

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. . .*

**MFH v. Davenport** - A complaint of housing discrimination was filed against Gail Davenport of Kalispell following the investigation of allegations received in August. Ms. Davenport, while seeking applicants for a unit in Columbia Falls, allegedly denied housing to potential applicants with assistance animals. The complaint also alleged Ms. Davenport made discriminatory inquiries about the diagnosis of persons with disabilities. The complaint was conciliated, without admission of discriminatory practices. Respondent compensated MFH for costs incurred, has incorporated a fair housing and accommodation policy into her application packet, and has agreed to attend fair housing training.

**MFH v. Lewis** - In September, MFH received a copy of an advertisement placed on Craig's List limiting a two-bedroom unit in Bozeman to two people. Following investigation, the organization filed a complaint alleging discrimination on the basis of Familial Status. The complaint names as Respondents Leland Lewis, Diana Lewis, and Jill Stowasser. This case is in the process of conciliating and the Respondents have tentatively agreed to reimburse MFH for costs incurred and attendance of fair housing training.

**MFH v. Wilson** - Following an investigation, MFH filed a complaint of housing discrimination against Ken Wilson of Havre, alleging the Respondent denied persons with disabilities reasonable accommodations by charging monthly fees for assistance animals. The complaint is currently under investigation by the Department of Housing and Urban Development.

**MFH v. Kasala** - After receiving allegations of housing discrimination, MFH conducted an investigation ultimately culminating in the filing of a complaint of housing discrimination against Claire and Jerry Kasala. Allegedly, Respondents denied rental opportunities to households with children and persons with disabilities because of "steep steps and high decks." The complaint is currently under investigation by the Department of Housing and Urban Development.

**MFH, et. al. v. Nelson and Vidales** - Following two allegations this summer and an investigation, MFH filed complaints of housing discrimination against Rosie Vidales, the seller of a mobile home located in Nelson's Mobile Home Park in Bozeman, and Esther Nelson, the mobile home park owner. Allegedly, the owner of the mobile home park, Mrs. Nelson, refuses to allow the rental of mobile home lots by households with children, and also denies housing to persons with disabilities needing dogs for assistance. The complaint is currently under investigation by the Department of Housing and Urban Development.

### **Shootin' the Bull**

Federal and State fair housing laws make it illegal to discriminate against someone because of that person's Race, Color, National Origin, Religion, Sex, Familial Status, Disability, Marital Status, Age, and Creed.

### **Ohio landlord fights ruling on 'White Only' sign at swimming pool**

**By Lisa Cornwell**

ASSOCIATED PRESS - Wednesday, December 14, 2011



CINCINNATI — A landlord found to have discriminated against a black girl by posting a "White Only" sign at a swimming pool wants a state civil rights commission to reconsider its decision.

The Ohio Civil Rights Commission found on Sept. 29 that Jamie Hein, who's white, violated the Ohio Civil Rights Act by posting the sign at a pool at the duplex where the teenage girl was visiting her parents. The parents filed a discrimination charge with the commission and moved out of the duplex in the racially

Montana Fair Housing is a private, non-profit, fair housing organization providing education, outreach, and enforcement activities throughout the state of Montana. MFH 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.

### Upcoming Events:

#### MARK YOUR CALENDARS!

#### Housing Conference 2012:

April 18 & 19, 2012  
Copper King, Butte

For more information about our Annual Conference, contact our office at (406) 782-2573, or register on-line at our website.

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:*

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diverse city to "avoid subjecting their family to further humiliating treatment," the commission said in a release announcing its finding.

An investigation revealed that Hein in May posted on the gated entrance to the pool an iron sign that stated "Public Swimming Pool, White Only," the commission statement said.

Several witnesses confirmed that the sign was posted, and the landlord indicated that she posted it because the girl used chemicals in her hair that would make the pool "cloudy," the commission said.

Hein, of Cincinnati, hung up when the Associated Press called her for comment yesterday. A message was left at her lawyer's office.

The commission's statement said that its investigation concluded that the posting of such a sign "restricts the social interaction between Caucasians and African-Americans and reinforces discriminatory actions aimed at oppressing people of color."

Commissioners are scheduled to hear Hein's request for reconsideration at a meeting Thursday in Columbus, commission spokeswoman Brandi Martin said.

If the commissioners uphold their original finding, the case will be referred to the Ohio attorney general's office, which would represent the commission's findings before an administrative law judge, Martin said.

Penalties in the case could include a cease-and-desist order and even punitive damages, but the administrative law judge would determine any penalties, Martin said.

It still would be possible for the parties to reach a settlement before resorting to legal action, she said.

Any decision by the administrative judge could be appealed to Hamilton County Common Pleas Court in Cincinnati, Martin said.

Housing Opportunities Made Equal (HOME) of Cincinnati assisted the complainants, Michael Gunn and Elizabeth Gerard, in filing the complaint of Housing Discrimination with the Ohio Civil Rights Commission. Elizabeth Brown, Executive Director of HOME, provided the following excerpt from the complaint.

*"We, Michael Gunn and Elizabeth Gerard, while residing at 3045 Verdin Avenue, Cincinnati, OH 45211 for almost two years, had unrestricted access to the pool area (including visitors). We invited my daughter, who is African-American, to visit and swim in the pool for the Memorial Day weekend. The owner, Jamie Hein, accused my daughter of making the pool "cloudy" because she used chemicals in her hair. Days later, she posted a sign on the gate to the pool which reads, "Public Swimming Pool, White Only". We were extremely upset and moved out on June 21, 2011 in order to not expose my daughter to the sign and the humiliation of the message."*