



# The Chuckwagon

A quarterly production by

MONTANA FAIR HOUSING

August 2005

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 summary is not all inclusive. . .

**Brock v. Mitchell** – In January 2005 an administrative complaint was filed alleging Mitchell, a housing provider in Missoula, denied housing to four men stating she would rather rent to women as they would probably stay longer and were less likely to leave “beer bottles out.”

On July 19, 2005, HUD issued a conciliation agreement granting affirmative relief and financial compensation to Mr. Brock. Respondents, admitting to no discriminatory practices alleged in the complaint, are to attend fair housing training, distribute Montana Fair Housing's brochures to all prospective residents for a period of one year, and display a fair housing poster in the rental office. Mr. Brock received \$396.00 as reimbursement for the expenses he incurred finding alternative housing.

**Sherman v. Great Falls Housing Authority and Greg Sukut** – In April 2005 three administrative complaints were filed with HUD, a Title VIII case, a Section 504 case, and an ADA case, alleging discriminatory statements were made to the Complainant on the basis of disability. On February 4, 2005, Mr. Sukut, an employee of the Great Falls Housing Authority, allegedly responded to an e-mail from Ms. Sherman requesting eligibility criteria for housing. Mr. Sukut responded by stating, “for information on disability the definition is in the Federal Register. You could probably look it up if you are not too \*\*\*\*\* lazy.”

The cases were conciliated on July 13, with no admission of violations by the Respondents. Respondents paid to the Complainant \$1,250.00 and agree to display fair housing posters in all offices and common areas.

## Shootin the Bull

Montana Fair Housing is a non-profit organization providing education, outreach and enforcement of the Fair Housing Amendments Act. Persons are protected from discrimination based on race, color, national origin, religion, sex (including sexual harassment), familial status (presence of children under the age of 18 and pregnancy) and disability. Discrimination can come in the form of direct refusals to rent, sell or negotiate based on a household's protected class status. Someone may also face discriminatory terms and conditions (i.e. a Native American family is asked to pay higher rent than white neighbors). Other activities covered by the FHAA include advertising, mortgage and lending, insurance, and other activities that are related to the housing industry.

Since 1995, when Montana Fair Housing began collecting statistics, our records indicate that the highest number of discriminatory allegations we receive are based on disability. People are not provided with reasonable accommodations or modifications, and new multi-family housing continues to be constructed that is not in compliance with the Design and Construction guidelines. Allegations of discrimination against families with children are the second highest complaint received, which usually involves direct denials (“we don't rent to families with children” or “all families live in the buildings in the back”).

Next, are allegations based on race and national origin issues, which, in Montana, is usually connected to Native Americans. It is MFH's experience that there continues to be significant discrimination against American Indians. Some of this occurs on the reservations and most fair housing laws don't apply on tribal lands. If Native Americans are experiencing discrimination in housing off reservations, or in housing not tribally owned, we may be able to assist.

If you feel you have been, or are currently, a victim of discriminatory housing practices, please call our office at 1-800-929-2611, or in Missoula at 542-2611. You can also contact us via email at [mfhzng@montana.com](mailto:mfhzng@montana.com).

HUD has recently completed studies of discrimination against Native Americans and persons with disabilities. We present these studies in an effort to demonstrate the level of discrimination, both in Montana and nationally.

## HUD STUDY SHOWS PEOPLE WITH DISABILITIES FACE DISCRIMINATION IN UP TO HALF OF RENTAL INQUIRIES

*New study the most comprehensive disability housing discrimination study conducted*

July 25, 2005 WASHINGTON - Today, the U.S. Department of Housing and Urban Development released a groundbreaking study, *Discrimination Against Persons With Disabilities - Barriers at Every Step*, that showed people with disabilities are often discriminated against when trying to rent apartments. The agency plans to use the comprehensive study to educate consumers and landlords on their rights as well as provide fair housing advocates with new guidelines and strategies that will allow them to investigate and detect discrimination against people with disabilities. In addition, the study will assist the agency in continuing to monitor the progress of discrimination against persons with disabilities in the Chicago area and nationwide.

"The Americans with Disabilities Act, the landmark legislation signed fifteen years ago tomorrow, has made great strides in reducing barriers to people with disabilities in employment, government, and public places." HUD Secretary Alphonso Jackson said. "At HUD, that means breaking down the barriers to affordable rental housing and homeownership that disabled individuals sometimes face. Through a combination of outreach, technical assistance, and enforcement of the Fair Housing Act, we've already accomplished a great deal but, we know more has to be done."

In the Chicago-based study, hearing-impaired people were discriminated against approximately 50 percent of the time when using a telephone-operator relay to search for rentals. Mobility impaired people using wheelchairs faced discrimination about a third of the time when they visited rental properties.

"We would all like to think we have made more progress in educating landlords about the Fair Housing Act but, this study paints a different picture of the problems faced daily by people with disabilities," said Jackson. "It is imperative that landlords provide people with disabilities the same attention and respect afforded all potential renters. We intend to educate both consumers and landlords about the rights of disabled individuals."

The study, conducted for HUD by The Urban Institute, is the most comprehensive effort to date to measure the extent of housing discrimination in the United States against people with disabilities. It specifically provides statistically valid measures of the level of discrimination faced by two groups in the Chicago metropolitan area: deaf persons using a TTY (text-telephone) relay system to inquire about apartments advertised for rent and persons in wheelchairs visiting rental providers in person in response to an advertised rental unit.

*Discrimination Against Persons With Disabilities - Barriers at Every Step* uses "paired testing," where researchers compare the treatment of the person with a disability against a similarly qualified non-disabled person inquiring about the same advertised unit. Analysts look at objective

measures, such as whether or not they were told the advertised unit was available, how many units they were told about, and if they were offered an application to complete.

Highlights of the study include:

- Deaf people using the TTY system to inquire about advertised rental units were refused service in one out of four calls. When leasing agents accepted TTY calls, users received significantly less information, than comparable hearing customers, about the application process.
- People with disabilities are frequently denied their requests for reasonable modification and reasonable accommodation necessary to make the available housing fully accessible.
- Both wheelchair users and deaf people using the TTY system received significantly less encouragement to pursue a rental agreement and were less likely to be offered a rental application than non-disabled customers.
- Nearly 20 percent of housing providers with on-site parking refused to make the reasonable accommodation of providing a designated accessible parking space for a wheelchair user.
- Discrimination is not the only obstacle that people with mobility impairments face in searching for rental housing. At least a third of the advertised rental properties in the Chicago area are not accessible to wheelchair users.

Based upon the methodology and results, HUD is releasing with this report, *Guidance for Practitioners* for fair housing advocates and include the study as part of the Fair Housing Academy's core curriculum. The findings of the study were also a major consideration when HUD recently decided to continue running its highly successful fair housing public service announcements.

HUD has also placed a greater emphasis on combating disability discrimination in recent years. The Department has invested over \$5 million in the Fair Housing Accessibility FIRST initiative, which has trained over 3500 builders, developers, and others on the how to design and construct apartments and condominiums with legally required accessibility features. Earlier this month, the Department announced a landmark settlement of a disability discrimination complaint, where a California developer will pay \$1.2 million to help retrofit units and common areas at San Diego condominium complex that allegedly failed to comply with the accessibility provisions of the Fair Housing Act. Under its authority to enforce Section 504, the Department has also conducted over a hundred compliance reviews of recipients of HUD funds in the past eighteen months, resulting in the creation of thousands of accessible dwelling units.

Copies of the study are available as a free download on the HUDUSER.org website at <http://www.huduser.org/publications/hsgspec/dds.html> or in printed form for a nominal charge by calling 1 (800) 245-2691.

## **HUD STUDY SHOWS MORE THAN ONE IN FOUR NATIVE AMERICAN RENTERS FACE DISCRIMINATION**

WASHINGTON - More than a quarter of Native Americans are discriminated against when attempting to rent homes, according to a study released today by the Department of Housing and Urban Development.

HUD Deputy Secretary Alphonso Jackson released the results of the study to attendees of the 60th annual meeting of the National Congress of American Indians. The conference is being held in Albuquerque, NM, through November 21.

*Discrimination in Metropolitan Housing Markets* found that Native Americans in the metropolitan areas of New Mexico, Montana and Minnesota consistently receive less favorable treatment than similarly qualified whites when inquiring about the same advertised rental unit. The study showed that Native American renters were discriminated against more than 28 percent of the time. In comparison, African Americans nationally are discriminated against 22 percent of the time, Hispanics, 26 percent and Asians, 21 percent.

"America has come a long way but this discrimination study illustrates that we have more work to do and we must stay focused to end discrimination," Jackson said. "We simply will not allow discrimination to stop families across this nation from living in any home, apartment, neighborhood they can afford."

"Discrimination against Native Americans is especially severe, frequently denying them access to available housing altogether, while other minorities often experience subtler forms of discrimination, such as higher rents and application costs or less advice and assistance from rental agents," said Margery Austin Turner, the study's lead researcher and director of the Urban Institute's Metropolitan Housing and Communities Policy Center.

The study describes an all-too familiar story: the plight of a 43-year old American Indian woman from Billings, Montana who inquired about renting a one-bedroom apartment for herself. She was willing to pay between \$250 and \$300 per month in rent.

The building manager told her that the advertised unit was no longer available and did not tell her about or show her any alternatives. A few hours later, a 55-year old white woman met with the same building manager, and asked about the same type of apartment. She was told that the advertised unit was still available, and she was able to walk through it that afternoon.

The study, which was based on 297 rental paired-tests conducted in the 8 major metropolitan areas of the 3 states and 100 sales paired-tests in New Mexico, is the first time HUD has measured the extent of housing discrimination against Native Americans.

In 2002, HUD released a report showing that the level of discrimination against African Americans renters had declined since 1989 from 26 percent to 22 percent, while the level of

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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:

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Discrimination in housing occurs when a housing provider makes a decision about a consumer's eligibility for services based on the consumer's protected class status. A housing provider cannot deny you services nor place special terms and conditions on you BECAUSE OF your membership in a protected class. Protected classes include: Race/Color, National Origin, Religion, Sex (including sexual harassment), Familial Status (presence of children under the age of 18 or pregnancy), and/or Disability (Mental or Physical, including requests for reasonable accommodations and/or modifications). In the state of Montana it is also a violation of the state's Human Rights Act to discriminate in housing related transactions based on marital state, age, and/or creed.

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.

discrimination against Hispanic renters had not changed. The report also showed that levels of discrimination faced by African American *homebuyers* had declined from 29 percent in 1989 to 17 percent in 2000 while discrimination faced by Hispanic homebuyers declined from 27 to 20 percent.

In 2003, HUD released another report showing the level of discrimination faced by Asians and Pacific Islanders is similar to the level experienced by African Americans and Hispanics.

Conducted by the Urban Institute, the study is the most ambitious effort to date to measure the extent of housing discrimination in the U.S. against persons because of their race or ethnicity.

"In addition to using the research to document the nation's progress in reducing housing discrimination, we also will use the data to better target HUD's education and enforcement resources," said Carolyn Peoples, HUD assistant secretary for fair housing and equal opportunity.

To help combat the problem, since 1989 HUD has awarded grants to public and private fair housing groups as well as to state and local agencies under the Department's Fair Housing Initiatives Program. Organizations use the money to educate the public and housing industry about discrimination laws, promote fair housing, and investigate allegations of housing discrimination. Initially funded at \$5 million in 1989, HUD this year is awarding \$20.2 million in FHIP grants.

HUD, in partnership with The Advertising Council and the Leadership Conference on Civil Rights Education Fund, recently released an edgy multimedia campaign designed to fight housing discrimination by showing the many faces of those persons protected by the nation's 35-year-old Fair Housing Act.

"These print and broadcast public service announcements are a powerful demonstration that it is not only wrong to discriminate in housing, it is against the law," explained Peoples. "It's unfortunate but 35 years after this important civil rights legislation, we are still educating people that fair housing isn't optional. It is a right."

The Native American study used a technique called "paired testing" to measure the level of housing discrimination. Paired testing matches two individuals, one minority and the other white non-Hispanic, and assigns them otherwise nearly identical characteristics. Both testers respond to the same advertisement within a short time of one another and independently record their experiences. Analysts then compare those experiences to determine which tester received adverse treatment on different treatment variables. Treatment variables are the various opportunities agents have to behave differently toward the paired testers. For example, each tester asks about the same advertised unit. If the unit is available to one and not the other, that test is recorded as showing adverse treatment toward the tester for whom the unit was not available.

Specifically, the study found that Native American renters in the three states experienced consistent adverse treatment relative to comparable whites in 28.5 percent of tests. The individual levels were 25.7 percent in New Mexico, 33.3 percent in Minnesota, and 28.6 percent in Montana. Systematic discrimination was quite high in the area of being told about unit availability.

Testing for Native American prospective *homebuyers* was only conducted in New Mexico. Native Americans in New Mexico experienced consistent adverse treatment relative to comparable whites 16.6 percent of the time, with systematic discrimination occurring in the area of steering.

### **Tid Bits from the General Store**

**November 10, 2005** – Montana Fair Housing and the City of Billings will be co-sponsoring a workshop focusing on the design and construction provisions of the federal Fair Housing Amendments Act.

Preregistration is required and must be received by 5:00 p.m. on November 3, 2005. For further information contact Pam Bean at 800-929-2611/406-542-2611 or via e-mail at [mfhzng@montana.com](mailto:mfhzng@montana.com).

**Housing Conference 2006 – April 20 and 21, 2006** – Montana Fair Housing's annual conference will be held at Fairmont Hot Springs. Discussion topics include: Fair Housing 101, case reviews, advertising, design and construction provisions, reasonable accommodation and modification requests, and the Montana Landlord and Tenant Law. Confirmed speakers are Sara Pratt, Chris Brancart, Florrie Brassier, and Kathy Kountz.

Montana Fair Housing will be accepting nominations for our annual "Duh, It's the Right Thing To Do" awards until April 1, 2006. Nominees must have exhibited an active interest and participation in furthering fair housing endeavors in their community or across the state.



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**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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### **On The Inside:**

**Tales Roun' the Campfire  
Our Case Synopses**

**Shootin' the Bull  
HUD Studies Show People with  
Disabilities Face Discrimination in up  
to Half of Rental Inquiries and that  
More than One in Four Native  
American Renters Face  
Discrimination**

**Tid Bits from the General Store  
Upcoming Workshops**