

Housing group suing city of Bozeman, developer

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By [AMANDA RICKER](#) Chronicle Staff Writer

Montana Fair Housing has filed a lawsuit against the city of Bozeman, alleging that a city housing ordinance illegally discriminates against people with disabilities and on the basis of age and marital status.

MFH, a Butte-based housing advocacy group, also names a local developer as a defendant in the suit for condominiums that the company built on the west end of town that aren't handicapped accessible, according to documents filed in U.S. District Court in Butte last week.

Pam Bean, executive director for MFH, said the condominium project demonstrates that the city isn't taking equal-housing issues seriously. She said the city shouldn't have issued an occupancy permit for the project.

But City Attorney Greg Sullivan said Thursday that city initiatives such as the workforce housing ordinance have proven the city's commitment to equal housing.

And, he said, the law isn't clear about whether the city is responsible for developers' compliance with the federal Americans with Disabilities Act.

MFH's biggest contention has to do with a city ordinance that prohibits more than four unrelated people from living together unless they meet certain criteria, Bean said.

MFH contends that prevents Montana State University students, people with disabilities and otherwise unmarried or unrelated folks from living together to offset costs.

"The first thing we want is that ordinance corrected," Bean said.

City officials, however, maintain that the ordinance is not discriminatory. More than four unrelated people can live together if they qualify for a conditional-use permit or as a "cooperative household." City officials review applications for such situations and decide if any special stipulations are necessary.

Sullivan said the city has offered to discuss possible changes to the ordinance with MFH and put it through the standard public process to change city laws. But, he said, MFH wants the law dropped altogether.

Neither Missoula nor Billings have ordinances restricting the number of unrelated people who can occupy a home. In Bozeman, property owners in violation of the city's ordinance may be fined up to \$500 a day and receive jail time.

In October, the state Human Rights Bureau found there was "reasonable cause" to believe Bozeman's housing ordinance illegally discriminates against people with disabilities and on the basis of age. But it did not support the charge of marital status discrimination.

That same month, the bureau also found reasonable cause to believe that the Bozeman developer named in MFH's lawsuit, Hinesley Development, illegally discriminated against people with disabilities.

The lawsuit names a 48-unit condominium project Hinesley Development built last year called "Ethan Place" and "Aiden Place" on Longbow Lane in the Laurel Glen subdivision. A call to the company for comment was not immediately returned on Thursday.

Bean said the condominium project's six buildings don't comply with federal ADA laws. For example, she said the buildings don't include proper ramps and door widths for wheelchair accessibility.

In addition to changes to the city housing ordinance, MFH wants the condominiums made accessible, a review of all city housing policies, and its legal expenses covered, according to the suit.

MFH also is requesting that the defendants contribute funds to its annual conference where MFH educates developers and city officials from around the state on equal housing laws, Bean said.

[Amanda Ricker](mailto:aricker@dailychronicle.com) can be reached at aricker@dailychronicle.com or 582-2628.