

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 . . .

MFH v. Roundup Mesa Landowners Association, Overhauser, & Keiser, Case No. 1:13-CV-00077-SEH – In November 2011 MFH received a call from the individual Plaintiffs who reside in a subdivision located outside Roundup. The household alleged that the Defendants had denied access to the subdivision for the school bus, and stated they believed this action was a violation of the familial status provisions contained in the federal Fair Housing Act and the Montana Human Rights Act.

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.

Following the filing of Administrative complaints with HUD and the Montana Human Rights Bureau in late 2012 and early 2013, MFH and the household filed an action in the US District Court

in June 2013.

The complaint alleged the Roundup Mesa Landowners Association, Jacque Keiser and Kathleen Overhauser, acting individually and in one combination or another, violated the federal Fair Housing Act as Amended in 1988 (FHAA) and the fair housing provisions of the Montana Human Rights Act (HRA) by discriminating against persons because of familial status. Plaintiffs further alleged that the Defendants acted to unlawfully interfere with the Plaintiffs' exercise of their fair housing rights.

A Consent Order issued by the Court in November required Defendants: not to unlawfully discriminate against any persons because of familial status or interfere with any persons in the exercise of their fair housing rights; not to deny access to a school bus properly serving any child under the age of 18 years of age; to adopt an Equal Housing Opportunity Policy as an addition to the Roundup Mesa Landowners Subdivision Declaration of Covenants that prohibits any officer or director or member of the RMLA from engaging in any act violating the federal Fair Housing Act as Amended in 1988 and the Montana Human Rights Act; to adopt a School Bus Access Policy as an addition to the Roundup Mesa Landowners Subdivision Declaration of Covenants that acknowledges and permits equal and nondiscriminatory access by a school bus serving children who live or reside in the Roundup Mesa Landowners Subdivision; to publish on its correspondence, advertising and other written communications a statement that housing opportunities in the Subdivision are available on an equal opportunity basis; to attend not less than three hours of training in fair housing laws;

UPCOMING EVENTS:

April is Fair Housing Month!

Housing Conference 2014

April 22 & 23, 2014 in Helena

Registration information is available
on our website at

www.montanafairhousing.org

or contact Montana Fair Housing at:
(406) 782-2573 / Relay: 711
inquiry@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 a household services nor place different terms and conditions on that household **BECAUSE OF** 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). Fair Housing laws require owners, developers, architects, and contractors to design and construct multi-family housing of four or more units to be adaptable and accessible for persons using a wheelchair for mobility, if constructed for first occupancy after March of 1991.

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
Voice: 406-782-2573 or 800-929-2611
FAX: 406-782-2781 * MT Relay Service: 711
E-Mail: inquiry@montanafairhousing.org
Website: montanafairhousing.org



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to waive for the individual plaintiffs for a five year period all annual fees due to the RMLA; and to pay MFH \$3,500 toward costs incurred.

MFH vs. Overlook Place Condominium Unit Owners Association, Inc., Saddle View Properties, LLC, Overlook Condominium Development, LP. (a/k/a Overlook Condominiums, LLC), John Does 1-3, and Yellowstone Heritage Construction, Case

No. 2:12-CV-00012-SEH - The Complaint, filed in March 2012, alleged that Defendants, individually and/or in one combination or another, discriminated against persons with disabilities by failing to design and construct covered multifamily dwellings at the properties (commonly known as the Overlook Place Condominiums, in Bozeman), in accordance with the accessibility requirements of the federal Fair Housing Act as Amended in 1988 and the Montana Human Rights Act.

Pursuant to a consent order issued in December 2013 by the US District Court, Butte Division, Defendants are "jointly and individually responsible for all expenses associated with timely completion of the Remediation Plan . . . All modifications and retrofit actions shall be completed so as to comply with the accessibility requirements . . . Defendants may not charge any additional rent, deposit or other fee for the dwellings in which remediation actions are implemented due exclusively to the contemplated or completed remediation actions." Defendants were also required to pay attorney fees and costs, and pay MFH monies dedicated to the organization's efforts to assist persons with disabilities in obtaining equal housing opportunities.

Remediation of the property is to occur on or before June 30, 2014. The remediation plan requires Defendants to provide: (a) accessible entrances on an accessible route into the sixteen covered multifamily dwellings; (b) an accessible route into the storage units; (c) accessible environmental controls in accordance with ANSI 4.2.5 and 4.2.6; (d) accessible door hardware in accordance with ANSI 4.13.9; (e) on election of and request by any occupant, reinforcements to allow later installation of grab bars in bathrooms, and (f) accessible parking spaces compliant with ANSI 4.6, and accessible routes to those spaces consistent with ANSI 4.3 (with signage that complies with revised ADAAG standards), for the sixteen covered multifamily dwellings at the Overlook Properties.