



For questions about the Human Rights Bureau process, discrimination issues and filing a discrimination complaint, please contact the

## Montana Human Rights Bureau

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1-800-542-0807  
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Relay Service 711  
[www.montanadiscrimination.com](http://www.montanadiscrimination.com)

The Human Rights Bureau is committed to making its services available to persons with disabilities in compliance with Title II of the Americans with Disabilities Act and relevant state law. The Bureau will not exclude persons with disabilities from participating at its meetings or otherwise deny them services, programs or activities. The Bureau will also provide and accept information in alternative formats to accommodate disabilities. Persons with disabilities requiring accommodation in order to take advantage of the Bureau's services should contact the Bureau's staff at 1-800-542-0807.

# Fair Housing is Your Right



## Montana Human Rights Bureau



### Discrimination in Housing is Prohibited if Based on These Protected Classes

- Age** (all ages)
- Religion, Creed**
- Physical or Mental Disability**
- Marital Status**
- Race, Color, National Origin**
- Sex** (includes maternity, pregnancy, and sexual harassment)
- Political Belief** (state and local government employment or service)
- Familial Status** (presence of children under 18 years of age)

### What Is Illegal Discrimination?

If based on a protected class, the following actions are prohibited:

- Printing or publishing any advertisement or statement that indicates a limitation or preference in the area of housing
- Refusing to rent or sell housing or otherwise deny entry into a neighborhood
- Set different terms, conditions, facilities, services or privileges for sale or rental of a housing unit
- Ask about a buyer's or renter's protected class
- Represent that available housing is not available for inspection, sale or rental
- For profit, persuade owners to sell or rent
- Deny any reasonable accommodations, at their expense, to persons with disabilities, in sales, rental and terms and conditions
- Refuse to make or purchase a mortgage loan, or fail to provide information regarding loans
- Discriminate in appraising property
- Impose different terms and conditions on a loan, such as different interest rates, points or fees

### What Type of Housing is Covered?

Montana and federal fair housing laws cover most types of housing. The law exempts owner-occupied sleeping rooms in a private residence, provided the owner rents no more than three rooms within the residence.

### Exemption for Housing for Older Persons

Housing for older persons is exempt from the familial status and age provisions of Montana fair housing if the units:

- Are occupied solely by persons who are 62 or older
- At least one person who is 55 or older resides in 80% of the occupied units, and owners publish and adhere to written policies and procedures that demonstrate the housing is intended and operated for persons 55 and older

### Sexual Harassment & Unlawful Harassment in Housing

Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- Submission to the conduct is explicitly or implicitly made a term or condition of renting or purchasing a housing accommodation.
- Submission to, or rejection of, the conduct is used as the basis for refusing to rent or sell a housing accommodation.
- The conduct has the effect of unreasonably interfering with renting, making continued tenancy significantly less desirable, or creating an intimidating, hostile or offensive living environment.

### Examples of Sexual Harassment

- Propositions or pressure to engage in sexual activity
- Repeated body contact; constant leering or staring
- Repeated sexual jokes, innuendoes or comments
- A pattern of renting to individuals based on gender
- Harassing behavior based on an individual's gender owner

## What You Should Do

If you are offended by sexual jokes, comments, or other sexual or gender-based conduct in your housing accommodations, immediately inform the manager. If your complaints are not resolved, you should take the following steps:

- Report sexual harassment to the manager and the owner
- Keep written records of the dates and facts of all sexual harassment and the names of witnesses

## Owner/Agent Liability

Owners and agents may be liable for monetary compensation and other forms of relief to buyers or renters who are victims of sexual harassment.

The best tool for eliminating sexual harassment is prevention. The following steps will aid in preventing sexual harassment:

- Develop and post a written policy defining and prohibiting sexual harassment and providing a procedure for reporting sexual harassment and disciplining those who engage in it.
- Provide training for all managers and employees in sexual harassment prevention.
- Immediately investigate any report of sexual harassment by tenants or employees
- Take immediate corrective action upon determining that sexual harassment has occurred.

**Harassment based on any protected class is unlawful discrimination!**

## Familial Status

The 1988 Federal Fair Housing Act and the Montana Human Rights Act prohibit housing discrimination against families with children under the age of 18. Families cannot be denied housing of their choice simply because they have children.

The law protects:

- Established families with children
- Pregnant women
- Persons planning on having a family
- Persons in the process of securing legal custody of children through foster care, adoption or divorce
- Unique or unexpected circumstances, which may change the composition of a family, such as the death of parents, temporary or permanent court ordered custody, or written permission from a parent or legal guardian

## How to Recognize Housing Discrimination

Landlords, property managers, or real estate agents generally will not directly state, “we don’t accept children” or “there are no kids allowed.” Discrimination against families with children is subtle.

The agent may simply refuse to rent to families or tell them the housing is not available when it is. They may refuse to sell, rent or even deal with a person because they have children or they may advertise or indicate the housing is available for only certain people (adults only).

There may be attempts to discourage families by changing the terms, conditions, services and facilities. Examples include: different rules, charging additional fees, or applying more burdensome rental criteria, larger deposits, increased water charges or higher rent based on the number of people or children in a family.

There may be attempts to impose occupancy standards which prevent children from residing in a development to steer families with children away from “adult only” areas.

**All of these practices are illegal!**

## Rights of Persons with Disabilities in Housing

The Montana Human Rights Act and the federal fair housing laws prohibit discrimination in housing against a person with a physical or mental disability. It is also unlawful to discriminate against persons who reside in a housing unit with a person with a disability or to discriminate against any person associated with a buyer, seller, or renter with a disability. To be protected under Montana and federal fair housing laws, a qualified buyer

or renter must have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or be regarded as having such an impairment.

## Reasonable Accommodation Modifications

### Renters & Buyers

- Have a duty to inform housing providers that an accommodation is needed
- May have to pay for modification costs to the unit

### Housing Providers

- May not refuse to rent or sell housing based on a person’s disability
- Where reasonable, may be required to pay for modification costs of common use facilities
- Are required to allow service animals for tenants with disabilities

## Examples of Reasonable Accommodation in Housing

- An apartment complex with a “no pets” policy must allow a visually impaired tenant to keep a guide dog.
- The owner of a mobile home must allow a tenant, whose child is in a wheelchair to install a ramp to access the unit.
- An apartment complex that offers tenant ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment in necessary to assure that she can have access to her apartment.
- A homeowner with a “no pets” policy must allow a tenant with a chronic mental illness to have a cat if medically necessary.

**An accommodation is not reasonable if it endangers any tenant’s health or safety or creates an extraordinary hardship on the housing provider.**

## Policy & Advertising

In advertising, Montana and federal fair housing laws prohibit anyone from printing, or publishing any advertisement or statement that indicates a limitation or preference in the area of housing based on race, color,

national origin, religion, creed, age, sex, marital status, familial status, or disability.

In pre-rental inquires, the housing provider may obtain information required to make a determination on a person’s ability to pay timely, follow the rules of tenancy and rental history, to determine if the potential renter is a qualified applicant. The provider may not request information concerning the race, color, national origin, religion, creed, age, familial status, sex, marital status, or physical or mental disability when inquiring about or applying for housing.

Exemption: If the housing accommodation is bona fide housing for older persons and is in compliance with state and federal laws that apply to housing for older persons, the housing provider may ask for information regarding a person’s age and familial status.

## Mortgage Lending

Lenders may not take any of the following actions based on these protected classes:

- Refuse to make a mortgage loan
- Impose different terms and conditions on a loan, such as different interest rates, points or fees
- Discriminate in appraising property
- Set different terms or conditions for purchasing a loan

## What Housing Providers Can Do to Prevent Discrimination

- Develop and post a written anti-discrimination policy and discipline those who engage in discriminatory behavior
- Provide training for all managers and employees in fair housing law
- Take immediate corrective action upon determining that discrimination has occurred
- Apply standards equally to all tenants

## What Renters and Buyers Can Do

- Report incidents of discrimination to the sales person or manager
- If complaints are not resolved, report the discrimination to the broker or owner