



# The Chuckwagon

A quarterly production by

**MONTANA FAIR HOUSING**

November 2003

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 . . .

### **ACCESSIBLE HOUSING LAWSUIT SETTLED**

After many months of hard work on all sides, settlement of a fair housing lawsuit has been reached between Montana Fair Housing (MFH), the only full service, private, non-profit fair housing organization serving Montana, and the owners, developers, architects, engineers, and managers of two large Missoula housing developments.

Filed in April, 2003, the suit contended that the Miller Creek View Addition and Fairway View Addition developments failed to meet the basic accessible design and construction requirements mandated in the Fair Housing Amendments Act of 1988, which requires that multifamily housing units provide physical accessibility into and through the units for persons with disabilities.

"These two complexes combined contain over 300 units. According to the law, ground floor units should be accessible," explained Bob Liston, Executive Director of Montana Fair Housing. "Instead of providing this very basic access, nearly all of the ground floor units had one or more steps at the entrances, preventing anyone who uses a wheelchair from entering. And, there were numerous additional access problems."

Specifically, the lawsuit alleged that owners and developers Lloyd Twite and Scott Twite, architects Jerrell Ballas and FBB Architects, engineers Gilbert Larson and DJ&A, P.C., and property managers Geoffrey and Delores Bayliss and Fidelity Management Services, Inc. discriminated against people with mobility impairments and other disabilities by failing to provide legally required basic accessible design features in the new apartment complexes.

"Despite the fact that this law has been on the books for 15 years, many contractors, architects and engineers in Montana seem to not be aware that the Fair Housing Act requires seven basic accessibility features in all post-1991 construction of multi-family housing complexes of 4 or more units," Liston added. Those seven required features include:

- \* An accessible route to an accessible entrance of the apartment (no steps).
- \* Usable doors.
- \* Accessible route into and throughout the apartment.
- \* Environmental controls, light switches, and

electrical outlets in accessible locations.

- \* Usable bathrooms and kitchens.
- \* Reinforcement in bathroom walls for later installation of grab bars.
- \* Access to all common use and public areas.

"As a person who uses a wheelchair, I feel it is long past time for the civil rights of people with disabilities to be taken seriously. The design of these complexes denies equal housing to anyone who has a mobility impairment or who might want to have a friend or family member with a disability visit them. In situations like this one, the law applies to owners, developers, architects, contractors, building inspectors, and any others responsible for compliance with fair housing laws."

Settlement of the lawsuit requires the defendants to create up to 120 accessible units through new construction and retrofit of existing apartments over the next six years. In addition, defendants are to pay an undisclosed amount of damages, and receive training on fair housing.

### **Montana Fair Housing Reaches Agreement with City of Missoula**

Montana Fair Housing and the City of Missoula reached an agreement, which settles a complaint filed with the Montana Human Rights Bureau in April of 2003. The complaint alleged that personnel who work for the City of Missoula were violating fair housing laws by not providing appropriate notification to persons "prior" to the building multi-family housing.

"Montana Fair Housing's mission is to ensure that ALL Montanans have equal access to housing in this state. We believe some of the actions and information provided by Missoula officials was allowing apartment buildings of four units or more to be built in ways that are not accessible and therefore, not compliant with the Federal Fair Housing Act and the Montana Human Rights Act. We are seeing a lot of apartment complexes going up that are built split-level—that is stairs leading to all apartments," stated Bob Liston.

Pursuant to the agreement, the City of Missoula will put into place various activities that will help ensure that owners and developers understand their responsibilities for Design and Construction requirements under various applicable laws. Among the items agreed to in this settlement are:

- All City officials who have anything to do with building permits, zoning, codes, etc. will attend training conducted by Montana Fair Housing;
- All persons requesting a building permit will be required to sign a letter of acknowledgement of their understanding that they may be required to follow certain federal and state accessibility standards; and
- Montana Fair Housing and the City will jointly ask the State of Montana for interpretation and clarification of

## Montana Fair Housing

904A Kensington Avenue  
Missoula, MT 59801  
Voice: 406-542-2611  
Fax: 406-542-2235  
Toll Free: 800-929-2611

E-mail: [mfhzng@montana.com](mailto:mfhzng@montana.com)

Web Site:  
[montanafairhousing.bizland.com](http://montanafairhousing.bizland.com)

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Pam Bean, Project Coordinator  
Sarah Etzel, Investigation Specialist  
Anna Sage, Intake Specialist

**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: \_\_\_\_\_

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city officials' responsibility to inspect for federal standards.

In addition, Montana Fair Housing plans to conduct a significant number of workshops around Missoula and the state to better inform builders, owners, architects and building inspectors of their responsibilities under federal and state accessibility laws.

"We look forward to working collaboratively with the City of Missoula, as well as other entities, to ensure that persons with disabilities have equal housing opportunities in Montana," added Bob Liston, Executive Director of Montana Fair Housing.

The Fair Housing Act prohibits discrimination on the basis of race, national origin, color, religion, gender, disability, or familial status (having children under the age of 18). Additionally, the Montana Human Rights Act prohibits discrimination against persons based on their age, marital status and creed. For information regarding rights and responsibilities under the Fair Housing Act, contact Montana Fair Housing at 542-2611 in Missoula or (800) 929-2611.

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**Roundin' 'em up -  
Local and National Updates and Articles**

### **HOPE Fair Housing Center Settles Civil Rights Case Against City Of West Chicago**

HOPE Fair Housing Center announces that, with the assistance of the United States Magistrate Judge Sidney Schenkier, it has settled the pending legal actions filed by the families of Rigoberto and Hugo Romero and by HOPE Fair Housing Center against the City of West Chicago, involving claims of discrimination against Hispanic residents in the enforcement of West Chicago's Building Codes.

The City of West Chicago will pay the Romero family, HOPE and HOPE's lawyers a total of \$100,000.00 as part of the settlement and will enter into a four-year contract with HOPE to provide Fair Housing services to the City. The parties have also agreed upon a series of program and policy changes that are designed to ensure that the safety of all West Chicago residents is maintained and at the same time, that all laws are enforced fairly and without regard to national origin. Bernard Kleina, Executive Director of HOPE Fair Housing Center, said that, "We are very pleased we were able to resolve these cases. The policy changes agreed upon will benefit not only the Hispanic community but every neighborhood in the City. West Chicago officials acted responsibly and in the interest of all by agreeing to work with HOPE toward this resolution. We look forward to a cooperative relationship in the future."

The Agreement encompasses the following types of programmatic changes:

- 1) Revised inspection warrant procedures to insure uniform practices and legal safeguards.
- 2) Restrictions on the ability of the City to seek the names and address of registered students for Building Code enforcement purposes.
- 3) Policies to ensure that Spanish speaking City personnel are available to assist in all Building Inspections where needed.
- 4) The creation of a Bilingual Public Information Officer to assist residents in dealing with Code Enforcement activities.
- 5) Revised procedures for the issuance of Overcrowding Citations.
- 6) Restrictions on the scope of warrant inspections.
- 7) The establishment of a formalized grievance system by which citizens may lodge complaints about the code enforcement process.
- 8) The establishment of procedures to maintain the privacy of certain investigative documents.

The Romero families and HOPE Fair Housing Center were represented by Jeffrey L. Taren and Joanne Kinoy from the law firm of Kinoy, Taren and Geraghty, P.C.

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Montana Fair Housing has workshops approved for continuing education credits with the Board of Realty Regulation in Montana. These workshops are approved for one hour, two hour, three hour, four hour and six hour presentations. To schedule a presentation in your area or for your organization, contact Pam Bean or Bob Liston at (406) 542-2611 or (800) 929-2611 or via e-mail at [mfhzng@montana.com](mailto:mfhzng@montana.com).

## 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

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:

**Doug Campbell  
and  
Chris Brancart**

for their financial support to further fair  
housing in the state of Montana.

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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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