

ANNUAL REPORT 2018



HIGH PLAINS FAIR HOUSING CENTER

*...to strengthen communities and to ensure
equal access to fair housing in the region
through training, education, enforcement,
and advocacy.*

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MESSAGE FROM THE EXECUTIVE DIRECTOR



April 11, 2018 marked the 50th anniversary of the passage of the Fair Housing Act. It was hard-fought legislation with the dual purpose to root out individual and systemic housing discrimination and segregation, and to promote diverse inclusive communities throughout the United States. The Fair Housing Act passed exactly a week after the assassination of the Rev. Dr. Martin Luther King, Jr. as a tribute to him and the work he did to challenge residential segregation in cities like Detroit and Chicago. Since that time, the Fair Housing Act has been amended on several occasions to address housing discrimination based on sex (1974) and against people with disabilities and families with children (1988).

For High Plains Fair Housing Center, 2018 was our most active and exciting year so far. Founded only five years ago, High Plains has grown to a staff of seven - with four full time and three part time staff, including one staff member located in Bismarck. This year we filed more cases than we ever have including several based on testing evidence. We successfully resolved several actions filed in previous years to stop identified allegations. Importantly, we resolved over 50 fair housing inquires through our mediation program. Although our Advocacy and Enforcement program is our most important work, this year we expanded our Education and Outreach Program with additional funding from HUD. This increase included the number and type of fair housing education and outreach programs offered, including more technical training events and creating a fair housing task force that reaches across the state of North Dakota and covers all of the protected classes. We partnered with the University of North Dakota School of Law to bring a nationally recognized fair housing attorney to North Dakota. And in an effort to reach more people throughout the state, we held a four-city fair housing film festival and panel discussion.

While nationwide we saw some setbacks in relation to fair housing choice, I believe that this 50-year anniversary of the Fair Housing Act offers us an important opportunity to reflect on where we are, to double down on our efforts to end housing discrimination and residential segregation, and to make fair housing a reality for every American.

MESSAGE FROM THE BOARD PRESIDENT



The staff members and director of the High Plains Fair Housing Center (HPFHC) of North Dakota worked energetically to increase awareness and help enforce the Fair Housing Act this past year. They provided trainings to people all across the state. The trainings helped to inform and educate landlords, tenants, attorneys, real estate agents and other individuals in the housing industry to better understand their rights and obligations and improve housing options for people across the state. Staff also weighed in on pending legislation to ensure people's rights are protected.

Staff helped individuals resolve fair housing issues by assisting with negotiations and through the complaint process. They assisted housing providers and professionals in developing policies to ensure the rights of potential tenants and home owners. The HPFHC has also been able to expand their testing program to increase compliance with the Fair Housing Act.

The leadership and enthusiasm at the HPFHC has been extraordinary, allowing the organization to grow these past 5 years to better serve the people. One area of importance in achieving these accomplishments and preparing for the next years' challenges has been providing training for staff to hone their skills and expand their knowledge.

Congratulations to each and every person at the organization for all your hard work, success, and accomplishments.

ABOUT HIGH PLAINS FAIR HOUSING CENTER

The mission of the High Plains Fair Housing Center is to strengthen communities and to ensure equal access to fair housing in the region through training, education, enforcement, and advocacy. Fair Housing is a right protected by federal and state laws. Fair Housing means you may freely choose a place to live without regard to your race, color, religion, sex, national origin, or because you are disabled, or have children in your family, and in North Dakota because of your age (over 40), marital status, or because you are on public assistance.



*"I owe my daughter's happiness to HPFHC. My daughter and I were living in an apartment that was discriminating against us on many different levels and making our lives miserable. We felt trapped. If it weren't for their knowledge, support, and drive, I don't know where we would be. They helped us through the whole process and now we live in place that we can finally call home."
-client from Grand Forks*

OUR PROGRAMS

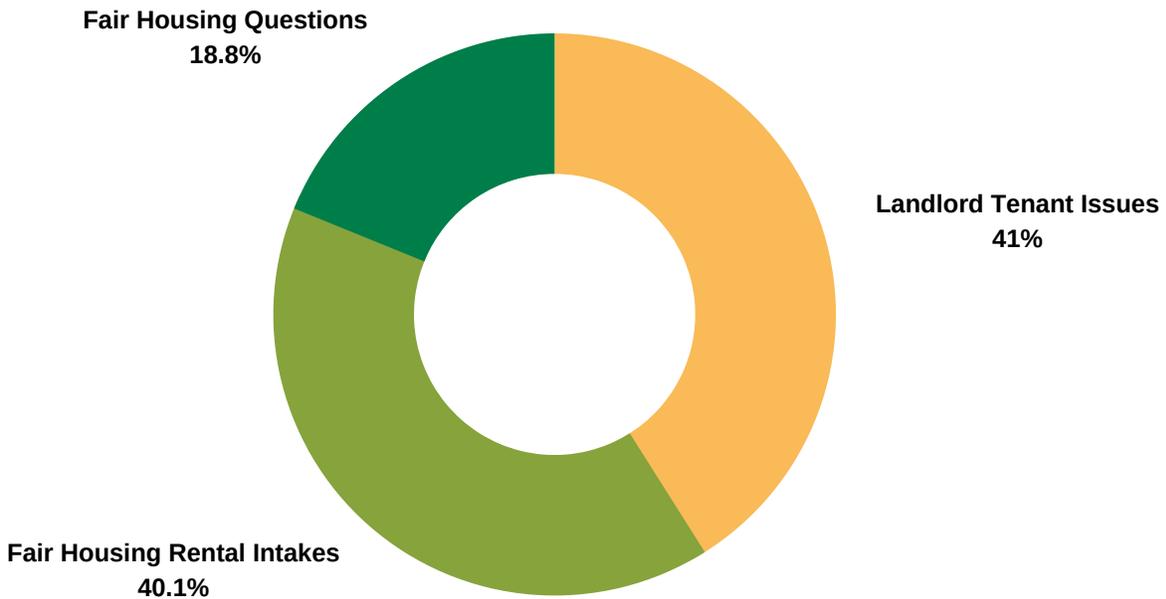
ADVOCACY: We assist people across North Dakota who are experiencing discrimination in their housing transaction or living environment. Our intake specialists work directly with clients to obtain the housing they need or remedy the situation they are already in through landlord mediation or by assisting them through the administrative complaint process.

EDUCATION: We provide fair housing education and outreach to housing consumers, housing industry groups, and local governments. This work includes conducting presentations and trainings, producing and distributing fair housing materials, participating in panel discussions, and being a resource for housing discrimination questions. We also partner with agencies and organizations across the state to promote fair housing policies and practices in North Dakota.

ENFORCEMENT: We investigate situations where housing discrimination may have occurred through our testing program. Discrimination found through our testing program can be used to assist clients in their housing discrimination complaints or used in an organizational complaint with the goal to end discriminatory practices in the state.

2018 AT A GLANCE

INTAKES

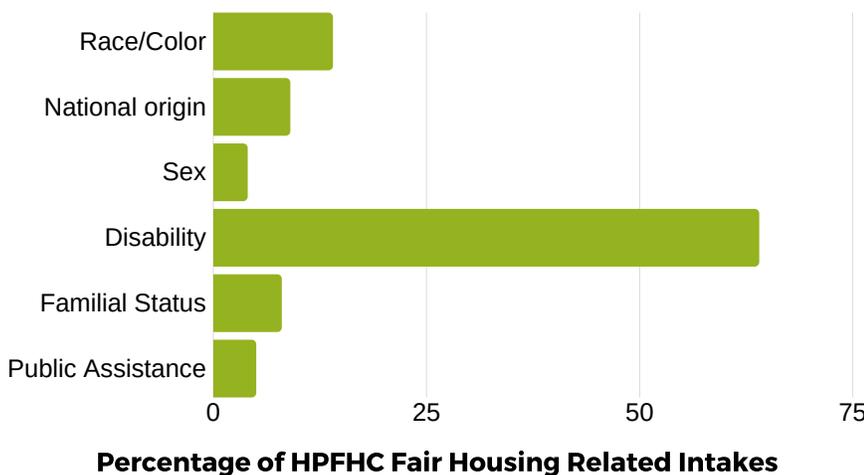


High Plains FHC 2018 Total Intakes: 329

Fair Housing Issues from Intakes: 132

General Fair Housing Questions: 62

Non-Fair Housing Landlord/Tenant Issues: 135



High Plains FHC saw an increase in fair housing related calls in 2018 compared to 2017 (+21%) with landlord/tenant issues remaining about the same (+2%).

Advocacy- Mediation Stories

High Plains FHC works to end housing discrimination and ensure equal access to housing through our advocacy and enforcement programs. We can assist clients with a formal complaint or through mediation. We use testing evidence to assist in client cases and in our own organizational complaints to discover systemic discrimination in housing. Our testing evidence is used in organizational complaints with the goal to end systemic discriminatory policies and practices. Funds HPFHC receives from conciliated cases are used to educate people across North Dakota about their fair housing rights, assist clients with their cases, and end discrimination in housing. Where you live matters. Your access to and enjoyment of housing should not be based on your race, color, religion, national origin, sex, disability status, because you have children, or because of your age (over 40), your marital status, or you receive public assistance.

HPFHC Case NO 18-796: HPFHC was contacted by a tenant in Grand Forks who needed a reasonable accommodation for advance notice before the management entered the tenant unit due to history of trauma and mental illness. HPFHC assisted in requesting the accommodation and it was approved.

HPFHC Case NO 18-670: HPFHC was contacted by a case worker on behalf of a tenant in Fargo who needed grab bars in the shower but was told they would have to pay for the cost of grab bars plus cost of reinforcing walls behind the shower. HPFHC advised the the property on design and construction requirements under the Fair Housing Act. The grab bars were installed and the walls were reinforced in compliance with the Fair Housing Act at no cost to client.

HPFHC Case NO 18-813: HPFHC was contacted by a tenant living in Bismarck after a landlord said they were not allowed to have grandchildren stay in their apartment. Testing evidence showed that the property discriminated against and refused to rent to families with children. HPFHC wrote a letter to the landlord explaining familial status responsibilities under Fair Housing Act and the tenant was allowed to have their grandchildren visit and stay with them.

HPFHC Case NO 18-708: HPFHC was contacted by a tenant living in Grand Forks who uses a wheelchair due to leg amputation. The client requested replacement of the high-pile carpet to a lower profile flooring, to replace the stove with one that has knobs in the front, and to have the rods in the closet moved to a lower position. The resident management granted the tenant's request, but told the tenant it would be at their cost (\$3-5,000). HPFHC investigated and found the property was built with federal dollars (HOME funds) and advocated for the tenant with the management for the reasonable modifications. They were approved and paid for by management as required because they received federal funds.

HPFHC Case NO 18-722: HPFHC assisted a Fargo resident with requesting a reasonable accommodation for their rent to be paid after the due date (the 1st). The client's disability was such that employment was not feasible and SSDI was the only source of income. With HPFHC advocacy, the client was allowed to pay their rent on the on the 3rd when their SSDI check was deposited electronically without incurring a late fee.

HPFHC Case No. 18-787: A Fargo woman contacted HPFHC with allegations of delayed response to maintenance because she is Muslim and wears a head covering. The tenant had to ask multiple times with no response to stove not working and not receiving keys to her garage. HPFHC was able to advocate with her landlord to resolve her issues in a timely manner.

2018 AT A GLANCE

ENFORCEMENT PROGRAM

Our investigation team works to assist clients in gathering information and evidence for their complaints and investigates housing providers who may be illegally discriminating in North Dakota. Complaint based testing works to re-create the situation a person is experiencing to discover if illegal discrimination is motivating the situation. Systemic testing works to eliminate discriminatory policies and practices and often results in HPFHC filing an organizational complaint with the goal to end discriminatory practices that are occurring against entire protected classes. HPFHC received its first HUD Private Enforcement Initiative grant in 2018 to conduct intake, testing, investigation, and litigation of fair housing complaints under the Fair Housing Act. We found that over half of our investigations supported partial or full allegations of discrimination.



<https://www.flickr.com/photos/hudopa/41462452592/in/album-72157695007590654/>

"It is frequently difficult to develop proof in discrimination cases and the evidence provided by testers is frequently valuable, if not indispensable."
-Richardson v. Howard, 712 F.2d 319, 321 (7th Cir. 1983).

High Plains FHC 2018 Investigations:

Clients assisted through investigations: **85**

Fair Housing Test Parts: **105**

New Testers Recruited: **32**

ND Locations Testing Occurred: **8**

New in 2018: Lending and Sales Testing

Advocacy- Filed Cases Stories

HPFHC v. MD3, LLC Case No. ND-01-003: HPFHC filed an organizational complaint based on testing evidence that showed a Minot multi-family property owner who refused to rent to individuals who receive public assistance (ND Century Code 14-02.5). The case was conciliated with the NDDOLHR with no admission of guilt. Respondents agreed to reimburse HPFHC for diversion of resources in the amount of \$2000, adapt a written policy that they will not discriminate, and attend fair housing training.

HPFHC v. Mikkelson Consolidated LP Case No. ND18-10-087: HPFHC filed an organizational complaint with NDDOLHR based on testing evidence that showed a Grand Forks apartment complex either completely refused to accept emotional support animals or added extra terms and conditions to applicants with emotional support animals. Respondents conciliated with no admission of guilt for actions in the public interest (property managers attend landlord training, respondent adopts reasonable accommodation policy) and \$4,000 in diversion of resources awards.

HPFHC v. MORE Properties Case No. ND19-03-012: Based on testing evidence, HPFHC filed an organizational complaint against MORE Properties in Minot for refusing to make a reasonable accommodation and applying discriminatory terms and conditions based on disability. Testing revealed that MORE properties required a pet deposit and monthly fees for an emotional support animal. The respondents conciliated with no admission of guilt for staff training, posting of fair housing materials, and \$2000 in diversion of resources.



<https://www.flickr.com/photos/hudopa/40790480204/in/album-72157695007590654/>

HPFHC Case No. 18-847 and ND19-03-014: HPFHC was contacted by Grand Forks tenant who was being charged an extra deposit and pet rent for their emotional support animal after supplying a letter from their physician stating that the reasonable accommodation to the pet policy was necessary. HPFHC was able to investigate and act as the client's advocate in filing a formal complaint with the NDDOLHR and assist the complainant in receiving a conciliation with no admission of guilt that included a termination of their lease without fees and reimbursement of incurred expenses totaling over \$1800.

HPFHC v. Lakewood Crossing, LLC and Alliance Management Group, LLC Case No. ND19-03-013: HPFHC filed an organizational complaint against a multi-family housing property and their property management company for overly burdensome measures required to obtain a reasonable accommodation to have an emotional support animal in any of their units. The respondents required extra paperwork after supplying a physician's note, required the tenant to obtain insurance, show documentation that cats are declawed, provide a photo of the animal, and prove that the animal is registered with the city. HPFHC conciliated with the respondents with no admission of guilt to change their policy, distribute Fair Housing information to all current tenants, post fair housing information for tenants in common areas, and award HPFHC \$1000 for their diversion of resources.

HPFHC v. CC Apartments, LLC and Fercho Management Co. Case No. ND ND-18-04-050: While investigating a client's claims that a property was not accepting their emotional support animal, HPFHC testers were also told that the property does not rent to refugee families in that building but steers them to other specific buildings. Further investigation confirmed that other building managed by the property did contain high numbers of people with Somali last names. The case conciliated with no admission of guilt for \$6500 and fair housing training for staff. A portion of the conciliation money was used to bring our Fair Housing Act Film and Panel presentation to four ND cities in April 2018.

2018 AT A GLANCE

EDUCATION & OUTREACH

In addition to other grants, High Plains FHC received its first Education and Outreach Initiative Grant from the U.S. Department of Housing and Urban Development in 2018 to educate the public and housing providers about equal opportunity in housing and compliance with fair housing laws. This funding enabled us to have our most successful outreach year yet! Outreach in 2018 included:

- tenant training
- property manager and owner training
- advocacy organization staff training
- presentation for lawyers
- fair lending training
- booth events
- public film presentation in 4 ND cities
- fair housing conference at UND Law School
- panel discussion participation
- press releases
- radio and tv interviews
- web media platforms



High Plains FHC 2018 Outreach:

Fair Housing Classes/Trainings: **31**

Recipients of Fair Housing Training: **655 (+63)**

People Reached Through Outreach Events: **1,848 (+800)**

Materials Distributed: **6,546 (+4,243)**

Website Views: **7850 (2,863 users)**

Total Facebook 'Likes': **514 (+91)**

Newsletter Recipient List: **1,174 (+484)**

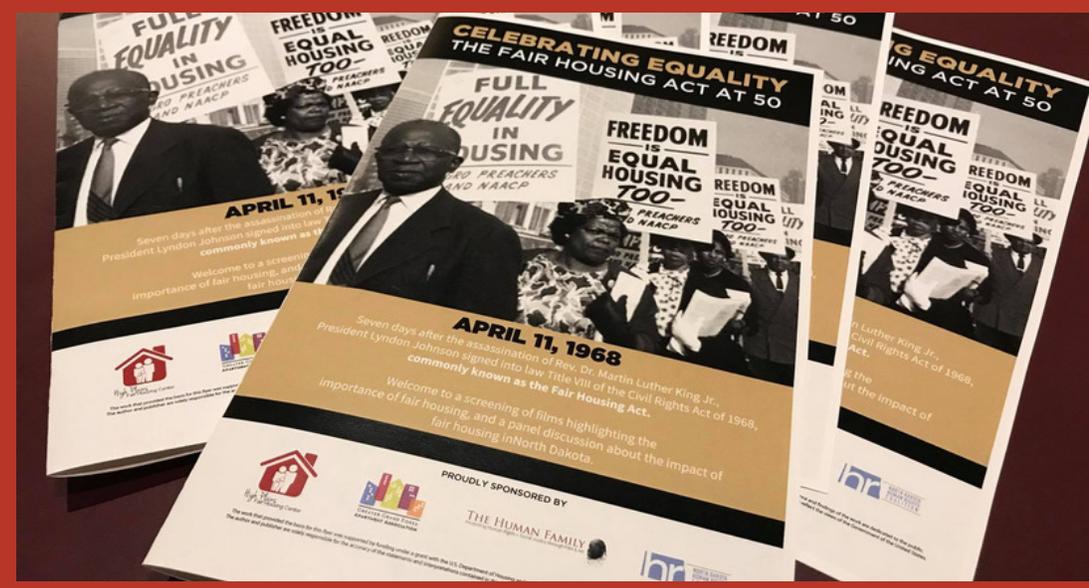


50 YEARS OF FAIR HOUSING

April 11, 2018 marked the 50th Anniversary of the signing of the Fair Housing Act by President Lyndon Johnson. The cities of Bismarck and Grand Forks proclaimed April 2018 as Fair Housing month, as did Governor Burgum for the state of North Dakota. High Plains FHC celebrated this milestone anniversary by partnering with the non-profit, The Human Family, to bring a fair housing film and panel discussions to Bismarck, Grand Forks, Fargo, and Minot during Fair Housing Month in April. With over 200 people in attendance in 4 ND cities, the public was invited to watch segments of 3 films and participate in an audience led panel discussion. Panelists included fair housing specialists, law professors, human rights activists, advocates for persons with disabilities, investigators, Native American non-profit leaders, and New American advocates.



Photocredits: Sean Coffman



FAIR HOUSING CONFERENCE

In September of 2018, High Plains FHC partnered with the University of North Dakota School of Law to bring a Fair Housing Conference to UND's homecoming weekend activities. Lawyers and judges from across the state joined students in a 4-hour conference with Guest Speaker, Christopher Brancart. As a partner in Brancart & Brancart, a law firm specializing in federal fair housing litigation, Mr. Brancart has represented plaintiffs in several leading fair housing cases and has trained fair housing attorneys and advocates throughout the country. The conference covered fair housing law, a practitioner's framework, fair housing history, and fair housing in North Dakota.



AUDIT: HOUSING DISCRIMINATION IN THE TRANSGENDER AND GENDER NON-CONFORMING COMMUNITY IN NORTH DAKOTA

HPFHC received a grant from the ND Consensus Council to investigate housing discrimination in the LGBTQ population in North Dakota. Matched paired tests were completed in Grand Forks, Fargo, Valley City, and Jamestown. There were 15 matched pair tests (30 test parts). Overall, 70% of the trans/gender non-conforming testers experienced subtle forms of discrimination; no eye contact, no hand shake, refusal to use proper pronoun even after the tester informed property manager of preferred pronoun. Additionally, 80% of the trans/gender non-conforming testers experienced discrimination by not being shown the same number of units or showing them inferior units. Other instances of discrimination occurred in 50% of the cases for the trans/gender non-conforming testers; including rushing through the showings, not providing detailed information, and/or being abrupt.

Finally, in 60% of the cases, transgender and gender non-conforming testers were asked prying questions that the control testers were not asked such as, "Do you have a job? What is your level of education? Are you married? Do you have kids?" Results of this audit show transgender and gender non-conforming individuals are experiencing high levels of discrimination. This audit supports the experiences that members of the transgender community have discussed in their work.

2018 SUPPORTER THANK YOU

Donors

City of Bismarck
 City of Fargo
 City of Grand Forks
 Consensus Council
 Grand Forks Apartment Assoc.
 ND Bar Foundation
 North Dakota Department of
 Commerce
 Otto Bremer Trust
 US Housing and Urban
 Development

Cooperating Attorneys

Brancart and Brancart
 Schneider Law Firm

Partners

AADA (Afro American Development Assoc.)
 CVIC (Community Violence Intervention Center)
 Dakota Council For Independent Living
 Development Homes, Inc.
 FM Coalition for Homeless Persons
 Freedom Resource Center
 Global Friends Coalition
 Grand Forks Housing Authority
 HB Sound and Light
 Legal Services of North Dakota
 Legal Services of Northwest Minnesota
 Lutheran Social Services of North Dakota
 Money Follows the Person
 Native American Development Association
 ND Housing Finance Agency

Partners (con't)

ND Econ. and Prosperity Alliance (NDESPA)
 North Dakota Human Rights Coalition
 Options for Independent Living
 Prairie Harvest Mental Health
 Protection and Advocacy
 Sacred Pipe Resource Center
 SENDCA
 St. Joseph's Social Care
 The Human Family
 Tri-State Transgender
 Turtle Mountain Band of the Chippewa
 University of North Dakota -School of Law

2018 FINANCIALS

REVENUES AND SUPPORT:

| | |
|--------------------------------|-------------------|
| Contributions and Grants | \$307,001.20 |
| Program Services | 15,102.50 |
| Other Revenue | 88,504.63 |
| TOTAL REVENUE | 410,608.33 |

EXPENSES:

| | |
|--|------------------|
| Salaries, Compensation, Benefits | 220,766.11 |
| Other Program | 144,098 |
| Expenses | 364,864.53 |
| REVENUE LESS EXPENSES | 45,743.80 |



A special thank you to the Otto Bremer Foundation for their support in the production of this report.



**Celebrating
50 Years of Fair Housing
1968 - 2018**