



### **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. . .

#### **MFH v City of Bozeman, Andy Epple, Vicki Hasler, Hinesley Limited Family Partnership, Hinesley Development, and Charles Hinesley, Sr.**

Montana Fair Housing brought this action to enforce provisions of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and the fair housing provisions of the Montana Human Rights Act.

In June 2009, MFH filed administrative complaints against the Defendants alleging discrimination based on disability, age and marital status. In October 2009 the Human Rights Bureau found cause to believe discrimination had occurred. When MFH and Defendants could not agree on an equitable solution to the problems, MFH filed a Complaint in Federal court.

On March 18, 2011, Judge Cebull signed an order finalizing an agreement between Montana Fair Housing and the Hinesley Defendants. The order requires the Hinesley Defendants to complete retrofits at the Aiden Place Condominiums, ensuring the dwelling units and common areas are accessible to persons with mobility limitations. The Defendants agree that any further covered multi-family dwelling developments will comply with accessibility requirements of the Fair Housing Act and the Montana Human Rights Act. In addition, MFH will receive almost \$60,000 in damages and to apply towards efforts to open housing opportunities for persons with physical and mental disabilities. The Hinesley Defendants are responsible for payment of reasonable attorney's fees and costs.

The City of Bozeman and Montana Fair Housing have not yet reached an agreement in regards to claims brought forth involving the alleged discriminatory actions of the named City officials and City of Bozeman.

The allegations against the City of Bozeman concern the ordinance limiting occupancy in real properties containing dwellings and housing accommodations located in the areas now zoned by the City of Bozeman as Zoning Districts R-S, R-1, R-2, and R-3. Filing of the complaints

and ultimate court action followed multiple attempts by MFH to address the discriminatory impacts of the ordinance.

The allegations address the actions of Andy Epple, as Director of Planning and Community Development for the City of Bozeman. Defendant Epple approved the design of the Hinesley Properties and supervised and administered the process resulting in the issuance of the certificates of occupancy for the properties. Defendant Epple also supervised, ratified and otherwise participated in the code enforcement activities of Defendant Hasler in enforcement of the zoning ordinance.

#### **MFH v City of Kalispell**

In November 2010, MFH filed an administrative complaint with the Department of Housing and Urban Development (HUD) alleging discriminatory actions by the City of Kalispell. This complaint remains pending with HUD.

May 9, 2011, MFH filed an action in Federal Court against the Defendants.

The Complaint arose following actions of the City Council concerning dwellings and housing accommodations located in Kalispell that are subject to city ordinances and zoning, occupancy permits and other regulatory and licensing activities. Allegations address real properties located in the areas zoned by the City for primary, preferential or exclusive use as single family housing. The complaint alleges violations by the City of the Federal Fair Housing Act as Amended in 1988 and the Montana Human Rights Act against persons with disabilities.

#### **MFH, et. al. v George & Joan Cowan**

In the spring of 2010, on behalf of a resident, MFH contacted the Respondents attempting to share information about their rights and responsibilities in regards to requests for reasonable modifications and accommodations. The Respondents own and operate the Acre Lawn Trailer Court in Ronan. The resident rents a lot for her mobile home from Respondents.

The resident, a person with a disability experiencing mobility limitations, had requested she be allowed to install, at her own expense, a ramp for secondary egress and ingress. Following denial of this request Montana Fair Housing and the resident filed a Complaint of Housing Discrimination with the Montana Human Rights Bureau

## Upcoming Events:

### Two-Hour Workshops Available Free of Charge:

6/16/11	Butte
6/27/11	Great Falls
6/28/11	Havre
6/29/11	Glasgow
6/30/11	Sidney
7/1/11	Lewistown

### Housing Conference 2012:

April 18 & 19, 2012  
Copper King, Butte

For more information about these events, contact our office at (406) 782-2573.

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 different 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 reasonable modifications). In the state of Montana it is a violation of the state's Human Rights Act to discriminate in housing related transactions based on marital status, age, and/or creed. In addition, in the City of Missoula, a housing provider cannot discriminate against a household because of gender identity or sexual orientation.

*For More Information about Discrimination in Housing, or to File a Complaint contact:*

Montana Fair Housing  
519 East Front Street \* Butte, MT 59701  
Voice: 406-782-2573 or 800-929-2611  
FAX: 406-782-2781 \* MT Relay Service: 711  
E-Mail: [inquiry@montanafairhousing.org](mailto:inquiry@montanafairhousing.org)  
Website: [montanafairhousing.org](http://montanafairhousing.org)

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(HRB) alleging violations of Title 49, Chapter 2, MCA.

In December 2010 HRB found reasonable cause to believe housing discrimination had occurred. In February 2011 a settlement was reached allowing the resident to install the ramp, awarding \$5,500 to the resident and MFH, and requiring the Respondents to provide information about fair housing to all residents and applicants.

### MFH v Corning Enterprises

In November 2010, MFH filed a complaint of Housing Discrimination with the Montana Human Rights Bureau against Steven Corning and Corning Enterprises.

Respondents own and operate properties for rent in Billings, and failed to respond to inquiries from Montana Fair Housing in regards to a request for a reasonable accommodation submitted by a resident seeking approval to keep her assistance animal in a "no pets" building.

Conciliation of the complaint was reached allowing the resident to keep her assistance animal and reimbursing MFH \$1,500 in accrued expenses. The Respondent also reimbursed the resident for fees and costs charged to the resident for the assistance animal.

In 2010 Montana Fair Housing filed complaints against eight housing providers alleging discrimination in housing based on disability and involving the denial of assistance animals or the requirement that tenants with disabilities pay additional deposits and fees for accommodations.

Housing consumers and providers remain confused about the definition of an assistance animal as per the fair housing provisions. While the Americans with Disabilities Act places stipulations on the type of animal approved as a service animal, and imposes certification requirements, fair housing provisions remain unchanged in regards to assistance animals. Fair housing provisions do not require that an assistance animal be trained or certified, and housing providers can not charge additional fees or costs, such as rent or deposits, for assistance animals.

Earlier this year HUD released guidance on assistance animals. This guidance, and the Joint Statement released by the Department of Housing and Urban Development and the Department of Justice on accommodations, are available on MFH's website. Both documents provide the reader with useful guidance on the process involved in requesting an accommodation, necessary definitions, and the information a housing provider can request to verify disability and need.

*Montana Fair Housing does not have an attorney on staff. Information contained in this newsletter should not be construed as legal advice and does not provide a legal opinion.*

### Shootin' the Bull

The staff at Montana Fair Housing wish to thank our Board of Directors, cooperating attorneys and volunteers for the time they have shared to further MFH's mission.

Our volunteers provide us with many hours each year, assisting us with investigations of housing discrimination, organizing events, and preparing for our annual conference.

We also want to thank Klaus Sitte, Chris Brancart, Kathy Kountz, Tim Kelly and Mary Scott-Knoll for the time they donated toward making Housing Conference 2011 a success!