

# The Chuckwagon

a quarterly production by

MONTANA FAIR HOUSING

Volume 33/February 2003

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

## Celebrating Fifteen Years of Success

As I begin looking at the last half of my third year at Montana Fair Housing, I keep getting mail from folks trying to sell stickers for the "15<sup>th</sup> Anniversary." I think it is quite an accomplishment for MFH, or any nonprofit, to survive the political and financial climate we have gone through the past couple years—and here we are looking at our 15<sup>th</sup> year.

But Montana Fair Housing has not only survived, we have thrived over the years and we must acknowledge the efforts of all volunteers, employees and board members for the success. MFH has assisted victims of discrimination from every protected class, including Design and Construction cases as high as \$370,000 in damages, sexual harassment cases for as much as \$275,000, and advertising cases for as much as \$30,000. These are the big cases that seem to make people "remember" MFH, but there are dozens of cases that don't make the "headlines."

Montana Fair Housing has had some "big dollar" cases, but just as important, we have assisted people with issues by mediating a situation so that a complaint didn't need to be filed and the complaining party was able to secure the housing. Or the cases where there are not large amounts of damages, in terms of dollars, but the fact is, individual's rights were violated and MFH helped remedy the situation. Believe it or not, not everyone is out for the big bucks. Most people just want resolution and recognition of their injustices.

It is important to remember that all of us are members of protected classes, to MFH it just hinges on whether or not decisions regarding housing are based on being part of a protected class. A good example of this is a case we just won in Federal Court, *Coe v. Schaberg*, in which a single white male was denied housing. The denial was made because the landlord wanted females or couples because one female tenant had bad experiences with men.

So we have made some strides in diminishing housing discrimination in Montana. Have we accomplished our mission during the past 15 years. HARDLY!!! But we will continue to persevere through education, outreach and enforcement.

## Education and Celebration Montana Fair Housing's Annual Conference

Montana Fair Housing will be conducting its Annual Fair Housing Conference in Bozeman this year. The conference will be April 17 and 18 at the Holiday Inn. The conference will be a full day on the 17<sup>th</sup> and ½ day on the 18<sup>th</sup>. The brochure for registration is included in this mailing.

The focus of the conference is on disability issues. Topics to be covered will include; Design and Construction, and reasonable accommodations and modifications. We will also

have a workshop on Montana's Landlord Tenant Act and a session on advertising.

## Awards Dinner

There will be an "awards" dinner on April 17<sup>th</sup> and we'll be recognizing individuals and/or organization who have furthered fair housing in Montana. We here at Montana Fair Housing are soliciting nominations from you all and we would like to receive nominations for these awards by April 1, 2003.

Please don't be shy about nominating someone or an organization. It is very important that good deeds are recognized, and if we don't get nominations we'll nominate folks ourselves!

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*Articles and/or local or national events to ensure our readers are keeping abreast of new information.*

## 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 synopsis is not necessarily all inclusive . . .

**MFH v. Ravalli Republic & Sharon Schroeder, Publisher** - Without an admission of violation, the Respondents and Montana Fair Housing conciliated this advertising complaint in January 2003. The complaint, filed by MFH in December 2001, alleged discriminatory advertising on the basis of familial status and gender. The Ravalli Republic settled the complaint paying \$1,800 to MFH for costs accrued in investigation and agreed to place MFH ads in the newspaper monthly for a period of 12 months.

**MFH & Kevin Newman v. Myrna Saulter** - Filed in April 2002, the Respondent, MFH and an individual complainant, conciliated this complaint in December 2002. The Respondent conciliated without an admission of violation. The Respondent agreed to attend training on fair housing, pay \$4,000 to the complainants, and cover the cost of placing MFH's advertisement in the local paper. The complaint was based on violations of the familial status provisions of the federal Fair Housing Amendments Act.

**United States of America, Ben Coe & Montana Fair Housing v. Janice Schaberg** - In May of 2000, an individual contacted Montana Fair Housing alleging a friend had been denied housing at an apartment building outside Missoula because of his gender. Following investigation of the allegations, MFH and Coe filed complaints of housing

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Sarah Etzel, Housing Specialist  
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**YES** 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
- individual membership-\$25
- family membership - \$35
- nonprofits - \$50
- individual sponsor - \$200
- corporate friend - \$250
- corporate sponsor - \$500
- other: \_\_\_\_\_

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

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discrimination and the Department of Justice ultimately entered as a complainant. Following judgement against Schaberg by the US District Court, the case was mediated in January 2003 without admission of violation by the Respondent and compensatory relief was awarded in an amount of \$18,000 to the complainants for actual damages and attorney's fees. The Respondent must also comply with affirmative relief awarded, including advertising and application review and selection.

**MFH et. al. v. Glentana Mobile Home Court** - In July 2002 this complaint was filed on the basis of familial status violations and conciliated, without admission of violations by the Respondent, in November 2002. The complaint alleged that the Respondents applied different terms and conditions to families with children, including having a policy making it mandatory that families with children living in the court rent only lots with fences, and pay an additional monthly fee for the fence. The Respondent agreed to review and revise all policies to prevent discrimination against families with children, including the notification to families in the court that the fence was no longer a requirement and to reimburse the families for any costs paid to date for the fence. The Respondents are to accept and process applications received from all persons, without regard to protected class status and to advertise "Children Welcome." Respondents have placed in four issues of a local Billings paper, MFH's organizational advertisement.

**MFH et. al. v. Amelia Stevens & Bitterroot Apartments** - MFH and one individual filed in May 2002 a complaint alleging discrimination on the basis of disability. The Respondent conciliated without admission of violation. The Respondent agreed to pay \$4,000 to the complainants, provide MFH brochures and reasonable accommodation/modification packets to all potential tenants for a period of two years. In addition, the Respondent's agents must attend fair housing training conducted by Montana Fair Housing.

## Roundin' 'em Up

### The Year In Review—MFH Activities

I don't know about you, but it seemed like the year 2002 was about two weeks long. Someone was trying to tell me there is a "biological reason that time seems to fly by" as you get older. I think it has a lot to do with how busy everybody gets trying to do the things they need to do. Regardless of what industry, or side of the industry, people work in, if it has to do with working with people, it is going to be incredibly difficult and busy.

What I can tell you is that Montana Fair Housing was also incredibly busy. Looking back on the past two and one-half years that I have been here as Executive Director, I feel that MFH has been much more involved with providing training and technical assistance to housing providers. While I know that once a complaint is filed against a housing provider MFH becomes an advocate for the complainant, it has been reported to me that we have more amicable relationships with housing providers prior to the filing of a complaint. I believe that Montana Fair Housing has an obligation to be impartial up to the point that we believe discrimination has occurred. I take pride in the fact that my staff does not take sides until we have done at least some preliminary investigation. At the same time, because this often ends up in an adversarial situation, it seems to many housing providers that we are just here to "getcha."

**Training**—During 2002, Montana Fair Housing conducted more than 17 workshops for housing providers. These workshops were in Missoula, Billings, Helena, Bozeman, Sidney, Great Falls, Havre, Kalispell and many places in between. Because so much of the funding MFH receives from HUD is for enforcement, and not education and outreach, we have moved to a "fee for service" for training. We have been able to "piggyback" a few trainings in areas where we are out doing complaint investigation and/or doing some of the limited education and outreach we are able to do within the parameters of our grants. We have provided training to over 300 individuals who are in the business of providing housing, are service providers, attorneys and/or city/county/state officials. We continue to try and provide training to persons who are potential victims of discrimination, but it seems most people aren't interested in learning about fair housing until it directly affects them—and by then it may be too late, or they don't know they have been discriminated against.

Intakes/Allegations—Montana Fair Housing received over 1600 calls during the past year. Two hundred sixty five of the calls provided technical assistance of some kind to housing providers and 1344 were from consumers of the housing industry (renters, insurance, purchasers).

Twenty-five percent of the calls from consumers alleged discrimination—330. Of this, disability issues were the basis of 141 of the complaints (physical, mental, design & construction, reasonable accommodation/modification), clearly the protected class with the most complaints. This certainly tells us there is further guidance needed in the area of disability and housing (see article regarding the Annual Conference).

Other allegations received were on the basis of Familial Status (52), National Origin (49), Race/Color (20), Gender (15), and Religion (5). And the state protected classes we received allegations on were Marital Status (17) and Age (19). An additional 12 complaints were received alleging retaliation and/or harassment based on protected class status.

Of the 330 allegations, 320 were related to rental issues, four were mortgage/lending issues, five were advertising and one was a zoning issue.

Complaints—By the time Montana Fair Housing conducted its own initial investigation, 24 complaints were filed with the Department of Housing and Urban Development. This includes 16 complaints based on disability, 9 based on familial status, and two on race (several complaints had multiple protected class issues, which is why it doesn't add up to 24).

In addition to the complaints filed, 314 people were referred to HUD, the Montana Human Rights Bureau and/or a private attorney. A large number were mediated without the need to file a complaint. Many of these were in the area of disability, specifically relating to reasonable accommodation or modification issues.

We hope to be able to provide more training during 2003 to ensure housing providers understand their responsibilities and to inform potential victims of their rights under the federal and state Fair Housing Acts. As our mission states, "we want to end discrimination in housing in Montana so people, who are in all other ways qualified, can live in the housing of their choice."

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**The Rights and Obligations of Minors to Secure Housing in the State of Montana**

Several of our readers have been requesting information about the rights and obligations of minors to enter into rental agreements in the State of Montana. Montana Fair Housing has placed on our website both the state and federal laws governing this issue for use by interested and affected parties. The following is a brief synopsis of those guidelines and regulations.

According to 24 CFR Part 146 (the Federal Rule on Age Discrimination), the "Age Discrimination Act of 1975 (the Act 42 USC Sec. 6101) prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance." Recipients of federal monies include "any State or its political subdivisions; any instrumentality of a State or its political subdivisions; any public or private agency; any Indian tribe or Alaskan Native Village, institution, organization, or other entity; or any person to which Federal Financial assistance is extended, directly or through another recipient.

Recipient includes any successor, assignee, or transferee, but does not include the beneficiary of assistance." Federal financial assistance refers to "any grant, entitlement, loan, cooperative agreement, contract . . . or any other arrangement by which HUD provides or otherwise makes available assistance . . ."

Age discrimination occurs, as outlined by the Act, when a recipient receiving federal funds uses age distinctions or takes actions that have the effect, on the basis of age, of excluding individuals from participating, or limiting participation, in programs receiving federal assistance. In other words, individuals or households cannot be denied the opportunity to secure, use or enjoy housing solely on the basis of age if the housing project or program involved receives federal funding. Age distinctions refer to actions "using age or any age related term" implying a particular age or range of ages, such as children, adult, or older person.

Under the federal law, a recipient of federal funds can take action based on age, even though that action may have a disproportionate effect on persons of different ages, if the factor "bears a direct and substantial relationship to the normal operation of the program or activity." Age can be used as a measure of other characteristics as long as the other characteristics are necessary to reach statutory objectives of the program or activity. These other characteristics must be impractical to measure or approximate without the use of age as a factor.

If noncompliance with the Age Discrimination Act is verified, federal recipients may face termination of their financial assistance. The Age Discrimination Act of 1975 and the Federal Rule on Age Discrimination can be downloaded from Montana Fair Housing's website.

In addition to the federal Age Discrimination Act of 1975 and the Federal Rules on Age Discrimination, the state of Montana, outlines protections and obligations of minors in securing necessities. These provisions can be found in the Montana Code Annotated (the MCA) in Sections 41-1-101, 41-1-102, 41-1-103, 41-1-201, 41-1-202, and 41-1-301 through 41-1-306. These provisions can be located and downloaded from Montana Fair Housing's website.

In the state of Montana a minor is defined as any male or female under the age of 18 years. A minor in the state of Montana cannot disaffirm a contract that is otherwise valid when that contract involves the reasonable value of things necessary for "his support or that of his family when entered into by him when not under the care of a parent or guardian." A minor, according to these provisions, can enter into contracts for necessities, such as housing, and by entering into that contract agrees to and is bound by the same rights and obligations as an adult.

The state of Montana also has, included in our state Human Rights Act, provisions prohibiting discrimination in housing on the basis of age. The Montana Human Rights Act can also be found on Montana Fair Housing's website. State provisions prohibit the denial of housing to any person because of that individual's age. Housing providers must also refrain from applying different terms and/or conditions on a consumer because of that consumer's age or the age of that consumer's guests or associates.

**Remember:  
April is  
Fair Housing Month!**

## Tip O' The Hat Our Acknowledgements!

Montana Fair Housing wants to acknowledge all those who donated time, financial support, and/or materials and equipment in 2002. Without their support, we could not have accomplished so much!

American Federal Savings  
Helena, Montana

Heritage Bank  
Great Falls, Montana

John Relman, Attorney at Law  
Washington, D.C.

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MT Human Rights Bureau  
Helena, Montana

Tim Kelly, Attorney at Law  
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Montana Legal Services  
Missoula, Montana

Wendy Owens, Attorney at Law  
Wyoming Legal Services  
Casper, Wyoming

Merilyn Foss, Broker/Owner  
Steinbrenner Real Estate  
Missoula, Montana

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Baltimore, Maryland

Richard Pyfer

Franz Barthel

Richard Mabbutt, Executive Director  
Intermountain Fair Housing Council, Idaho

Mary Gallagher, Attorney at Law  
Missoula, Montana

Dave Wickman

Marsha Katz  
Missoula, Montana

Marsha Steinweden  
Missoula, Montana

## Tid Bits from the General Store Our Announcements

Montana Fair Housing has FINALLY completed our data base set up for e-mailing announcements and our newsletters to individuals and organizations preferring receipt of these materials electronically. Those who wish to receive these materials via e-mail, we need you to confirm, via e-mail to [mfhzng@montana.com](mailto:mfhzng@montana.com) so that correct e-mail addresses and lists can be verified. Our apologies for the lateness of this endeavor and the repeat request.

### Scheduled workshops and Conferences:

March 11, 2003 - Montana Center on Disabilities, Billings from 9:00 a.m. to 3:00 p.m. Emergin Markets in residential development. MFH will be participating in a workshop presenting a "blueprint for compliance" in the construction of new multi-family housing. Contact Russ Brown at 256-9355 for further information.

April 9, 2003 - National Association of Real Estate Property Managers has asked Montana Fair Housing to present a workshop from 1:00 p.m. to 5:00 p.m. at Ruby's in Missoula. Contact Bob Liston at Montana Fair Housing for further information.

April 11, 2003 - Fair Housing Faire in Great Falls. MFH will be providing a workshop on Fair Housing at the Holiday Village Mall. Contact Terry Youngworth at the city of Great Falls for further information.

April 17 & 18, 2003 - Montana Fair Housing's Annual Housng Conference - in Bozeman at the Holiday Inn. Contact Montana Fair Housing at (406) 542-2611 or (800) 929-2611 for further information.

April 24, 2003 - The Landlord's Association in Billings has requested Montana Fair Housing conduct a short presentation over lunch from 11:30 to 1:00 at the Country Buffet in Billings. Contact Mark Richlen at (406) 248-3473 for further information.

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Montana Fair Housing has workshops approved for continuing education credits with the Board of Realty Regulation in Montana. These workshops are approved for one hour, two hour, three hour, four hour and six hour presentations. To schedule a presentation in your area or for your organization, contact Pam Bean or Bob Liston at (406) 542-2611 or (800) 929-2611 or via e-mail at [mfhzng@montana.com](mailto:mfhzng@montana.com).

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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

TDD 1-800-253-4093



**EQUAL HOUSING  
OPPORTUNITY**

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