

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



# The Chuckwagon

October 2017

A quarterly production by  
**MONTANA FAIR HOUSING**

**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, Inc. v. Rosebrier Inn, Inc., Kestell Holdings, LLC., and Chuck Barlow

In February 2016 MFH filed, with HUD, multiple complaints against the owners and manager of the property commonly known as the Rosebrier Inn in Kalispell. It is the understanding of Montana Fair Housing that over the course of HUD's investigation, property ownership was transferred to the then manager, Charles Barlow. The property is now doing business as My House, Inc.

The complaints allege discriminatory actions based on disability, sex, and familial status. During an investigation of Respondents' practices, MFH identified evidence supporting allegations that Respondents refuse to rent to households based on protected class status, Respondents made discriminatory remarks indicating a preference, limitation or discrimination, Respondents subjected households to different terms, conditions,

privileges or services based on the protected class status of the household, and Respondents refused to rent or otherwise made a unit unavailable.

In October of this year, parties reached agreement conciliating the complaints. Respondents denied they engaged in any discriminatory housing practices, but agreed to settle the claims in the underlying actions by entering into the Conciliation Agreement.

The property is a three-story building located at 24 1st Avenue West in Kalispell, and functions as transitional housing for low-income households. The first and second floors consist of apartments with private amenities and private rooms with shared amenities, with the third floor consisting of dormitory style spaces.

MFH's investigation prior to filing the complaints indicated Respondent Barlow requested from persons with mental disabilities information clarifying: ". . . how mentally disabled are they? . . . What kind of medication are they on?" and "What is wrong with them?" If the information was not provided, MFH alleged Respondent Barlow then advised that he could not rent to them, and made comments to the effect of: "Well, I can't let them in . . . I won't rent to anyone unless you can give me their specific situation . . . I won't have it turn into a mad house . . . I want to know what kind of medication they are on and what will happen if they don't take it . . . How bad are they . . . ?" On a separate occasion, allegedly Respondent Barlow stated he would need a pet deposit for a service animal because the owner of the property "wouldn't like it if there were damages."

The second complaint filed alleged Respondent Barlow advised a household with a child, "Sorry. We do not allow kids. This is an adult facility only." In addition, Montana Fair Housing alleged that Respondent Barlow applied different application procedures to males than to females.

The terms of the agreement reached and agreed to include the attendance by Respondent Barlow of a minimum of four hours of training on the federal and state fair housing laws. Respondent has completed this requirement. In addition, Respondents paid to Montana Fair Housing as reimbursement for the cost of the investigation and filing of the complaints, \$11,000.00.

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**Montana Fair Housing, et. al. v TriStar Rentals, LLC., Ray Reisman, and Dennis Reisman**

In March of this year, MFH filed a complaint of housing discrimination against the above-named Respondents, alleging discrimination based on sex (female) and familial status for refusing to rent, applying different terms, conditions, privileges and services, and for making discriminatory statements based on the protected class status of the households. The properties are located in Libby. See our April 2017 newsletter for more details about this complaint.

On August 30, 2017, MFH filed a second complaint against the Respondents alleging discrimination based on disability for making discriminatory statements, otherwise making a unit unavailable or denying housing, and denying a request for a reasonable accommodation.

In April, MFH was contacted by a potential renter alleging his family was injured by a discriminatory housing practice. The individual alleged he made application for an available rental located in Libby. Upon learning the potential renter's wife had a disability and required an assistance animal, Respondent Dennis Reisman allegedly informed the renter he

did not want to rent the unit to the household. Based on this contact MFH initiated an investigation.

A female whose daughter has a disability reached Respondent Dennis Reisman by telephone at the number provided in an advertisement. The advertisement referenced an available "3+ bedroom" unit. Respondent Dennis Reisman asked if the household had pets. The female responded that she did not have pets, but offered that her daughter has an assistance animal needed for her disability. Respondent then insisted, multiple times, that the assistance animal was a "pet" and asked if the household was currently paying "pet rent" where she lived. The caller again stated that her daughter's assistance animal was not a pet, and Respondent stated, "I would have to consider the pet deposit."

Both cases are currently pending investigation with the Department of Housing and Urban Development.

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**Shootin' the Bull**

Montana Fair Housing is currently planning education and outreach events across the state for 2018. The Board of Realty Regulation has approved continuing education for a two-hour and a four-hour model for Realtors and Property Managers. The Board of Social Workers has approved 3.5 continuing education credits for 2018 workshops. Application for continuing education credits is pending with the Montana BAR Association.

Please email [pam@montanafairhousing.org](mailto:pam@montanafairhousing.org) to discuss co-sponsoring an event or if you would like Montana Fair Housing to consider scheduling an event in your area. Workshops can be provided in-house or open to the public.

**MARK YOUR CALENDARS:** MFH is co-sponsoring a workshop on June 6, 2018, in Butte. This will be an all day event and will be offered to attendees at no cost. This workshop will focus on the Design and Construction requirements included in the Federal Fair Housing Act as Amended in 1988. Registration information to come later!