



# The Chuckwagon

A quarterly production by

MONTANA FAIR HOUSING

May 2005

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

## Tales Roun' the Campfire

Montana Fair Housing's annual conference, Housing Conference 2005, was held in Helena this year.

Chris Brancart is a partner in the firm Brancart and Brancart out of California. Chris discussed issues that are impacting the direction of fair housing decisions



now and will most likely affect decisions in the future, including the legal concept of vicarious liability, and the use of the internet for advertising. In the realm of disability provisions, the scope of requests for reasonable

accommodations and/or modifications, design and construction issues, and the aging of the "baby boomers" were pin pointed. In addition, Mr. Brancart reviewed with attendees the advertising provisions and guidelines of the Fair Housing Amendments Act of 1988.



Klaus Sitte, the Executive Director for Montana Legal Services, provided his annual overview and training on the Landlord and Tenant Act, which governs the relationship and contract issues that tenants and housing providers in our state must follow.

Kathy Kountz participated with Florrie Brassier in our annual Fair Housing 101 discussion. Kathy offered to this discussion a state perspective on fair housing activities and issues, and an overview of state provisions. Kathy is the Bureau Chief for the Montana Human Rights Bureau of the Department of Labor.

Florrie Brassier, a private consultant from the state of Washington, after working with Kathy early in the conference, brought to attendees a workshop addressing requests for accommodations and modifications.



Our annual "Duh" awards were given to Senator Ken Toole for his efforts to move forward a provision protecting sexual orientation, and to the The North-Missoula Community Development Corporation (NMCDC).

Senator Toole's bill did not pass this session, but stands as a landmark for future endeavors. The North-Missoula Community Development Corporation is a neighborhood-based organization whose vision is to build a healthy neighborhood with opportunities for people of all ages and abilities to live, work and play. Their mission is to build on community strengths to form partnerships for neighborhood revitalization.

The Land Stewardship Program is one of many programs of the NMCDC. The goal of the Land Stewardship Program is to create homeownership opportunities affordable for working Missoulians. Clark Fork Commons is the Land Stewardship Programs second project. Of the twenty-five homes being built, two are single-story and handicapped accessible. Additionally, eight of the homes at Clark Fork Commons have an aspect of visitability.

Finally, the discussions probably having the most impact for Montana Fair Housing were the votes cast for next year's conference. We've already got it scheduled for April 20 and 21, 2006, in Fairmont Hot Springs! Chris Brancart, Kathy Kountz, Klaus Sitte, and Florrie Brassier have already committed to return. In addition, Sara Pratt, a national fair housing consultant, will participate and take the lead on design and construction issues.

## **Shootin' the Bull**

### Judge Rules Housing Act Prohibits Discrimination Against Victims of Domestic Violence

April 18, 2005 - ACLU Hails Ruling That Fair Housing Act Prohibits Discrimination Against Victims of Domestic Violence. In First Ever Ruling, Court Finds Domestic Violence Constitutes Sex Discrimination Under Law

**BRATTLEBORO, VT** -- In an important victory for battered women, the first case ever to hold that the Fair Housing Act prohibits discrimination against domestic violence victims settled this week. The American Civil Liberties Union was co-counsel with Vermont Legal Aid in the domestic violence and housing discrimination case Bouley v. Young-Sabourin.

"This important ruling will ensure that when a woman is victimized by domestic violence, she is not doubly victimized with eviction as a result," said Emily Martin, a staff attorney with the ACLU Women's Rights Project. "For the first time, a court has ruled that under the Fair Housing Act, a woman cannot be thrown out of her home because she was battered."

The defendant in the case agreed to settlement shortly after the federal court issued a first-of-its-kind ruling that discriminating against victims of domestic violence constitutes sex discrimination under the Fair Housing Act. The judge ruled that because women are most often the victims of domestic violence, the protection the Fair Housing Act provides against sex discrimination is applicable in these instances. The ruling is important because women who experience domestic violence are often threatened with homelessness as a result. If a woman knows that she may be evicted if her landlord learns about the violence in her relationship, she is more likely to keep the abuse secret and less likely to seek help from police or courts, the ACLU said. According to the Department of Justice, women living in rental housing experience intimate partner violence at three times the rate of women who own their homes.

Quinn Bouley, the plaintiff in the case, lived with her husband and children in a small apartment building. When her husband brutally attacked her one night, she managed to call the police and flee the apartment. Her husband was arrested and never returned to their home. Immediately after the incident, Bouley's landlord sent her a letter of eviction. Bouley sued, claiming that the reason she was evicted was because her reaction to being assaulted did not concur with the landlord's gender stereotypes about how a female victim should act. The court agreed that Bouley had a valid claim of sex discrimination, paving the way for a trial. The case settled closely on the heels of this ruling.

The ACLU maintains that the principle set out in the federal judge's ruling should be applicable to other areas of the law and believes that the federal judge's ruling will help battered women everywhere take the steps they need to keep themselves and their families safe.

"Women who have been abused need to be protected from their abuser, not penalized for surviving the assault," said Lenora Lapidus, Director of the ACLU Women's Rights Project. "If women know that seeking help won't jeopardize their home or their job, they are far better able to escape from violent relationships."

Legal documents from Bouley v. Young-Sabourin are available online at  
[www.aclu.org/WomensRights/WomensRightsList.cfm?ContentStyle=6&c=173](http://www.aclu.org/WomensRights/WomensRightsList.cfm?ContentStyle=6&c=173)  
<<http://www.aclu.org/WomensRights/WomensRightsList.cfm?ContentStyle=6&c=173>>

An ACLU fact sheet on Housing Discrimination and Domestic Violence is available online at  
[www.aclu.org/WomensRights/WomensRights.cfm?ID=16883&c=173](http://www.aclu.org/WomensRights/WomensRights.cfm?ID=16883&c=173)  
<<http://www.aclu.org/WomensRights/WomensRights.cfm?ID=16883&c=173>>.

## **Tid Bits from the General Store**

**June 13, 2005** – MFH is co-sponsoring, with the City of Kalispell, a workshop addressing the design and construction provisions of the Fair Housing Act Accessibility Guidelines. The workshop will be held at the Hampton Inn and costs \$20.

**July 14, 2005** - MFH and the City of Missoula are co-sponsoring a full day workshop. The morning will provide an overview of the Federal Fair Housing Amendments Act provisions. The afternoon session focuses on the design and construction provisions of the Fair Housing Act Accessibility Guidelines.

**July 19, 2005** – MFH will be conducting a workshop in Butte providing an overview and discussing the applicability of the Federal and State Fair Housing Laws. This workshop is co-sponsored with Summit Real Estate Services.

For more information about these workshops, or to schedule one in your area, please contact Pam Bean at [mfhzng@montana.com](mailto:mfhzng@montana.com) or call our office at 800-929-2611.

**Housing Conference 2006.** In 2006 the conference will be held in Fairmont Hot Springs on April 20th and 21st. Montana Fair Housing is again seeking nominations for our annual "Duh, it's the right thing to do" award. Nominees must have exhibited an active commitment to the furtherance of fair housing endeavors in our state. To submit nominations please provide your name, address, and telephone number, as well as the nominee's, and a brief overview of the nominee's role and efforts to further fair housing over the past year. Please submit nominations to Pam Bean at [mfhzng@montana.com](mailto:mfhzng@montana.com).

+++++

### **Tip O' The Hat**

Montana Fair Housing wishes to thank the following speakers who participated in our annual conference:

**Chris Brancart**, Attorney at Law  
**Florrie Brassier**, Consultant  
**Klaus Sitte**, MT Legal Services  
**Kathy Kountz**, MT Human Rights Bureau

and the volunteers who have provided their expertise, financial support and time throughout the year:

**Brancart and Brancart**  
**Jack Lewis, Nativewinds**  
for software development and technical support  
for photography and making our gifts for the speakers  
participating in the conference  
and for designing and, assistance in maintaining, our website  
**Marsha Katz, Consultant**  
for her ongoing support in providing technical assistance  
to our clients with disabilities  
and her ongoing outreach activities

## **MONTANA FAIR HOUSING**

2522 South Third Street West

Missoula, MT 59804

Voice: 406-542-2611

Fax: 406-542-2235

Toll Free: 800-929-2611

Relay Service: 711

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

Web Site: [fairhousing.montana.com](http://fairhousing.montana.com)

### **Staff:**

Bob Liston, Executive Director  
Pam Bean, Projects Coordinator  
Sarah Etzel, Investigation Specialist  
Marsha Steinweden, Bookkeeper

# **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: \_\_\_\_\_

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

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

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

Discrimination in housing occurs when a housing provider makes a decision about your eligibility to enter into a housing transaction based on your protected class status. Protected classes include race or color, national origin, sex (including sexual harassment), disability (mental or physical), religion and/or familial status (presence of children under the age of 18). In the State of Montana it is also illegal to discriminate on the basis of age, marital status and/or creed.

HUD disclaimer notice: The work that provided the basis for this publication was supported in part by funding under a grant awarded by the US Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The authors and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication.



2522 S. Third Street W.  
Missoula, MT 59804

NonProfit Organization  
U.S. Postage Paid  
Missoula, MT  
Permit No. 107

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

## On The Inside:

Tales Roun' the Campfire  
A ReCap of Housing  
Conference 2005

Shootin' the Bull  
Judge Rules Housing Act Prohibits  
Discrimination  
Against Victims of Domestic  
Violence

Tip O' the Hat  
Our Acknowledgments

Tid Bits from the General Store  
Upcoming Workshops