

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



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. Hill - The complaint alleged that the Respondents, Daniel and Susan Hill, refused to rent to persons with disabilities requesting reasonable accommodations for assistance animals. The complaint involved a 12-plex located in Helena. Respondents, though denying they engaged in the discriminatory activities alleged in the complaint, agreed to conciliate in August. The conciliation agreement term is one year. During that time period Respondents agreed to attend at least four hours of training on fair housing. Respondents are also to develop a non-discrimination policy, reimburse Montana Fair Housing for costs accrued to investigate the allegations, and distribute and display fair housing materials at the property.

MFH v. Two Rivers, LLC & Bohnsack - The complaint alleges that Respondents refused to allow reasonable accommodations for persons with disabilities and falsely represented, to potential applicants needing accommodations, that units are not available. The property involved is a mobile home park located in Lolo. The complaint is currently under investigation by the Department of Housing and Urban Development.

MFH v. Riverside Apartments - This large complex, located in Missoula on Cooper Street, allegedly failed to provide a reasonable accommodation for a parking spot for persons using a wheelchair for mobility. MFH alleges that while attempting to mediate the request, the on-site manager indicated the issue was not a "priority" and stated the request would be denied. No written response was received to the accommodation request. The complaint is currently under investigation by the Department of Housing and Urban Development.

Shootin' the Bull

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.

Federal and State fair housing laws make it illegal to discriminate against someone because of that person's Race, Color, National Origin, Religion, Sex, Familial Status, Disability, Marital Status, Age, and Creed.

If a person has a disability, the law allows him/her to request a reasonable accommodation, including the waiver of a no pet policy for someone with a disability needing an assistance animal. An associated reasonable accommodation may also include a request for waiver of a size or weight limit at properties allowing animals but limiting the size or weight. If a person with a disability needed a large assistance animal, the person may request a reasonable accommodation from the housing provider to waive the size and weight limit policy.

Assistance animals are often referred to as service animals, companion animals, or therapy animals. When we are talking about housing, if the need for the animal is linked to an individual's disability, the animal is considered an assistance animal.

Recently, as a result of changes in the Americans with Disabilities Act, many people believe that assistance animals can now be limited in type to dogs, and in some instances, miniature horses. The changes to the Americans with Disabilities Act did not impact the definition of assistance animals in regards to the federal and state Fair Housing Laws. In relation to housing, persons with disabilities are still able to have all types of animals as assistance animals, such as birds, reptiles, cats, dogs, bunnies, etc.

A disability is a physical or mental impairment which substantially limits one or more major life activities. A major life activity means those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking.

Fair housing laws do not allow a housing provider to subject a person with a disability to different treatment than a similarly situated person without a disability. Applying additional terms such as insurance coverage, higher or additional deposit monies, increased rent or other fees for an assistance animal, or any other reasonable accommodation, would subject a person with a disability to different treatment because of his/her disability.

Upcoming Events:

Two-Hour Workshops Available Free of Charge:

Date: September 8, 2011

Time: 10:00 a.m. to Noon

Location: NW MT Association of Realtors
110 Cooperative Way
Kalispell, MT

Pre-Registration is required. Contact MFH or the Realtors Association for Registration Forms.

MARK YOUR CALENDARS! Housing Conference 2012:

April 18 & 19, 2012
Copper King, Butte

For more information about these events, contact our office at (406) 782-2573.

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. 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 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 addition, 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
Website: montanafairhousing.org

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A housing provider can enforce the same conditions of tenancy for a person with a disability as are applied to persons without disabilities. For example, the lease may contain a clause that the tenant is liable for damage caused by his/her negligence. The housing provider would enforce this clause against a tenant who is using a barbecue that causes a fire damaging another tenant's property. A housing provider enforces the same provision against a tenant with a disability who fails to keep his/her animal leashed in public areas and the animal damages a piece of furniture.

Requiring proof of vaccination, licensing, and spaying/neutering of an assistance animal would likely be permitted. If a lease includes a section requiring tenants to abide by state and local laws, the housing provider would enforce these sections with respect to storage and/or use of vehicles, equipment, firearms, etc., on the property. If there is a local ordinance requiring vaccination, licensing, and/or spaying of all animals, the housing provider can require proof that the animal is licensed, has received required vaccinations, and is spayed or neutered.

An animal does not have to receive specialized training in order to be considered an assistance animal. A housing provider can ask for verification that the person has a disability, has a need for the animal, and that the need for the animal relates to the disability. The verification can include a section requesting the health care provider describe how the disability will be offset by the requested accommodation, if approved. A housing provider is also able to request information about the duration of a disability. In most cases the disability will be permanent, but some temporary conditions may also require accommodations. In regards to temporary conditions, assistance animals may not be the most appropriate accommodation as many animals tend to live for years. The verification does not have to include a statement identifying diagnosis or treatment, and the consumer does not have to provide medical records.

A housing provider can offer alternative accommodations that potentially will meet the needs of the person with the disability. Requests for accommodations and/or modifications can not be limited to tenants and/or applicants. A guest at the property who needs a reasonable accommodation or modification may also make a request.

In regards to requests for reasonable accommodations or modifications, a medical professional is defined broadly. Medical professionals can include social workers, paraprofessionals, chiropractors, nurse practitioners, etc.

A housing provider cannot ask about a disability or disability related needs. It is the responsibility of the consumer to request needed accommodations or modifications, and there is no limit to the number of accommodations and/or modifications that can be requested.

State Employees Charitable Giving Campaign:

Montana Fair Housing will participate in the State Employees Charitable Giving Campaign again this year! If you work for the State of Montana please consider contributing to MFH this year. If you know someone who works for the state, encourage her/him to consider making their pledge to Montana Fair Housing.