

In true Montana spirit, the Chuckwagon . . . the newsletter to fill your fair housing appetite.



**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.**

### **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. Roundup Mesa Landowners Association**

– In November 2011 MFH received an allegation of discrimination in housing based on the caller's Familial Status. The caller resided in a subdivision located outside Roundup. The caller indicated that Respondents had, as a Board of Directors, indicated in the July 2011 meeting of the Board that the school bus was not to enter the subdivision. In January 2012 MFH was able to mediate the issue and the school bus was allowed to enter the subdivision to pick up and drop off children for the remainder of the school year. In July 2012 the Board of Directors reversed that decision and again decided that the school bus was not to drive into the subdivision. In November 2012 MFH and the household filed administrative complaints with HUD alleging the Landowners Association discriminated against households with children. In January 2013 MFH and the caller also filed complaints with the Montana Human Rights Bureau.

**MFH v. Staudacher** - After receiving allegations of housing discrimination, MFH conducted an investigation ultimately culminating in the filing of a complaint of housing discrimination with HUD against Carol Staudacher of Havre. The administrative complaint was filed in October 2011. Allegedly, Respondent made housing unavailable because of a person's disability and refused to make a reasonable accommodation. Respondent denied the allegations and refused to enter into discussions to conciliate the

matter. In April 2012 HUD issued a charge of discrimination against the Respondent and Montana Fair Housing elected to move the matter to Federal Court. In September 2012 MFH and Respondent agreed to settle the complaint for affirmative relief including mandatory training of the Respondent and adoption of a written fair housing policy.

**MFH v. Guenther** – In September 2012 MFH received a call alleging discrimination against households with children and households including unmarried couples. Following the phone call, MFH initiated an investigation and secured evidence indicating that the Laurel housing provider would not rent to households with children and/or unmarried couples. MFH and the caller filed administrative complaints with the Human Rights Bureau, settling the complaints in December for affirmative relief and reimbursement of costs incurred by Montana Fair Housing. The Respondents have incorporated a fair housing policy into their rental practices and will attend fair housing training.

**MFH v. Nistler** – In July 2012 Montana Fair Housing received information that multifamily units were being constructed at 175 and 195 Silsbee Avenue in Helena. MFH mailed information to Nistler Electric and Nistler Construction as developer, and Gabriel Nistler as the agent for the developer and owner of the property. The information sent to Mr. Nistler advised him of the design and construction accessibility requirements contained in the Fair Housing Amendments Act and the Montana Human Rights Act. In September MFH conducted windshield reviews of the property noting deficiencies in the accessible route and parking for persons using a wheelchair for mobility. MFH filed an administrative complaint with HUD in November alleging violations against persons with disabilities for failing to construct the complex in a manner compliant with the design and construction requirements of the Fair Housing Act as Amended in 1988.

**MFH v. SAS Investments** – After receipt of an allegation of housing discrimination last summer,

## UPCOMING EVENTS:

**Montana Fair Housing has several training opportunities scheduled for individuals, advocates, and housing providers. The workshops are approved for continuing education credits for Attorneys, Property Managers and Realtors.**

### **Housing Conference 2013**

April 23 & 24, 2013 - Butte

See our website for registration information.  
Approved for 14 mandatory credits!

### **The Design & Construction of Multifamily Housing - A Fair Housing Perspective**

February 27 – Helena  
8 a.m. to 10 a.m.

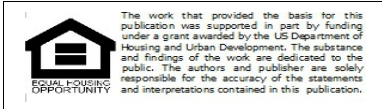
Pre-registration is required.  
There is no fee to attend!

For more information contact the City of Helena:  
Voice: 406-447-8437 or 406-447-8438  
Email: KMack@ci.helena.mt.us

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. Federal 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, in addition to the federally protected classes, 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 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)



Montana Fair Housing initiated an investigation into the rental practices of Meadow Lane Village Apartments in Cody, Wyoming. In December an administrative complaint was filed with HUD alleging Respondents refused to allow reasonable accommodations for persons with disabilities.

**MFH, et. al. v. Nelson and Vidales** - Following receipt of two allegations of housing discrimination in the summer of 2011 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, refused to allow the rental of mobile home lots by households with children, and also denied housing to persons with disabilities needing dogs for assistance. This month the Department of Housing and Urban Development issued a finding of No Reasonable Cause on the cases.

## **Shootin' the Bull**

*Snapshot in History - 40 Years After Curtis v. Loether*  
415 US 189 – No. 72-1035

In a precedent setting opinion issued by the US Supreme Court in 1974, Justice Thurgood Marshall explained how the "right to a jury trial" protected by the Seventh Amendment of the Constitution applied to the Fair Housing Act. The Court upheld the view that the Seventh Amendment applies to civil actions for damages, including claims alleging violations of civil rights statutes. In doing so, Justice Marshall also recognized the importance of the protections against civil rights violations contained in the Fair Housing Act and other statutes outlawing illegal discrimination. He explained that "an action to redress racial discrimination" was "likened to an action for defamation or intentional infliction of mental distress," adding that "under the logic of the common law development of a law of insult and indignity, racial discrimination might be treated as a dignitary tort."

The characterization of these claims as "torts of dignity" was not an abstract legal concept to Justice Marshall. Twenty years earlier, in 1954, he headed the legal team that argued on behalf of the school children who challenged and defeated the concept of "separate but equal" school systems in the landmark case of *Brown v. Board of Education*.

Illegal discrimination is an insult to, and attack on, a human being's dignity. That dignity can be violated by a sign stating "Whites Only," by the stairs barring entry to someone using a wheelchair, by threats to block access for a school bus and in a variety of other ways. Whatever form these violations may take, however, the lesson learned is that these attacks can and should be challenged, or they can never be overcome.