

*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.

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**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 v. Kestell Holdings, LLC et. al.**

In February MFH filed, with HUD, multiple complaints against the owners and manager of the property commonly known as the Rosebrier Inn in Kalispell. The complaints allege discriminatory actions based on disability, sex, and familial status. During an investigation of Respondents' practices, MFH identified evidence supporting allegations that Respondents refuse to rent to households based on protected class status, Respondents made discriminatory remarks indicating a preference, limitation or discrimination, and Respondents subjected households to different terms, conditions, privileges or services based on the protected class status of the household.

The case is currently pending with the Department of Housing and Urban Development.

**Montana Fair Housing v. SWAK, LLC**

In April MFH and an individual filed complaints with HUD alleging discrimination in housing based on the denial of a request for a reasonable accommodation. The individual, after allegedly being denied an opportunity to make application because of disability-related needs, contacted Montana Fair Housing. According to Montana Fair Housing's complaint, evidence supporting the original allegations was secured during an investigation of Respondents' practices. Respondents own and manage properties in Butte.

The case is currently pending with the Department of Housing and Urban Development.

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**Montana Fair Housing v. Ellen Savage & Kate Dormady**

In June, MFH and an individual household reached agreement with Respondents Savage and Dormady, closing complaints of housing discrimination filed in February. The complaints were conciliated with no admission of discriminatory actions by Respondents. The agreement required Respondents to attend training on federal and state fair housing laws, develop and implement a nondiscrimination policy, cease the practice of charging households with disabilities additional deposits when accommodations are needed for disability-related reasons, and reimburse MFH and the household for costs incurred. The property at issue is located in Havre.

The complaints alleged the Respondents violated the federal Fair Housing Act by imposing different terms and conditions based on disability; by making statements that indicate a preference, limitation, or discrimination based on disability; and by denying reasonable accommodation requests when such accommodations are necessary to allow persons with disabilities an equal opportunity to housing.

Both the federal Fair Housing Act as Amended in 1988 and the Montana Human Rights Act prohibit discrimination against persons with disabilities who need a Reasonable Accommodation to rules, policies and procedures when the accommodation would provide the household with an equal opportunity to housing. Housing providers may not require persons with disabilities to pay extra rent, fees or deposits as a condition of receiving a reasonable accommodation.

Requests for Reasonable Accommodations and/or Modifications can be denied if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation or modification. A denial can also occur when the housing provider would experience an undue financial AND administrative burden as a result of approving the request, or if the request would present a fundamental alteration to the nature of the housing providers' operations.

The Departments of Justice, and Housing and Urban Development have issued joint memos on requests for accommodations and modifications. Both documents, as well as further information about these requests, are available at [montanafairhousing.org/disability.html](http://montanafairhousing.org/disability.html).

The Justice Department announced today that the owners and manager of the Westland Apartments, a 28-unit apartment complex in Lakewood, Colorado, have agreed to pay \$75,000 to settle a lawsuit alleging discrimination against families with children in violation of the Fair Housing Act. The settlement must still be approved by the U.S. District Court of the District of Colorado.

The department's lawsuit, which was handled jointly by the department's Civil Rights Division and the U.S. Attorney's Office of the District of Colorado, was filed on Nov. 9, 2015. The lawsuit alleges that Roger and Eileen Loecher, the owners of the Westland Apartments, and Miriam Yehudah, the resident property manager, implemented a policy of generally excluding families with children from living in the front building at Westland and generally restricting them to apartments in the rear building.

The lawsuit arose from a complaint filed with the U.S. Department of Housing and Urban Development (HUD) by the Denver Metro Fair Housing Center (DMFHC), a non-profit organization that works to promote equal housing opportunities in the Denver metropolitan area. DMFHC sent testers posing as prospective renters to Westland to determine whether they were engaging in discriminatory practices in violation of the Fair Housing Act. As alleged in the complaint, DMFHC's testing revealed that Westland's property manager told prospective renters that families with children were generally placed in apartments in the rear building and did not offer prospective renters with children the opportunity to consider available apartments in the front building. DMFHC also filed a lawsuit against the defendants on Dec. 22, 2015. The cases were consolidated on March 3, 2016.

"Steering families with children to a certain part of an apartment complex limits their housing choices, perpetuates housing segregation and clearly violates federal law," said Principal

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**Justice Department Settles with Colorado  
Apartment Complex for Discriminating  
Against Families with Children  
For Immediate Release - Monday, July 25, 2016**

Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "The Justice Department will continue its vigorous enforcement of the Fair Housing Act to ensure equal access to housing for all families."

"The U.S. Attorney's Office is committed to enforcing federal civil rights laws in Colorado," said U.S. Attorney John F. Walsh of the District of Colorado. "Discrimination against families with children hurts Colorado children and is not only unjustified, it is illegal."

Under the terms of the proposed settlement, the defendants must pay \$25,000 to establish a settlement fund to compensate victims who were harmed by their conduct, \$45,000 in monetary damages to DFMHC and \$5,000 to the United States as a civil penalty. In addition, the proposed settlement prohibits the defendants from engaging in discrimination against families with children in the future. It also requires that they implement a nondiscrimination policy, establish new nondiscriminatory application and rental procedures, receive training on the Fair Housing Act and conduct monitoring and reporting to the department for three years.

Individuals who believe they may have been discriminated against at Westland because they resided with or intended to reside with children should contact the department toll-free at 1-800-896-7743, mailbox 92.

See: <https://www.justice.gov/opa/pr/justice-department-settles-colorado-apartment-complex-discriminating-against-families>

STATE EMPLOYEE CHARITABLE GIVING  
CAMPAIGN

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!

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 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. In the cities of Butte, Missoula, Bozeman and Helena, a housing provider cannot discriminate against a household because of gender identity or sexual orientation.

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*For More Information about Discrimination in Housing, Filing a Complaint, or Upcoming Workshops, contact:*

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