



The Chuckwagon

November 2004

A quarterly production by
MONTANA FAIR HOUSING

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, et. al. v. L & M Construction, LLP and Professional Consultants, Inc. - In July 2004 Montana Fair Housing and an individual complainant filed in US District Court, District of Montana, Missoula Division, against L & M Construction and Professional Consultants, Inc., alleging a failure to comply with federal and state fair housing laws prohibiting discrimination based on disability, including a failure to design and construct a residential multi-family apartment complex, located on Trail Street in Missoula, in compliance with the federal Fair Housing Amendments Act Accessibility Guidelines, and denying persons with disabilities equal housing opportunities.

MFH, et. al. v. Mountain View Development, Inc., Montana Home & Building Service, Druckenmiller Enterprises, LLC, and Omega Construction – In August, Montana Fair Housing and an individual complainant filed administrative complaints with HUD based on disability, against owners, operators, and contractors alleging failure to design and construct an apartment complex located in Livingston in compliance with the federal Fair Housing Amendments Act Accessibility Guidelines, and denying persons with disabilities equal housing opportunities. The individual complainant had

originally contacted MFH in regards to what she believed were unfair practices involving repairs and requests for modifications. Upon investigation, MFH discovered the complex was covered under the design and construction provisions of the Fair Housing Amendments Act and modifications should not have been necessary, particularly at the expense of the individual complainant.

MFH v. JR Bacon Drilling, Inc., Engineering, Inc., Larry Vigessa, and D.L. Inc. - At the end of August 2004 MFH filed administrative complaints with HUD against owners, operators, and contractors alleging a failure to comply with federal and state fair housing laws prohibiting discrimination based on disability, including a failure to design and construct a residential multi-family apartment complex, located in Billings, in compliance with the federal Fair Housing Amendments Act Accessibility Guidelines, and denying persons with disabilities equal housing opportunities.

Shootin' the Bull

Trujillos Get Condo's "Back Door" Policy Tossed;

Board Must Pay \$83,000 In Settlement

By Dave Reynolds, Inclusion Daily Express
September 14, 2004

GLENVIEW, ILLINOIS--The family of 10-year-old Jaime Trujillo finally got good news last Wednesday. Their son, who has physical and

mental disabilities, can roll his wheelchair right through the front entrance at Triumvera Tower Condominiums where they live, without threats of having to pay a fine.

In addition, according to the settlement of a lawsuit announced September 8, the Condominium Association's board will have to pay the Trujillo family \$70,000 for violating their rights under the federal Fair Housing Act. The Association will be issuing a formal apology for forcing Jaime to use the rear entrance. The Association's president must also "retire" from his post on the board. An additional \$10,000 was awarded to the widow of another resident who had been told he couldn't use the front entrance in his wheelchair.

Before the Trujillo family moved into the condominium in this Chicago suburb last September, they were told that condo policy does not allow furniture, strollers or wheelchairs to enter through the front entrance because they might damage the doors. The Trujillos said that they did not openly protest the rule at first because they worried they might be denied a home. The family said they tried to follow the policy, which directed them to use a rear entrance, until they found the route was barely wide enough for Jaime's wheelchair.

The Trujillos decided to use the front entrance, hoping that board members and other residents would see that Jaime's wheelchair did not cause damage to doors. This was met, however, with a letter from the Association directing them again to use the rear entrance. On another occasion, the board president allegedly ordered a building maintenance worker to physically block the front door to keep Jaime and his nurse from entering, then threatened to fine the Trujillos \$50 each time the boy came through the front entrance.

"We're glad to put this behind us, to move forward, to live in a beautiful building with fantastic neighbors," the boy's father, Claudio Trujillo, told reporters outside the courtroom Wednesday. "I'm glad that the rule is out . . . and that my son can enter the building through a main door."

In addition to the payments for the Trujillo family and the widow of the other resident, the Association will also have to pay a \$3,500 civil penalty for violating the fair housing law. Access Living, which represented the Trujillo family,

Montana Fair Housing

2522 South Third Street West

Missoula, MT 59804

Voice: 406-542-2611

Fax: 406-542-2235

Toll Free: 800-929-2611

Relay Service: 711

E-mail: mfhzng@montana.com

Web Site: fairhousing.montana.com

Board of Directors:

Cary Griffin

Sandy Romey

Dawn Typanski

Staff:

Bob Liston, Executive Director

Pam Bean, Projects Coordinator

Sarah Etzel, Investigation Specialist

Chelsea Rissner, Intake Specialist

Marsha Steinweden, Bookkeeper

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.

noted in a press statement that the policy sending Jaime to the back entrance of his home was much like pre-Civil Rights era policies requiring African Americans to sit at the back of buses.

"This settlement will serve as a tool for all people with disabilities to enforce their civil rights in housing," said Karen Tamley, Director of Programs of Access Living. "We hope that it also triggers a new commitment on the part of condominium and homeowners' associations, as well as property managers, to comply with fair housing laws."

Tid Bits from the General Store

Montana Fair Housing was notified in late September that we have been awarded a 12-month PEI grant from the Department of Housing and Urban Development. The award is for \$220,000 and reflects the only funds awarded by HUD in Montana providing for continued statewide education, outreach and enforcement endeavors in regards to the federal Fair Housing Amendments Act of 1988.

MARK YOUR CALENDARS!!!!

Housing Conference 2005 will be held at the Holiday Inn in Downtown Helena on April 14th and 15th

More information to come!

Promoting Equal Opportunity and Access to Housing

A workshop providing education for property managers, architects and developers, building code offices, advocates and consumers.

The **City of Lewistown** and **Montana Fair Housing** are co-sponsoring workshops scheduled from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. on December 14, 2004, at the Yogo Inn in Lewistown.

The **City of Glendive** and **Montana Fair Housing** are co-sponsoring workshops scheduled from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. on December 16, 2004, at the Best Western Jordan Inn in Glendive.

The morning session provides in-depth instruction of the federal and state Fair Housing Acts, including disability issues involving requests for reasonable accommodations and modifications, and the applicability of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 as those regulations relate to housing.

The afternoon session addresses the design and construction provisions of the federal Fair Housing Act Accessibility Guidelines and the relationship of those regulations to state Building Codes.

The registration fee for the morning session is \$30, the fee for the afternoon session is \$45, and attendance for both sessions is \$60.

The workshops are approved for credit hours by the Montana Board of Realty and the Montana Bar Association. Registration must be completed and submitted to Montana Fair Housing by close of business day December 6th. Please contact Pam at 406-542-2611 or 1-800-929-2611, or by e-mail at mfhzng@montana.com, for further registration information.

To register for the workshop in Glendive or Lewistown, complete the following form and submit with payment to:

**Montana Fair Housing
ATTN: Pam Bean
2522 South Third Street West
Missoula, MT 59804**

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

- Circle One:
- Morning Session - \$30
 - Afternoon Session - \$45
 - Both Sessions - \$60

Will you be attending in **Lewistown** or **Glendive**?



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

2522 South Third Street West
Missoula, MT 59804
WEBSITE: fairhousing.montana.com

On The Inside:

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

Tales Roun' the Campfire
Our Case Synopses

Shootin' the Bull
Trujillos Get Condo's
"Back Door" Policy Tossed

Tip O' the Hat
Our Acknowledgments

Tid Bits from the General Store
Our Upcoming Workshops
and Announcements