

*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 . . .*

#### **Charge of Discrimination Issued by US Department of HUD**

Montana Fair Housing vs. Jim and Julie Betty

On February 11, 2013, MFH filed a Complaint with HUD alleging that Respondents Jim and Julie Betty discriminated against a household based on disability, in violation of the Fair Housing Act. On June 3, 2013, MFH filed an Amended Complaint adding a claim of failure to reasonably accommodate.

In 2008, a household began searching for a residence that would accommodate disability-related needs. The subject property offered a unique layout that would meet these needs, and was located in an area of Missoula in close proximity to the household's primary care giver. The household entered into a lease and remained in the unit through July of 2012.

In March of 2012 Respondents advised the household's primary care giver they would not

renew the lease. Respondents said they had sold their personal residence and planned to move into the subject property. The primary care giver expressed a desire to continue leasing the unit, explaining that it was very important for disability-related reasons that this household remain in the same setting so as to not exacerbate disability-related conditions.

Shortly after this conversation, the other household living in the adjoining unit notified Respondents that they would not be renewing their lease. Upon receiving this information the Respondents decided to move into this unit as "the finishes were more to [their] liking." Respondents did not notify the household at issue in this action of their change of intentions.

During the months following the March conversation, the primary care giver made multiple attempts to negotiate a lease renewal of the unit. Respondents did not advise the care giver that they no longer intended to move into the unit until June when the care giver was denied a request for a 30-day extension of the move-out date.

During the move-out inspection, Respondent Jim Betty stated that neighbors had complained and that he had done what he could to work with the household. The care giver had requested many times throughout the household's tenancy that Respondents advise him of any problems so that he had an opportunity to address the issues immediately. Respondent acknowledged that there were issues he had not raised with the care giver, and Respondent stated he had a reputation to

uphold in the neighborhood.

On November 20, 2014, the Secretary of HUD, through Regional Counsel, charged Respondents with engaging in discriminatory housing practices.

The charge cited the following violations:

- Respondents discriminated against the household by denying or making housing unavailable to the household and made housing available to non-disabled tenants at the same time.
- Respondents discriminated against the household in the terms, conditions, or privileges of the rental of the subject property because of disability when they offered to renew the lease for increased rent but offered to renew the neighbor's lease without any change in rent.
- Respondents discriminated against the household in the terms, conditions, or privileges of the rental of the subject property because of disability when they offered to rent the property at a higher rate than what they charged the subsequent non-disabled tenants.
- Respondents discriminated against the household on the basis of disability by denying a reasonable accommodation request to renew the lease in March 2012.
- Respondents discriminated against the household on the basis of disability by denying a reasonable accommodation request to extend the lease for thirty days.
- Respondents discriminated against the household by making numerous statements, with respect to the rental of the property, that indicated a preference, limitation, or discrimination because of disability.

In addition, the Secretary requested that the court enjoin Respondents from discriminating because of disability against any person in any aspect of the sale or rental of a dwelling; award

monetary damages as will fully compensate Complainant for its damages; assess a civil penalty of \$16,000 against each Respondent for each violation of the Act; and award any additional relief as may be appropriate.

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Discrimination in housing occurs when a decision about eligibility for services is based on a household'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 and protections for victims of Domestic Violence), 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. Local ordinances may provide protections for additional class members.

For More Information about Discrimination in Housing, or to File a Complaint, contact:

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