



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. Arcadia Garden Apartments aka Arcadia Garden Apartments LLC, and Alcurt Bozeman LLC and John Does #1-4, persons holding an ownership interest in Arcadia Garden Apartments** – In August of 2001 Montana Fair Housing, the United States Department of Housing and Urban Development, and Arcadia Garden Apartments, LLC, reached an agreement requiring, among other things, thirty two units be modified bringing them into full compliance with the design and construction provisions of the Federal Fair Housing Amendments Act. Compliance was to have occurred within 36 months from the date of the agreement.

On December 23, 2004, and as amended on January 24, 2005, Montana Fair Housing filed an action in United States District Court alleging seven violations. These violations included failure of the defendants to comply with the accessibility provisions of the Fair Housing Act, breach of the Conciliation Agreement, violation of the public accommodation provisions of the Americans with Disabilities Act, failure to comply with the fair housing provisions of the Montana Human Rights Act, failure to comply with other nondiscrimination provisions of state and federal fair housing laws, and for negligent management or operation of the subject properties in a manner which places persons with disabilities at an unreasonable risk of injury.

On October 1, 2004, Alcurt Bozeman, LLC, took title to the property, now known as Mountain View Apartments. Alcurt was never a party to the original complaint filed in 1999 and was not a signator to the original conciliation agreement.

On September 30, 2005, with no admission of liability, Alcurt and Montana Fair Housing reached an agreement requiring Alcurt to modify public and common use areas making them "accessible to and usable by persons with disabilities" in compliance with the federal Fair Housing Amendments Act and the Montana Human Rights Act. Alcurt also agreed to bring twelve ground floor units into compliance within six months of the date of the agreement and to retrofit the remaining twenty ground floor units upon

request. Mountain View Apartments is to also invite "persons who are seeking FHA accessible housing to apply for tenancy."

**MFH v. Nelson, et. al.** – In 2004 Montana Fair Housing filed administrative complaints with HUD against Brent Nelson, Bernard Nelson, BWN, LLC, Ron Moat, and Donald E. Neraas. The complaints alleged that the Respondents violated the Fair Housing Act by discriminating based on disability by failing to design and construct multifamily dwellings in a manner required by the Act. By determination of reasonable cause, a Charge of Discrimination was issued on September 29, 2005.

The property, located in Billings, contains 12 units, four of which are ground floor units and covered by the Act. The cases against Moat and Neraas have settled.

The Secretary of the United States Department of Housing and Urban Development, and Montana Fair Housing, have now pursued enforcement of the Charge before a United States Government Administrative Law Judge.

**MFH v. Mountain View Developments of Livingston, et. al.** – In 2004 administrative complaints were filed with HUD against the respondents alleging that the Respondents violated the Fair Housing Act by discriminating against persons with mobility impairments by failing to design and construct multifamily dwellings, and common and public areas, in a manner required by the Act. The complex is located in Livingston.

In September 2005, the Respondents agreed, without admission of violation, to retrofit public and common use areas, and dwelling units in two of the three buildings. Affirmative actions are required of the Respondents and financial donations were made by the Respondents to an organization assisting persons with disabilities.

**Bullchild v. Larsen Investments, LLC, Motel 6-Missoula, et. al.** -- This complaint, filed in US District Court in December 2005, alleges that, on the basis of his race and national origin, Mr. Bullchild was denied the opportunity to rent a room. Following his initial denial of a room in October, Mr. Bullchild's name was allegedly placed on a "do not rent" list, falsely suggesting that he engaged in some criminal act. Allegedly, the owner of the motel had been told by the police that he be put on such a list. Mr Bullchild is asking for an injunction and monetary relief, including punitive damages. The respondents have not yet filed an answer.

## **Shootin' the Bull**

**by Bob Liston, Executive Director**

The mission of Montana Fair Housing (MFH) is to ensure that all Montanans have equal access to housing, free from discrimination in locating, securing and enjoying the housing or service he/she is qualified to obtain. We are bound by the definitions of discrimination found in the Fair Housing Amendments Act of 1988 (FHA) and the Montana Human Rights Act (MHRA). For MFH to become involved in an issue, discrimination must be based upon one of the protected classes identified within those statutes—race, color, national origin, religion, gender, disability, and familial status in the FHA, and age, marital status, creed, as well as the federal protections, in the MHRA.

In 2005, MFH received over 2000 calls from across the state. Three hundred twenty of the calls were from housing providers. We welcome calls from housing providers and would prefer correcting or preventing discriminatory actions so a complaint doesn't have to be filed. Over 1700 calls were from housing consumers, which included 341 calls containing allegations of discrimination.

Of the 341 allegations received, one hundred fifty one allegations involved potential violations of federal and state disability provisions. There are several reasons for this—an aging population in the state, Montana's largest "minority" are people with disabilities, and disability issues can be related to requests for reasonable accommodations and/or modifications, refusals to rent/sell or negotiate, and the design and construction violations. Families with children alleged the second highest number of discriminatory incidences, 66. This includes families with children under the age of 18, including adoption or foster care and pregnancy. These households experienced steering, occupancy standards that were interpreted too strictly, and denials.

We had 51 calls related to race, national origin and color, most of which were from Native Americans. We had six calls alleging discrimination based on religion, 15 based on gender (including sexual harassment). In addition we had 14 calls regarding retaliation or harassment, not based on gender. Finally, on state protected classes, we received 12 calls on marital status and 19 based on age.

The majority of complaints MFH receives are based on rental issues—refusal to rent, different terms and conditions, etc.—which resulted in 299 calls last year. We had five calls relating to sales or mortgage/lending practices, and four calls alleging advertising violations. Finally, we received 13 calls relating to Home Owners' Associations, zoning issues and/or covenants.

Montana Fair Housing filed, or assisted in the filing, of 39 complaints with the Department of Housing and Urban Development (HUD), 13 with Montana Human Rights Bureau (HRB), and assisted in the investigation of one case filed in US District Court. We referred over 300 people to HUD, HRB or to private attorneys.

Is Fair Housing a reality in Montana? We are moving in the right direction. Montana Fair Housing provided training to more than 500 housing providers last year. Like most industries, members of the housing industry are generally well-intentioned. Some people do the wrong thing (discriminate) because they don't know any better; some because they are trying to do the right thing and unintentionally discriminate; and unfortunately, a small number still conduct business as was done in the days where placards indicating "We reserve the right to refuse service to anyone we choose" or "No dogs, No Indians" were common place and practice. This is no longer tolerable.

While we are moving in the right direction, we believe and operate by the motto "While any of us are at risk, we are all at risk." Let's bring an end to discrimination in Montana in our lifetime.

### **Montana Fair Housing**

2522 South Third Street West

Missoula, MT 59804

Voice: 406-542-2611

Toll Free: 800-929-2611

FAX: 406-542-2235

Relay Service: 711

E-Mail: [mfhzng@montana.com](mailto:mfhzng@montana.com)

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Cary Griffin, Sandy Romey

Cecilia Cowie, April Flores

I want to support the efforts of Montana Fair Housing toward reducing the occurrence of housing discrimination in Montana.

Enclosed is my tax-deductible membership contribution:

Limited Income - \$10

NonProfit Organizations - \$50

Individual Sponsor - \$200

Corporate Sponsor - \$500

Other: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State/Zip: \_\_\_\_\_

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 special 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/or modifications). In the state of Montana it is also a violation of the state's Human Rights Act to discriminate in housing related transactions based on marital state, age, and/or creed.

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Fairmont Hot Springs  
1-800-332-3272/(406) 797-3241

Registration is due by close of  
business day April 6, 2006.

April 20

- 8:00 - 8:45 a.m. **Registration**  
8:45 – 9:00 a.m. **Opening Remarks**  
9 – 10:30 a.m. **Federal & State Fair Housing Law**  
10:45 – Noon **State of Fair Housing Nationwide**  
Noon – 1:30 **Lunch Buffet-included in fees**  
1:30 – 2:30 p.m. **Advertising**  
2:45 – 5:30 p.m. **Concurrent Workshops**

**Requests for Reasonable Accommodations  
and Modifications**

Part 1: Overview

Part 2: Problem Solving – come with your  
experiences and scenarios

**Fair Housing issues involving Lending & Sales  
Transactions**

- 7:30 – 9:00 p.m. **Dinner & Awards-included in fees**

April 21

- 9:00 a.m. to 12:30 **Concurrent Workshops**

**Montana Landlord and Tenant Laws  
Fair Housing Act Accessibility Guidelines**

Continuing Education Credits:

Board of Realty Regulation  
MT Bar Association  
Architects may Self Report

The fee for this year's conference is **\$95 per person** and includes the cost of the luncheon and dinner on April 20.

Contact the Fairmont Hot Springs Resort for any room accommodations you may need for overnight stays. Cost of the room rentals are not included in the conference fees.

A block of rooms for conference registrants has been reserved through April 1, 2006. Please make your reservations prior to that date.

**This year's Speakers include:**

*Chris Brancart*, Attorney at Law from California  
*Sara Pratt*, Private Consultant, D.C.  
*Florrie Brassier*, Spokane, Washington  
*Klaus Sitte*, Attorney at Law, MT Legal Services  
*Kathy Kountz*, MT Human Rights Bureau

Use one registration form  
per registrant please!

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

e-mail: \_\_\_\_\_

Company: \_\_\_\_\_

Position: \_\_\_\_\_

Which two concurrent workshops will you be attending? Pick one from each session:

Requests for Reasonable  
Accommodations and Modifications

**or**

Lending & Sales Transactions

Montana Landlord and Tenant Laws

**or**

Fair Housing Act Accessibility Guidelines

Montana Fair Housing does not accept credit card payments. Please submit payment and registration form to:

**MONTANA FAIR HOUSING**

ATTN: Pam Bean  
2522 South Third Street West  
Missoula, MT 59804

For questions or to request accommodations needed as a result of a disability, please call:  
406-542-2611 or  
800-929-2611

Persons with disabilities may also reach Montana Fair Housing by using the Montana Relay System: 711

**HOUSING CONFERENCE 2006**



**2522 S. Third Street W.  
Missoula, MT 59804**

**NonProfit Organization**  
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**Alternative Format  
Available Upon Request**

If you suspect unfair housing practices  
and/or want to find out more about  
discrimination in housing contact:

**Department of Housing  
and Urban Development**

1-800-877-7353  
TDD 1-800-927-9275

or

**Montana Fair Housing**

1-800-929-2611  
1-406-542-2611

Montana Relay Service: 711  
website address: [fairhousing.montana.com](http://fairhousing.montana.com)

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