

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



Montana Fair Housing is a private, non-profit, civil rights organization providing education, outreach, and enforcement activities throughout the state of Montana and elsewhere. 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 . . .

Montana Fair Housing, Inc. vs. Nistler, Brown, Nistler Electric, LLC. & Derek Brown Consulting, Inc. - In November of 2012, MFH filed a complaint with HUD alleging the Respondents violated the Fair Housing Act as amended in 1988 (FHAA) by failing to design and construct covered multifamily dwellings in a manner meeting the design and construction provisions of the FHAA.

In short, the Act requires that covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, meet the following requirements: a) have public and common use areas readily accessible to and usable by persons with disabilities; (b) have doors designed to allow passage into and within dwellings sufficiently wide to allow passage by persons with disabilities who use wheelchairs for mobility; (c) contain features of adaptive design providing an accessible route into and throughout the units; (d) provide environmental controls in accessible locations; (e) provide reinforcements in bathroom walls to allow later installation of grab bars; and (f) provide usable kitchens and bathrooms. The Act defines covered multifamily dwellings as "buildings consisting of four or more units if such buildings have one or more

elevators and ground floor units in other buildings consisting of four or more units."

In July 2012, MFH requested copies of Building Permits issued for covered multifamily dwellings from the City of Helena. The organization then sent to the Respondents information about the federal and state fair housing provisions in order to ensure that, prior to construction, the Respondents would be aware of the requirements and ensure the buildings met accessibility requirements. In September 2012 MFH conducted a limited review of the property and discovered deficiencies, leading ultimately to the filing of the complaint.

Attempts to conciliate the action failed and, in June, HUD issued a Charge of Discrimination finding that the Respondents failed to design and construct the subject properties in compliance with the FHAA. On July 14, MFH elected to have the case heard in federal Court and will intervene in the matter to assure that the case also covers violations of the state fair housing laws found in the Montana Human Rights Act.

To review the design and construction requirements: <http://www.montanafairhousing.org/forms/DesignConstructionManual.pdf>. Owners and developers should note that approval of construction plans by local or state offices does not ensure compliance with the federal Fair Housing Act and/or the Montana Human Rights Act. Although all local and state building departments in Montana are obliged to follow the International Building Code some local plan examiners and building inspectors have not read or interpreted the IBC in a manner that complies with the FHAA. HUD has determined that the IBC published in 2006 can be a "safe harbor" - if read and interpreted properly - for meeting design and construction requirements under the fair housing laws. Remember, providing access to persons with disabilities is always better than denying them access to equal housing opportunities.

Housing Conference 2013: Montana Fair Housing thanks Kathy Helland, Klaus Sitte, Johnny Jones, Chris Brancart, Steve Polin, John Pavao, and Pegge McGuire for donating their time to provide presentations and materials; and Ann Marie Bennett of Artistic Designs and Walmart in Butte, Eklund's Appliance and TV in Great Falls, Good Karmal in Bozeman, Karen Burkett, Karla Foster, and the Missoula Organization of REALTORS for their financial support and product donations! Without all of you, MFH could not continue to keep our conference affordable for attendees and offer the quality of information we do each year!

UPCOMING EVENTS:

Mark Your Calendars:

Housing Conference 2014

April 22 & 23, 2014 in Helena

Watch for registration information
on our website at

www.montanafairhousing.org

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 Cities of Missoula and Helena, 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

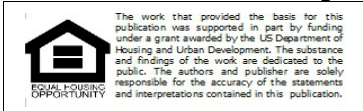
519 East Front Street * Butte, MT 59701

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MFH vs. Dan Chilcote and Kenneth Chilcote - In February 2013 MFH assisted an individual in the filing of a complaint with HUD alleging that Respondents, who own properties in Missoula, discriminated against Complainant in the terms, conditions, and privileges, made discriminatory statements, and coerced, intimidated, threatened, or interfered with the enjoyment of her and her family's housing when they subjected her and her family to a hostile living environment and sexual harassment. MFH later also filed a complaint. Conciliation discussions are ongoing.

MFH vs. Kautzman - A complaint was filed on February 28, 2013, with the U.S. Department of Housing and Urban Development alleging the Respondent, whose properties are located in Billings, refused to make a reasonable accommodation from their rules, policies, and practices to afford persons with disabilities the equal opportunity to use and enjoy the dwelling violating Sections: 804(f)(2), and 804(f)(3)(B) of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988. In May, while Respondent denies engaging in any discriminatory housing practices, he agreed to settle the Complaint. MFH was reimbursed for costs associated with investigation and educational activities conducted. Respondent also developed and implemented a nondiscrimination policy, and agreed to attend training on fair housing.

MFH vs. A&K Rentals and Fuhrer - Also in February of this year, MFH filed with HRB a complaint of housing discrimination alleging that Respondents discriminated against households based on age, marital status, and because of the sex of household members. Allegedly, Respondents steered households, based on protected class status, to specific units. MFH and Respondents conciliated the complaint in June with Respondents reimbursing MFH for costs associated with the investigation, and for education efforts conducted in the Glendive area. Respondents will attend fair housing training, and must develop and implement a nondiscrimination policy.

MFH v. SAS Investments - After receipt of an allegation of housing discrimination last summer, 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. The complaint conciliated in April. Respondent denies having violated the FHAA, but agreed to reimburse MFH for educational activities conducted in Cody following receipt of the allegation, and for activities associated with the investigation. The Respondent has developed and implemented a nondiscrimination policy and will attend training on fair housing compliance.

STATE EMPLOYEE CHARITABLE GIVING CAMPAIGN - This year the SECGC runs from September 30 through November 8. If you are a state employee, please consider supporting Montana Fair Housing's work, and encouraging others to as well! Our giving campaign organization number is 5258. THANKS TO ALL WHO CURRENTLY GIVE TO MFH!!!