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FOR IMMEDIATE RELEASE

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UNPRECEDENTED INCREASE IN EQUAL HOUSING OPPORTUNITIES IN BOZEMAN

On October 9, 2012, U.S. District Court Judge Dana L. Christensen approved and issued a Consent Decree in the case of Montana Fair Housing v. City of Bozeman, ending a three year controversy over Bozeman's zoning and building practices. The result is a "one of a kind" commitment to equal housing in the city's housing market, according to Montana Fair Housing executive director Pam Bean.

Fair Housing, a nonprofit group advocating for equal housing opportunities throughout the state, originally filed a discrimination charge in June 2009, with the Montana Human Rights Bureau. After the state agency completed its investigation, Montana Fair Housing elected to file a lawsuit in federal court against the city and private developers that built inaccessible multi-family housing in the Laurel Glen subdivision. The City building department issued permits for the construction and later issued certificates of occupancy after doing inspections of the property.

The claims against the private developers, Charles Hinesley Sr., Hinesley Development and the Hinesley Family Limited Partnership, were resolved last year in a separate Consent Order and judgment entered against them for violating federal and state fair housing laws. The Hinesleys were ordered to correct conditions at the properties and make payments to Fair Housing for diversion of resources, efforts to increase housing opportunities for persons with disabilities in the Bozeman area, and legal costs. The agreement with the City does not affect this judgment.

Earlier this year, Judge Christensen denied a motion by the City to dismiss the case. In a separate order, the Judge found that part of the Bozeman zoning laws discriminated against persons with disabilities and the elderly. The Court ruled that Fair Housing's remaining claims could only be resolved at trial.

Lengthy settlement discussions between the City and Fair Housing followed. The Consent Decree resolves all claims brought by the fair housing group against Bozeman.

Under the terms of the Decree, Bozeman's 1994 fair housing policy has been revised to comply with current nondiscrimination laws. New forms and practices at the building department provide notices to owners and builders about their duties to meet accessible housing standards, and building inspectors will now review developments for compliance with accessibility requirements. In addition, the City's Authorized Uses chart has been rewritten to clarify that community residential facilities with eight or fewer residents and cooperative households are permitted in all residential districts. While the "Rule of Four" ordinance remains in place, any discriminatory impact from that rule will diminish if the new accommodation policies are implemented in a nondiscriminatory manner.

"A unique part of the Consent Decree is the City's adoption of a far reaching 'reasonable accommodation' provision as part of its zoning laws," Ms. Bean reported. This new provision in the Bozeman Unified Development Ordinance now allows any person, not just persons with disabilities or those associated with them, to ask the Planning Department for an exception to any zoning restriction when needed to comply with federal or state nondiscrimination laws.

According to California attorney Chris Brancart, a national expert in the area of fair housing laws, "The new Bozeman ordinance may serve as a model for other cities, especially when local zoning laws otherwise limit equal housing opportunities. That will depend on whether the public is well informed about the revised laws and enforcement follows the City's nondiscrimination policy."

According to Pam Bean, "Montana Fair Housing is committed to providing support for residents and advocates, and training for housing providers, on the effective use of the revised zoning laws, including the requirements to meet the 'cooperative household' definition and how to use the reasonable accommodation procedures. Montana Fair Housing's goal is to prevent the denial of housing in Bozeman because of disability, age, marital status or any other discriminatory factor. With the Court's order, we may now be closer to reaching that goal."

As part of the Consent Decree, the City has agreed to pay Montana Fair Housing a total of \$150,000 to bring the case to a close. Of that amount, \$22,000 will go to reimburse Fair Housing for the diversion of its resources in identifying the past discrimination in Bozeman. The remainder will go for court costs and attorney fees. According to Ms. Bean, "our attorneys made a decision to discount their fees by 30% as part of the settlement, indicating their personal commitments to making fair housing a reality."

The full content of the consent decree is available on our website at www.montanafairhousing.org in the press section.

For more information about promoting fair housing in your community, please contact Montana Fair Housing at 782-2573. ###