friia, Lambros Realty**
- James Hoffman, AIA**
- Tom Orr, Attorney at Law**
- Klaus Sitte, MT Legal Services**
- Karen Rohnke**
- Tim Kelly, Attorney at Law**

**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.

To schedule a workshop in your area call Montana Fair Housing at (406) 542-2611 or (800) 929-2611.

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.

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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

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**EQUAL HOUSING
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