

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 vs Summit Holdings, LP and Floyd Bechtold

In January 2015, MFH filed a charge of discrimination with the Montana Human Rights Bureau against the owners of Mountain Villa Apartments in Kalispell. The complaint alleged the property denies housing on an equal opportunity basis to households because of marital and familial status. Following investigation, HRB issued a reasonable cause finding indicating the evidence provided by MFH supported the allegations.

In October, following failed efforts to resolve the issues, MFH filed an action in Federal Court where the case is currently pending.

Montana Fair Housing vs Rech

Based on allegations that Respondent denied equal housing opportunities to households with children, MFH filed a complaint of housing discrimination with the Department of Housing and Urban Development in August 2015. Respondents properties are located in Billings.

In December the allegations were resolved through conciliation. Respondent agreed to implement a non-discrimination policy, attend a minimum of four

hours of training addressing federal and state fair housing laws, and reimburse MFH for costs incurred.

Montana Fair Housing, et. al. vs Bonini

In December 2015, Montana Fair Housing filed complaints of housing discrimination alleging Respondent, whose properties are located in Billings, imposed different terms, conditions, or privileges on persons with disabilities needing reasonable accommodations for disability-related reasons.

Respondent, after receiving a request for a reasonable accommodation, required a household with an assistance animal to secure liability insurance. In addition, the Respondent required the household to provide vaccination records for the animal and notarized statements from persons familiar with the animal indicating the animal did not cause damage at the previous property, describing the animal's nature, and supporting the "safety of the animal to others."

The household provided vaccination records, the notarized statements and secured the insurance in order to ensure the assistance animal would be allowed to remain at the property. MFH provided the Respondent with information discouraging these practices, and attempted to discuss the request for accommodation with the Respondent. Respondent refused to allow the animal to remain on the site without maintaining the liability insurance policy.

In January 2016 the complaints conciliated. Respondent agreed to compensate both MFH and the household, implement a non-discrimination policy, and attend training on fair housing laws. Respondent agrees to no longer impose different terms and conditions for disability-related requests, particularly a requirement to maintain liability insurance.

Montana Fair Housing vs. LH Residential, LLC.,
Crestview Office, LLC., Crestview Lake, LLC., Otis
Street, LLC., and Remainder at Trout Meadows, LLC

In November 2015 Montana Fair Housing filed a charge of discrimination with the Montana Human Rights Bureau against the owners of the River Rock and Crestview Apartments located in Missoula, and the Trout Meadows Apartments in Bozeman.

The charge alleges Respondents have a policy and a practice of making housing accommodations unavailable to persons because of the Age and/or Disability of household members, imposing different terms and conditions on households because of the Age and/or Disability of household members, making prohibited inquiries based on Disability, indicating preferences and limitations based on Age and Disability, and denying equal access to housing in violation of Section 49-2-305 of the Montana Human Rights Act (HRA). The charge further alleges, as set out in Rule 24.9.612, that one or more identified practices or policies of the Respondents have a significant or substantial adverse effect on persons with Disabilities and persons of retirement Age.

Specifically the charge alleges:

1. Respondents make illegal inquiries on the basis of Disability requesting specific information related to diagnosis for the purpose of application review and approval.
2. In a Policy Memo dated October 7, 2013, directed to "All Office Employees of Montana Crestview" (to include Crestview, River Rock and Trout Meadows) Respondents state "It is Respondents' policy to consider **all** forms of income for applicants." Paragraph four of the memo states: "An approved applicant should be able to provide verifiable **net income of 3x** the market rent amount per month not including income from federal funding."
3. Respondents on multiple occasions advised persons contacting their office that persons receiving income from federal sources were not eligible for tenancy, including persons receiving monies from the Social Security Administration as a result of having a Disability and as a result of reaching retirement Age. These persons were not advised of alternative options available to meet application requirements.

Since the filing of the complaint, Respondents assert they have revised their internal policy memo to state that "Income received from government benefits, such as social security or disability benefits, shall be included when calculating net income."

Mediation efforts have begun in the case and will continue while the state investigation is underway.

An administrative complaint has also been filed with the Department of Housing and Urban Development alleging violations of the Federal Fair Housing Act as Amended in 1988.

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.

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

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